



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2024

LEGISLATIVE COUNCIL

Tuesday, 11 June 2024

Legislative Council

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

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Membership Change — Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [1.02 pm]: Members, I have some correspondence from Hon Stephen Pratt; it reads —

Dear President,

I am writing to formally resign my position on the Delegated Legislation Committee, effective immediately.

Hon Stephen Pratt, MLC.

Member for South Metropolitan Region.

Membership Change — Motion

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

That Hon Shelley Payne be appointed as a member of the Joint Standing Committee on Delegated Legislation.

PAPERS TABLED

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

BUSINESS OF THE HOUSE — CONSIDERATION OF COMMITTEE REPORTS

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.07 pm] — without notice: I move —

That so much of standing orders be suspended so that consideration of committee reports not be taken at the next day's sitting.

By way of explanation, this reflects part of what has been agreed behind the chair between the parties. I appreciate the assistance of the parties in reaching an agreement. The other part of what has been agreed between the parties will be moved when we deal with the Firearms Bill 2024 later today. I thank the parties for their assistance in this matter; I appreciate it.

Question put and passed with an absolute majority.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 30 May on the following motion moved by Hon Stephen Dawson (Minister for Emergency Services) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 3131A–E (2024–25 budget papers) laid upon the table of the house on Thursday, 9 May 2024.

HON DR BRIAN WALKER (East Metropolitan) [1.10 pm]: Before I start today's contribution, I express my severe sadness to the house and the world in general at the passing of my esteemed and revered colleague-doctor, Dr Michael Mosley. I wish my very best and condolences to his family and loved ones. He was responsible for a significant change in my thinking about wellness, and I think for many people in this chamber as well.

I move on to the budget. I acknowledge the good work of Hon Rita Saffioti and I wish her well. I acknowledge that this is a good budget. It is a budget that reflects the standards of the current status quo of thinking. I ask, what is it about this budget that is good? I bear in mind that when I look at budgets, I consider my own personal experiences. I look at the budget of my own household, for example, and I look at what is going in and out of the house. For example, I look in my bathroom at the number of containers, ointments and supplements on my wife's side of the basin and I look at my side. I wonder what the balance is when it comes to purchases for the house. My wife would make equally valid wonders about how I spend what we have in the budget for things that matter to me; for example, paying for a round of golf or flowers for my wife.

The same is true of this budget. We have, if you like, the highlights of this. There are economic highlights, financial management and investments and initiatives. Let us go through them for a quick recap. The domestic economy is going at double the national rate—that is fantastic—with a domestic economic growth forecast of 5.25 per cent this coming year. That is wonderful. Our exports are almost half of the nation's exports at \$260 billion in this year to March; again, I will refer to this later. With regards to employment, there are 1.6 million people in work, with 300 000 jobs created, but on the other hand, I have never seen so many working poor as I have in these last few years.

That reflects the state of how we are functioning as a state, which is a state of good wealth but we are still finding a lot of people suffering and that needs to be looked at in more detail. Again, not a word of criticism because we are dealing with difficult situations here, but we need to recognise that. The budget, as it is produced, is highlighting what we find good. The things that we need to work on are not highlighted, which is understandably so. These are things that people think about behind closed doors. We have seen the biggest ever increase in WA's population. We could say that this is good for increasing jobs, increasing our wealth and managing mine sites, for example. Yes, however 94 000 people will need a place to live and that is a problem for us now. I refer to inflation and wages and we hear about pressures easing, but we recently heard that the Reserve Bank is not ruling out rate increases in the near future. Surely that causes great concern for the population. We look especially at the mortgage stress that people are facing. In Byford, for example, one in 20 of the population is having trouble meeting their mortgage repayments. A lot of people are suffering and coming back from work every day wondering how they are going to put food on the table and pay for the house. There is a lot of stress in society.

There is an operating surplus mentioned of \$3.2 billion. I recall some years back, \$6 billion was mentioned and the figures are within what was projected, but I point out that the net forecasted debt of \$28.6 billion is almost \$8 million lower than forecast, but it is also an increase in net debt over the last budget. This needs to be looked at. How can we reduce the debt? I look to my personal finances—if my wife is saying that debt has gone up, I need to look at that very closely because that is not something that my wife will tolerate and nor should she. We should be getting to debt zero. Having said that, we are doing very well as a state—in fact, probably the best in Australia.

I look at investments and initiatives. Here, we look at solutions. I mentioned the cost-of-living relief and housing and what we are doing for housing. I will speak about that later. There are very good things mentioned in the budget. There is \$3.2 billion invested in health and the mental health system, which is excellent. I pointed out a while back that we have to do this; we cannot not increase the funds going into the health system, otherwise things will go very badly very quickly. There is a \$1.3 billion investment in education and training—rightly so. This is the future of our nation and our state. For the funding of new schools, \$42.4 billion over the next four years for infrastructure is mentioned. I will come to that in a short while.

Economic diversification and decarbonisation are also mentioned at \$1.8 billion. Nobody can or should quibble with that. There is \$4 billion for royalties for regions. A lot is being done for that major part of our society. I refer to environment and water security with \$536 million invested. My point of view, which I will mention later, is that we ought to be giving a lot more to our environment, because that is where we will fall down in the future. Family and domestic violence initiatives, child protection and mental health reforms are specifically mentioned in community support. This is most welcome. That is a summary, if you like, of the budget as it is being applied.

As I said initially, this is a good budget. Indeed, it is a good budget as far as budgets go. It does, however, represent old thinking. I looked at these three large volumes and the first thing I noted when I got this hefty series of tomes in my hand is that I do not have the staff to go through this with the detail that is needed. That could be rectified; I mentioned this last year and I believe the year before. We do not have the staff to deal with the information coming through our doors. It has been said that we must pick our battles, and rightly so, but the budget is very important. We do not have the resources that we need to take this apart; therefore, the budget reply I give is limited to this extent. I ask for forgiveness on part of that.

If we are going to focus on the budget, we have the question of statewide issues, but also the question that the state is part of a nation and there is an interplay between the nation and the state, which needs to be reflected and find its place in the budget. Beyond that, we also have the question of our international relations, which affect the nation and the state. In fact, we will shortly welcome the Premier of the People's Republic of China. That is a wonderful thing, but we need to work on our relations with international partners in our area. We need to work on that, because we, in Western Australia, are intimately bound with Asia. This must be reflected especially in the Western Australian budget. I have said before that Canberra seems bound with the United States of America—the AUKUS treaty is one part. Of course, we have to say that the national budget, the national movement, seems remote to us here in Western Australia. We may as well be talking about a different country. We need to reflect on the fact that our situation in Western Australia needs to reflect more closely that of Asia and not so much of our brethren across the water in the USA.

This will have financial ramifications upon how we function in our state. There is an increasing threat level in the world these days. We have seen the right, radical move in Europe, which seems to be spreading throughout the world. The question is, how will we cope with changes in mood, internationally and nationally, and changes in behaviour in the world? How are we looking after ourselves here in this current budget? We have to address this and be clear to our electorate that we stand with them and that we serve the people. We demand attention to facts, to science, not only to dogma that people might espouse. This leads to some general concerns I have with the current state of affairs between Parliament and the people.

Before I begin my contribution, there is also the question of US relations, which ultimately has a knock-on effect here in Australia. I cannot help but wonder how bad things can get if the former guy happens to regain power in a place where we are so dependent on working with as allies. I recall vividly when he first came to power. The

first thing he did was cancel a major treaty that Australia was a party to, with a direct effect on our national budget, which then of course had an effect on our state budget as well. We have to ask, if we are going to be led by people whose moral values may be less than we would expect in Australia, are we prepared to send our young people into armed conflict on behalf of people whose moral values leave a lot to be desired? These are questions that we, as a state, need to be involved in because it is our children who will be heading off on behalf of our politicians. We need to be very well aware that every life we put at risk is a treasured life. Just today, I was reading about the terrible emotions of the mother of Constable Woods, an officer who died last year after being assaulted for stopping a traffic offender. He tried to stop the vehicle and was killed by the person driving the car. The mother's anguish at losing her child meant she asked how she could sacrifice herself, saying she would give anything to save her son. All of us who are parents, especially those of us who have lost children, would immediately feel the pain of that situation and realise we must value every life in our society. Everyone here is of value. We cannot not do that.

Moving on, let us look at the budget itself. I could go on about the state's mentality, whether we are getting freedom in our society, and how we are doing. We are looking here at how we are treating ourselves in a society where it seems to us that our personal freedoms are gradually being eroded. Are we comfortable with that? Are we financing organisations and institutions that are leading to a loss of our personal freedoms? As a community, we ought to be addressing these questions, looking at not just the bottom line—the line items for how much we are paying—but also the effects on our society. That question will probably be appearing in the media and in the chamber, and elsewhere in conversations over coffee or a beer. How are we doing? I noticed that the recent issues highlighted by the Corruption and Crime Commission included the police who were involved some years back in supporting bikies in covering up a murder. That reminded me of the infamous episode back in the early 1970s when a well-known madam from Perth was murdered, probably by police. The evidence seems to point there but nothing was done about it. This brings to my mind the question of how we are certain that those who are given control or power over us actually merit the trust we impose on them. It is a very important question. I am not quite sure that the CCC actually does what we expect it to do and, as a Parliament, we really ought to be looking to that in some stronger form. The police are so important to us but, as a society, I am not certain that we have the right balance here. Where is the justice in our society? I will speak to that in more detail later.

One of the things we can look at is the fear of being under the total control of the state. This was no more manifest than when former Premier Hon Mark McGowan closed the borders and basically imposed upon us a kind of lockdown. We can say it was a good thing to do because it prevented COVID from spreading and we were all thankful that we were kept safe. By the way, I congratulate the former Premier on his high award, surely justly earned. It brings to mind the problem of whether we are using fear rather than science as a way of controlling the population. This is an area in which we need to be very careful because the population demands of us that what we do is justified, and that science and the facts back us up so we are not simply putting fear out there to control people, as so often happens.

In the budget, plenty of things are valid of praise. One of them is the question of housing, which has \$1.1 billion in added funding. Anyone walking down St Georges Terrace, as I often do for early morning breakfast meetings, will encounter in doorways huddled shapes of those who are seeking shelter from the elements. There are a lot of them and many more are hidden. There are also children. I see this as a general practitioner. What are the effects for people whose housing is less secure? It affects schooling, of course. It affects mental health. It affects future abilities. When people are under extreme stress, their future abilities are coloured by their current experiences. That results in an alternative approach to life down the track. That has a transgenerational effect on wellness, both physical and mental, and of course educational. Teachers are crying out for help, but again I will say more on that later. We see a cumulative effect of situations resulting in a lower quality of life and the valiant attempts, from both sides of the house in various budgets, to remedy this. All praise must go to how the books are balanced to manage that. The bottom line is that we are not succeeding that well. For a wealthy state, this ought to be of major concern to us all. We only need to speak about the construction sector and immigration to know that there are unanswered questions, which are not answered in this budget either.

Again this year, we had a \$400 electricity rebate and a further \$300 from the federal government. That is very welcome because there is huge financial stress across our country and it will help keep our homes warm this winter. Again, I congratulate the government for doing a very good job on that. However, it is a temporary feel-good factor, is it not? It is like giving someone a fish to eat because they are hungry, but we have not taught them how to fish, so they are going to be hungry tomorrow or the day after. Although we are giving people these supplements, what will they have left when they wear off? They will still have the day-to-day struggle to put food on the table. It will have a minimal effect on inflation but inflation, of course, just now is causing a problem. The Reserve Bank of Australia is certainly not averse to increasing our rates again, as I said earlier.

Looking at Western Power, power tariffs are increasing. The average increase in costs for families is \$6.61 a month. It is not a great deal, but it all adds up. It is certainly not getting any cheaper. Again, I apologise if my figures are inaccurate. I do not have the facilities to do a proper deep-down dig into the research, but that is the figure I have obtained. We could look at further increases that are eating into the benefits of what the government has given. It is giving on the one hand and taking with the other. Going on with that theme of giving with one hand, we can

look at the level of social housing. Questions have been asked about that in this very chamber, on the new housing units, for example. In the 2023–24 budget, there are 4 000 new social housing dwellings—fantastic—and 1 200 have already been delivered. If we bear in mind the houses that have been removed because they were unfit for purpose or needed to be demolished, there is a very small number. The number I have is 17 but there are probably more now. Certainly, if we look at this in balance, the good points are put out there and, quite understandably, the other side is not well highlighted. We need to be aware of this for a balanced view of how we are doing because we need to move forward; we need an ever-improving society, not one that is declining.

I looked at the cost of providing food for a family of four. Last year it was almost \$8 000 annually. In 2024, the cost annually is almost \$10 000. We have a physical cost-of-living increase of about \$1 000. I am not sure that wages have increased commensurate with that. Certainly, looking at costs of mortgages and food, we can see why the cost-of-living stress is putting so much pressure on people. It has to be said that all parties are involved in recognising that this is a major problem and all parties are seeking solutions. I heartily welcome that but we must be aware of the situation on all sides of the house. If we try to paper it over and say how well we are doing, we are not giving as much effort as we can to fixing the underlying problems. That opens us to attack from whichever side is giving the opposing point of view. Neither of these behaviours is helpful to the people. We need honesty. We need a solution-oriented approach to managing this.

When I think of solutions, we have the healthcare system here as well. I have often spoken in this chamber about the healthcare system, but I had called it the sickness system rather than the healthcare system. The reason for that, very simply, is the current system of health in this country depends on diagnosing the disease first of all. We are focused on diagnosing something that has happened and then finding a fix for it. What has happened, of course, is that costs have increased I would not say exponentially, but they have regularly increased. However, as we get more progress with our health in society, the benefits become progressively less. As I have mentioned in this place before, what then happens is that that business model must fail. I will say it again: as a business model, what we currently have in place must fail, and this is a terrible situation to be in. It does not matter who is in power at the moment, this business model is not fit for purpose. I speak to people who are involved in our health system at all levels, and they are saying that this cannot go on, yet the only solution we find is to throw more money at the problem and hope that it will get better with more buildings, more staff and more facilities. What we need to be looking at is what is the underlying problem for the increase in demand. We will talk about that in a short while as well.

I welcome the \$3.2 billion. It is absolutely important. There is \$1.8 billion devoted to the area of economic diversification, and I welcome that as well. What I am looking for in the future is the topic of innovation because without finding new ways forward, we will do more of the old.

As I was crafting the speech, I must say I have been working on this in my mind for the last month. I have written it and rewritten it so many times because a lot can be said. I only have a short time here, so let us come down to a more practical approach and what someone like me would suggest is a better way of managing our financial lifeblood, because it is our financial lifeblood. We can all criticise, but the question is: What solutions bring us forward? What solutions can we as a society find to make us an ever-developing society? This question has to be asked. Someone asked me this a while back: Why are you doing what you do? Why do you stand for Parliament? Why do you act? Why are you a member of that party? Explain that to me. My answer is: we are doing this because we want to move towards a society in which our children and grandchildren are better off than we are today. I cannot find anyone who disagrees with that. We are doing this to improve the wellbeing of our children and grandchildren and for a better society. That is a very noble cause.

The core of my reply is basically that we currently have \$44.4 billion to fund all areas of government. That is about the sale price of Twitter. If we look at the \$44.4 billion operating budget, we see that we have a gross domestic product here of \$365 billion. If we look at the Australian GDP, for the whole of our nation, we see that it is about \$US1.69 trillion, which puts us about thirteenth in the ranking of world economies. For a small nation of 25 million people, being thirteenth in the world is really well done. No-one can say that we are a poor nation; we are a very wealthy and very rich nation. Are we behaving as such? In that, WA represents about 17 per cent of the GDP, which is around \$439 billion, and, of that, \$260 billion is exported. As I said before, that is almost half of our exports. We are not a poor country or a poor state, but as a nation our GDP of almost \$US1.7 trillion ranks below New York and above Florida. We are thirteenth in the world for GDP, but we are below the state of New York, which puts it into context about where we are in the world. California has \$3.8 trillion of GDP and is the number one state in the US. Florida has \$1.5 trillion of GDP. There is ample room for improvement in our state, is there not? But to achieve that ample room for improvement, we need to do things differently.

Let me say it again: doing more of what we have done in the past will give us more of what we achieved in the past. If we are happy with that, fine; this budget here does that. What I am putting out today is that we need to think differently. Again, I do not have a word of criticism on this at all. We think the way we have always thought because it is comfortable doing that, but if we do not change our thinking, our behaviours stay the same, and if our behaviours stay the same, the outcome is the same. Are we happy with the outcome? Clearly, if we ask the people, the people say no. We who represent the people must therefore think differently, act differently and suggest different approaches. The needs of the people come first.

If the needs of the people are that we are going to get a better society for our children and grandchildren, define “better”. What does better look like? What does it mean? Does it mean more laws? Should we create more laws to keep us safe and within our bounds? Is that a false safety? I spoke earlier about the efforts to save us during COVID and how borders were closed, and we were limited. It was much worse in Victoria, of course; but here, we were restricted as well. People could not travel in and out. Yes, COVID was kept away from us, but were we actually safer? Did we suffer more? Did our economy implode a bit? Did mental health suffer greatly? It did. Do we get better with more laws? A short while ago in this very chamber, I put the question: Over the last 30 years, for all the laws that we have created here, are we any better for them? Are we safer? Are we happier? The answer is that after 30 years of consequent lawmaking, we are not better off. We are not happier. We certainly do not feel safer. I would challenge anyone to say we feel safer now than 30 years ago.

What about freedom? What is freedom? The freedom I would define is the freedom to be free to do what I want, when I want, how I want. Members may call that anarchy, and I would agree, but there is a proviso in that. I want to do what I want, when I want, how I want, provided no-one else gets hurt. This is a definition of freedom that I think we could all agree with. That is probably the opposite I think of making more laws, which will make us more restricted.

I have a lovely joke that I will tell right now, if I have a moment, about the definition of laws. In France, for example, everything is allowed except that which is expressly forbidden. I lived many years in Germany, and in Germany, everything is forbidden except that which is expressly allowed. In Italy—I am told; I have not lived there—everything is allowed including that which is expressly forbidden. In Russia, where I have lived, everything is forbidden including that which is expressly allowed. I experienced that personally when I tried to take a photograph at a railway station in the Soviet Union, and it was expressly forbidden although it was expressly allowed.

What is freedom? Is it the freedom to say what I want, when I want, how I want? Then others might get offended. The question is: are we allowing ourselves to be offended or should we just allow other people to express themselves and I do not have to take offence at the other’s opinion because, to be honest, the other’s opinion does not really matter? What other people say, do or think does not really matter. As long as it is not hateful, hurtful or harmful, another person’s opinion is not my problem. I should not, then, easily take offence of what other people say, do or think, but I can engage with them. Is that freedom? We must discuss these questions among ourselves at this level because we are the ones who will be giving the law to the people.

Maybe we should go back to what I originally said in this chamber some time back. What is the overarching law that we ought to be supporting here? Of all the laws, the first and most important is to be kind to each other and practise kindness. If we have kindness, we do not need much more in the way of laws. We have a law to stop someone from stealing, whether they are taking someone’s iPhone or \$10 billion from their account. Be kind. Do not do these things. If one has something to say to someone and it is going to be hurtful, be kind; one does not have to say that. One can be forgiving and understanding. One does not have to say what one thinks about someone. Like my mother said, if you cannot find anything good to say about someone, do not say anything at all. If one happens to have an opinion, I do not have to take offence. I can say, “I can hear what you are saying. It doesn’t trouble me at all. Your opinion doesn’t matter.”

Three areas need to be addressed for a progressive society in which kindness features. The first area is agriculture, then education and wellness. They are three the core areas of activity without which we suffer. Agriculture creates the food we need to survive, education teaches us how to grow the food we need and wellness allows us to enjoy the benefits of the food we eat and the society we live in. I will specifically talk about a number of areas that I think are of importance, at least to me, and I hope to other members as well. One, of course, is sickness; one is education in our state; and one is law and order, but let us not speak about law and order, let us speak about justice. We have plenty of laws, we have plenty of commands for order, but we do not really have justice in our state. The last thing, and probably the most important just now, is environmental issues—agriculture and the environment. Yes, there is climate change, but there are also opportunities that arise in dealing with the challenge of climate change.

That leads to one very important question. Looking at this list of things that I recommend as being important in how we manage our society, the question is: does our current system have the ability, or even the interest, in making significant changes?

Let us start with health. Are we healthier than we were 30 years ago? I compare life expectancy in 1994 and 2024. In 1994, life expectancy for males was about 75 years of age and females 81 years of age. Life expectancy now for males is 81 years of age and females 85. That is great, except since 2011 there has been a slight decrease in longevity worldwide, not just in Australia. It now appears that our longevity or, indeed our quality of life, is not increasing but beginning to pull back, so something is going wrong somewhere in our health system.

Mental health has been particularly negatively impacted at the moment. In Australia there are eight or nine suicides a day—on average there are 8.6 suicides a day. In this great country of wealth, a great country where we can live comfortably, mental health is a major problem. Twenty per cent of the population suffers from some form of mental disorder, but about 39 per cent of young adults now have mental health disorders, and of those young adults, about 46 per cent of women have mental health issues. Almost half of young females have some form of

mental stress or disorder. The University of Queensland School of Public Health estimates that the cost of mental illness and suicide Australia-wide is close to \$180 billion annually. If \$180 billion is the cost to the community for failing to address serious mental health issues, proportionately it would mean that we in WA need to devote \$36 billion to mental health, or we could devote a substantially lesser amount to the root causes of mental health disorder. At the moment, we only have \$1 billion allocated to mental health, and the research suggests that with the overall benefit to the community and the economy of treating mental health, for every dollar spent we get three dollars in return. It makes good financial sense to have adequate mental health care, because there will be a three-to-one return on the investment of one dollar to return people to normality—a state of mental wellbeing. That is spectacular. We have only 325 psychiatrists registered in WA and 3 000 psychologists—about 10 per cent are psychiatrists—and I still cannot get a patient to see a psychiatrist in less than 18 months to two years, unless, of course, it is an emergency and they get sent off to the emergency department, which is a spectacularly wrong place to send a mentally ill person.

Let us now look at chronic disease. In our progressive society, we find that chronic disease has a heavy toll on our community. The Australian Institute of Health and Welfare reports that last year, 2023, in Australia we lost 5.6 million years of healthy life due to chronic disease. This is not acceptable. It has both fatal and non-fatal impacts. The non-fatal burden, living with illness or injury, makes up just over one half of the total burden. That is a lot of people attending general practice and specialist sites to manage their chronic disease problems. I turn to the cost. I do not have the figures here, but the ABC 7.30 program noted that it cost billions of dollars annually, and a significant portion of these costs—hear this now—are preventable through better management and prevention strategies. If we compare the cost in 1994 with that of 2024, it has escalated. The costs associated with managing a chronic disease, including direct health expenditures and indirect costs—that is, lost productivity, people not able to get to work or not able to work—suggest that the economic impact now runs into billions of dollars annually, and there has been a dramatic increase over the last decades.

Let us look at one aspect of this. If significant costs are preventable, what are the preventable costs that we are not addressing, and why are we not? Why are we not addressing the costs of preventing chronic disease? I see nothing in the budget papers for the health department about that—nothing at all. Is this because we are doing more of what worked in the past and expecting a different outcome? That is Einstein's definition of madness. Things move on; medical practice moves on. I qualified many years ago. If I were to practise right now the medicine I was practising when I first qualified to the same standard of a well-qualified medical practitioner then, I would now be struck off for incompetence. The medical world has changed radically. That means we have to innovate and move with the times. Doing whatever happened in the past is not sufficient in a sickness system. It is not magic.

What are the biggest causes of chronic disease? Members can guess. The first one is lifestyle choices. What are those? They are tobacco and alcohol use and lack of exercise. Those are lifestyle choices. Another really important area is poor nutrition and obesity. In 1995, 57 per cent of Australians were obese or overweight; now it is something like 68 or 69 per cent. We have increased our obesity over 30 years, which means that we have more hypertension and cardiovascular disease. Some things have improved. We do not have as many deaths due to smoking, they have reduced a lot, but we have these other problems. Mental health is another area of major problems. There are sleep disorders. There is the effect on mental health of our connected environment, our internet, the apps we are using and the lack of sleep because of that, and, indeed, the mind going around when clicking on these points looking for that dopamine fix in our brains as we find another click on our system. We need to address this.

There is one area I really want to address when it comes to managing preventable chronic disease, and that is gut health.

Hon Ben Dawkins: Michael Mosley.

Hon Dr BRIAN WALKER: Yes, I gave my condolences to Michael Mosley's family at the beginning of my speech.

Most of our chronic disease—I think from my experience in the practice, and agreed with my patients by the way—is due to gut health. Most people think that the gut is a deeply unsexy place where poo is made. It is actually fantastic. If we open up the gut to its maximum area, it occupies the space of—can members guess?—a tennis court. The gut occupies the space of a tennis court. Each part of that is intensely active biochemically and immunologically. It is a wonderful organ. It transfers the outside to the inside; it transforms our wellness. The primary cause of the failure of that organ is the food processing industry. The food we get at the shops now are “food-like foods”. Our great-grandparents would not recognise what we are shopping for. The food in the recipes in the Country Women's Association cookbook from 1955 is very different from the food we get in the supermarkets now—the way it is prepared. If we look at the wellness of the people in those days who were working hard on the land and eating the foods in that almost 70-year-old cookbook, we see that we are probably better off eating that food than getting the packets of food now, with their high sugar content and chemicals. In fact, if I could give a word of advice to people, it would be to avoid a packet with a green tick of health on it, because that food has been chemically altered—it is not healthy. It may have a green tick for health, but it was written by people who know nothing about nutrition.

Are we going to address the food-processing industry? Which planet are we living on? The food-processing industry is a major employer and major source of revenue, so there is no way that this country is going to affect what the food-processing industry does. It is just not possible. That industry will have a significant impact on public health.

Its products affect the microbiome, leading to chronic diseases like obesity, diabetes and inflammatory bowel disease. We are seeing a whole host of issues because of the poor management of those diseases. Every day, I could show members example after example of cases in my clinic in which the gut is primarily affected. Just the other day I was dealing with someone who came in with a thyroid issue. When I asked questions, I found that their gut was a problem. Beyond that, the person's hormones were a problem, caused by the gut. Beyond that, the adrenal gland was a problem, again caused by the gut and lifestyle issues. A huge cycle of chronic ill health is affecting people's cortisol and oestrogen levels and their mental health. How do we fix that? How do we fix a society in which it is normal to eat food that makes us sick?

There is something else that we could look at—that is, the costs that are lost in our health system due to waste. Some mention was made in the budget papers about the approach to managing waste and inefficiencies through resource allocation, operational inefficiencies, digital health initiatives and workforce improvements. If we spoke to any health professional working in a hospital, for example, they could point out instance after instance of massive losses, massive waste, poor planning and poor management. It is like having the drain open and the water that one wants to drink pouring away into the ground. It is just lost to us. Money that we could spend on managing our health service better is being thrown into the waste because we are not caring for it enough. There is not much in the budget papers to address that. The solution I put forward is that we must look at this more closely. We must, because the lifeblood of our economy and the lifeblood of our people is how to look after wellness. If we cannot afford wellness because we are throwing money away, we will be suffering from second-class medicine. That is not acceptable. I am sure that the government will be looking at that in the future. I wish it good luck, because this is essential; we must do this.

I move on to education. I was speaking the other day with a friend of mine who grew up in Singapore and he noted that on arriving in Australia, he was two years ahead of his classmates when it came to all aspects of schooling. Are we happy with this? If we look at the qualities of those who have learnt to speak English in Shanghai, for example, which is a major Chinese city, we will find that they have better English capabilities than a lot of our university entrants here. Members should think about that. Chinese is not at all similar to English, yet in a society in which English is not spoken much as a second language, those who do learn it are able to speak, write and understand English better than those who grew up here as English speakers. People here go to university and are incapable of writing a comparable essay.

We should then look at how our teachers are being managed. I vividly recall that in my early school days, I thought of my teachers as being one step short of God. Apart from the fact that they had canes or straps to punish us with, they also were the fount of all wisdom. Our parents would listen to what our teachers said and if we had not done what we should have done, our parents would give us trouble as well as the teacher. These days, teachers earn between \$70 000 and \$100 000 a year. People might say, “That’s a lot of money; that’s good enough”, but I read recently that lollypop traffic controllers get, on average, between \$80 000 and \$120 000, but they can get \$200 000 or more. Can members imagine teachers, who are educating the future of our nation, getting less than someone who holds a lollypop sign on a building site? I listened to the argument of those yielding the lollypop signs, who said that it is a risky environment and they need to be prepared to deal with unknown situations. That is absolutely true, but do teachers do that any less? A teacher is assaulted every 40 minutes. Is that not a risky environment? Teachers are bombarded with emails after hours by demanding parents and have parents turning up in a violent mood during the day. Is that not a risk? There are 13 000 teachers assaulted a year. I think 60 per cent of principals have been assaulted by parents or students. At the moment, we have 700 vacancies—probably more. I wonder why. Could it be that teachers are not as respected as they were before? Could it be that teachers are not remunerated as well? Could it be that the system under which they are operating is not teaching as effectively because they have to follow fads? For example, just recently we learnt that people are learning how to read in newer ways that are not as effective as the old way of learning how to read. I can look at the writing of my own children as an example. They do not have the first clue about cursive writing. Using a pen and paper or, indeed, a pencil and paper is foreign to them; they use a keyboard. Their handwriting is terrible. They will write an essay using childlike, primary school handwriting. We have failed.

I speak with teachers in my clinic quite a lot. They suffer quite a lot of health issues because they are under so much pressure. Stress is a major problem for teachers and they are resigning. They are attending WorkCover WA for injuries they have sustained. I have found that schools and, beyond that, the department are often unsupportive of teachers. They have to struggle for their own benefit against this system, which seems to be loaded against them. Is this the right way to help those who are guiding our children into the future—our children who, in a few short years, will be looking after us as we get old? Is that any way to treat teachers?

We can look at the curriculum and the fads that have come and gone. It seems to be that the system we are operating under—I have asked teachers about this and they agree with me—is still based on the nineteenth century model of teaching people just enough to be able to work in the mills and be the 95 per cent of employees for big mill owners. I refer to rote learning, deficient essay skills and university standards. I have a son who has just come back today from his first term at university. I asked him how he had managed with that and he said better than the others because he went through a better system, but, man, young people are struggling to keep up with that higher level of education!

I do not think we are preparing our children well. The teachers I have spoken to would agree with me on that. I am actually having a meeting soon with people who are looking at how to improve this. I am sure the government is taking care of this because it must be well aware of it. I would like to see this reflected in the budget papers because we depend upon teaching and schools to produce a high level of young people in society, because they are our future. I would not say that we have a failing school system, but it is certainly having a hard time just now.

Members should bear in mind that I have had experience in a number of countries. I have experienced schools and children in schools in the United Kingdom, Germany, Russia, China, Hong Kong and Australia, so I have had a look across the spectrum at what is available. Although Australia is not doing too badly, it is also not excelling. We have the ability, the funds and a rich society that would allow us to educate people, but we are not doing it. I do not know why we are not doing it. We can look at the education standards of students in the USA as an example. Some of them are brilliant—they land on the moon, for goodness sake!—but others would not know where Australia is on a map. Critical-thinking skills—the ability to differentiate between truth and falsehood and to look at questions from both points of view to come to a balanced opinion—are not being taught. What solutions would I see? It is something that we ought to be funding more. Replace the curriculum, but not with pseudoscience and dogma. Let the experts lead the discussion and not the politicians or influencers. Permit more attention to be paid to neurodevelopmental issues. Children are being diagnosed with minor spectrum disorders. Is it a disorder or are they simply better able to cope with the electronic environment? Let us find out. The first question I ask of parents who come to me with an autistic child is: what is your child's gift? Very often, they have magnificent, magical gifts that we need to take note of and encourage. Putting children all into one class and making them all follow the same regime and sit down and be quiet just does not work these days. We need to allow them to flourish, discover their way, explore, and look at the heavens and see the Galilean moons around Jupiter. We need them to dig into the earth and see what the soil is doing and how the worms are flourishing. We need them to be exploring this world with curiosity and not just learning how to do things in a school system in which they succeed or not by passing an exam. It is like asking an elephant and a monkey to climb a tree; if the monkey can do it better, the monkey is the best. No; we have different abilities and different skills, and we need to encourage our children. We need a new way of thinking in our society; it is absolutely essential.

One area I really want to focus on is the art of communication because it affects not only education but also mental health. A lot of problems in society are inherently due to our inability to communicate. Members might ask: what on earth is Walker taking about? Superficial communication represents about seven per cent of our communication, and most of us are communicating even less than seven per cent. We are communicating superficial things, such as what was on television last night or what the footy score was. We do not have time for actual communication: "How are you? Tell me more. Let's sit down and let's have a listen." We are not communicating, one with the other, in a supportive manner. We are not actually listening to people. My patients say to me quite a lot—it is really quite depressing—that I am the first doctor who has listened to them, and that is because I learnt how to communicate and it also reflects how our society's communication skills are lacking.

These days, we communicate as though we are fighting. We are behind a barrier, we get up to fire our bow and arrow at someone, shooting our point of view, and we duck behind the parapet. Someone else then gets up with their bow and arrow and fires their thoughts back, and we duck. We are hoping to get a hit. If my point of view wins, there we are. Actually, it is a bit like the electoral system. We should be saying, once the walls come down, "You have a different point of view from mine, but let's hear what you have to say. I want to understand what you say, and you need to understand what I say. Perhaps we will find more in common than we thought." Then, the pressure, stress and discordance in society can ease. Would that be a help for mental health?

What if, for example, someone has a psychopathic boss at work who is giving them a whole host of trouble? We come across this so many times: people who are imposing their will from above and bullying people. Psychopaths are good at sucking up to their employers, showing they are the best people and getting promoted because they are very good at communicating how good they are to people above, but they give a really hard time to the people below. We all know these people. How do we deal with that? We need to learn how to deal with that kind of person, and there are ways of learning how to do that so that we do not suffer as much at work; it is a communication skill.

The problem is that if people were to start learning that skill at four years old, which is a good time to start learning how to communicate, who would teach the teachers to communicate? The teachers have not learnt that either, so they will struggle to find out how best to communicate in a supportive way. The whole concept of communication has to be rethought and practised. We need to redesign our schools, not just with the Montessori approach, but also to rethink what education means. Does it mean learning things by rote or using the technology we have to allow people to think further, better and deeper and to explore things? For example, we can use artificial intelligence to answer the simple questions: when was the Battle of Hastings fought? I can answer that, but do I need to remember it? What I need to remember is what caused that discordance in the first place. A new thinking is needed there as well.

Let us move to another area that is a great passion of mine: law and order. I have said before in this chamber that the Legalise Cannabis WA Party appears to be the party of law and order because we stand up for what is just in society. We have laws, but how much justice is there? I will give an example of this: my driving. I am not a bad

driver, but one time I was coming home from Serpentine on a strange road. It was dark, with no lighting. I was not aware of the road, but Stock Road is a dual-lane highway that is separated by a large area of land. I turned right, and I noticed—oh, my God!—that I was turning into the left-hand lane. It was dark and I could not see what was going on. “Oh, my God! I am in the wrong place!” I went to the middle of the road while I sorted it out. I worked out what was going on, got it right this time, turned onto the road properly and went back. Of course, the police saw me and came after me. The first thing they said was “Stop the car for us. Let’s do a breath test.” My alcohol was zero, as you would expect for a doctor. We might think that the police officer would ask me what had happened and I would reply, “I missed the road as I am not familiar with it. There was a problem, and I sorted it out.” It would be very quickly and professionally dealt with, and I would be back on the road. What did the police actually do? They fined me. Rather than saying, “Well done. You noticed it and you fixed it quickly. That is very professional and appropriate”, they said that I had broken the law and would be fined. Yes, what they did was legal and according to the law, but was it just? I would put it that, no, it was not just. There was no recognition of the safety or the rapidity with which I managed that difficult situation.

What about more major issues, such as punishment in prison? A prisoner has been in prison for nine months. He is a professional burglar with drug problems, and prison has been no real help at all. He is told, “There is the front door. You have done your time. Out you go.” The door slams behind him. He has the money he came in with and his medication in a pack, and off he goes. Have we served that person well? No! He has been punished, but has he been rehabilitated? No, he has not. Is he likely to commit crime again? Yes, he absolutely is. Our figures show huge amounts of recidivism, and we are comfortable with that. Do members know what the costs of that are for our society? They are massive, multibillion-dollar costs, and we are not fixing it, because we do not really care about that. If we did care about it, we would have fixed it by now, and we have not.

What about domestic violence? An accused is released even though police have expressed concerns. The magistrate says that he is fine, and out he goes. In a case last week, a friend said that the accused had almost killed a woman but was let out with a restraining order telling him not to approach the woman. Huh? Is that justice? Are we getting justice in our society? I vividly recall that a man did just that some years ago when I was working in corrective services. He was released, went to his ex-wife’s home, killed her with a knife and felt that honour had been satisfied: “I killed her because she should not have been like that.” He then went back to prison with a smile on his face. Where was the justice in that? Is that being repeated on a regular basis? It certainly is. Will it happen again? Yes, it will, because we have not learnt to combine the punishment side with justice.

The legal fraternity has multiple stories of concerns about improper behaviour within the judicial system. One area in which I desperately want to make a change is by establishing a judicial review body so we can challenge the courts and the judges about the decisions they make. They do make improper decisions; they absolutely do. Does anyone have any oversight? No, they do not, so they are free to carry on making their dubious decisions, and no-one holds them accountable. I know that the government plans to make changes but—man!—it is taking a long time. What is the cost to our community? People are suffering because of it. People who should not be are incarcerated or are set free.

In my personal experience, I had a patient who was badly treated by the Family Court. She was self-litigating. There were multiple cases of improper document management. In this case, the judge even made a medical diagnosis. A diagnosis was made by a qualified doctor, but the judge said, “No. This is a clear case of so-and-so.” The judge made a diagnosis and then punished the patient because of the judge’s diagnosis. Anyone else would be reported to Australian Health Practitioner Regulation Agency for making a medical decision without qualifications. That is punishable by fines or maybe even imprisonment, but the judge had no such limits and made a medical decision in the full view of the court, yet nothing was done to rectify that. To whom can the judiciary be referred if there is no provision for that to happen in the first place? We do not have a system that allows for that.

We also have lies enshrined in law. Of course, I am referring to the THC driving law. Members know my point of view on this so I will not bore the house too much. We all know that the presence of THC does not indicate impairment. The level of just THC has no relationship whatsoever to the level of impairment. However, the law says that if the level is positive, a person must be impaired. That is a lie; it is a physical lie. Ten months on from the government saying that it would create a body to review this and change the law, nothing has been done; it has not even appointed anyone. Are we comfortable with the lie being enshrined in law? Apparently the answer is yes. Innocent beings—I came across a case last week—are now required to stand in front of a magistrate to defend themselves for driving with medical cannabis onboard. They are completely unimpaired but are faced with the potential of being banned from entry into the US for a holiday because they have been declared to be drug driving. Where is the justice? Does anyone care? Apparently they do not.

Another clear case is the criminal confiscation laws. Hon Wayne Martin gave his report in 2019 and very clearly said that this is when one’s property can be removed if someone else, even without their knowledge, has committed a crime. For example, if I happen to be doing a drug deal in Kings Park, it could possibly be said that the value of Kings Park as the place I did business would be the substitute and I would be fined an amount equivalent to the value of Kings Park, where the crime was committed. That is the way the law is created now. Five years on, we have still had no action. Does anybody care? Again, I suspect not.

This year the justice system did not merit a comment in the *Budget statements*. No major progress has been made at Banksia Hill Detention Centre. Work has been done, yes, but where is the progress? What is the underlying problem with the young people who are being incarcerated? It is psychosocial. It is not to do with bad behaviour; it is to do with the way they were raised. If a mother drinks a lot of alcohol when a child is in her womb, the baby's brain will not be right—damage is done. They then grow up sniffing glue and associating with people who do bad things and they regard that as normal. They go on to commit crime and people say that they should not be doing that, but everyone else is doing that, so they carry on doing it because they know nothing else. This progresses and progresses, until they end up in Banksia Hill, and are then sent to Casuarina Prison. The whole thing races on and there is public fury: are we dealing with the underlying problem? The answer is no. Can we expect an improvement? The answer is no. How much is it costing us as a society? Has anyone calculated how much it costs not to deal with this problem? Are we happy with this? Do we have enough money that we can just chuck away the money to keep things going? We think, “As long as I am not in prison, I don't care.”

There is then substance abuse, and alcohol comes in at first place. We are quite happy to let people buy alcohol and, indeed, steal alcohol. The risk of psychosis and major mental health problems and very deleterious behaviour is likely with the simple use of a commonly used drug. But still people say that cannabis is bad. No, it is not. It is far safer than alcohol and tobacco, but still we are saying that it is bad. What is going on with that? How can we continue propagating lies and expect to get away with it? The situation is intolerable.

I move to mental health and corrective services. We all know that corrective services are holding cells for mental hospitals that are overloaded. Dedicated people are trying to work on that. The cost to the community can be measured in the millions, if not billions, of dollars. Again, we are not fixing it. Mental health advocates are telling us that not enough is being done, and it is not—clearly not. Look at the recent tragic case of a teenager killing himself in a cell. Those cases are predictable, and it will happen again and again, until we deal with the fundamental underlying cause. The Chief Justice of the state has concluded that our laws are inherently flawed and not fit for purpose. This is the place where laws are made. Our laws are inherently flawed and not fit for purpose. Are we comfortable with that? Again, the answer is probably yes.

One area in the budget in which we might have some improvement, which Legalise Cannabis in Western Australia would suggest, is proper mental health funding and nursing care. How do we manage the mental health of our police officers, who are suffering tremendously? They have high rates of post-traumatic stress disorder and suicide. Are we treating our police officers well? I think we could probably treat them an awful lot better; do members not?

I move on to environment and agriculture. I said earlier that if we look at the overall trends, our grain production is about \$10.1 billion this coming year; livestock, \$14.7 billion; horticulture, \$17.4 billion; wool, \$2.9 billion; dairy, \$5.6 billion; and canola and similar crops, \$3.6 billion. This is not small change. The current value of our agriculture sector is \$15 billion to \$20 billion. We have important things to deal with, such as trade agreements, commodity prices internationally, estimates, and we are going along as though people are just going to carry on the way they have been. We have not addressed salination, the change of the soil or broadacre farming. All of them have inherent results that give less yield—three-bag yields compared with eight bags in New South Wales. That reflects our poor soil. What can we do about that? There is also global warming. I notice that trees are dying and plants are vanishing and there is a loss of diversity in our animals. It is evident that we have a reduced rainfall—perhaps not today, but over a year. What about the available water we have? Apart from giving it free to Coca-Cola to be sold, what is being done? We have relied on groundwater quite a lot. Declining rainfall over the past decades has significantly reduced groundwater recharge rates. About half of our drinking water comes from desalination.

To be fair, the government is doing a lot to remedy this. But what if we decided to stop wasting water? What if we decided that we should drink the water rather than pooing in it? Would that not be a good choice? How much do we lose because of the way we waste our water? I will return to that in a moment. I mention also the environment affecting farming communities—economic and financial considerations such as economic turmoil, farm gate prices, the yields, the social issues—and how people manage in a social sense when small towns are dying, schooling is failing and child care is not available. We need to revisit how we are caring for all in our society, in all areas. We have, it must be said, scientifically the best farmers in the world. I am sure that Hon Darren West would agree. Western Australia has fantastic farmers, but we are still using Northern European-type farming to manage our situation. This needs a broader community rethink. This is our food supply. It is not just our food, but also the quality of our food; the chemicals affecting our health and the ecology, which has been supported—the insects and bees and the quality of life with the available nature.

What about national security? If we are selling our farms—those that are being given up to Chinese purchasers for their super funds—are we looking after our country for ourselves, or are we beholden to a foreign power? Does the US own us? How secure are we when it comes to food sustainability? How secure are we if things go pear-shaped? Are we selling stuff too cheaply? What about the free gas we are giving away, with no royalties? What about buying back our own steel? We are exporting our ore but are buying back the steel. Yes, it is cheaper to make it abroad. Are we mad? There are no royalties for gas. We have the same issue with the free water that is now being sold back to us. That has changed now, but it had been going on for 30 years.

How could we save water? This relates to my thoughts about the environment and energy. I am sure members would know about biodigesters. If we were to use Third World technology for biodigesters, we would be talking about stuff that has been going on for 70 years in China, providing power to the remote areas of China. An acquaintance of mine in the UK, an ex-nuclear physicist, built in 1990 a complete sewerage system on a farm that turns sewage into gas that powers the electricity. That is pretty much First World technology that is available here as well. There is a group in the south west that would be very interested in developing biodigesters for our use. Let me paint a picture. Let us imagine a small town with, say, 250 souls, and we put in a biodigester, which takes household waste, maybe even animal waste, and turns it into methanol or ethanol, depending on the process. Let us put that in the centre of the facility. Let us employ people to look after that. The electricity that is generated by the gas, the methanol or ethanol, drives a turbine, which generates electricity. Now imagine that when the power in Perth falls out due to a storm, the wheatbelt town, or wherever it is going to be, still has power. They do not have to ditch the contents of their freezers because the freezers have been switched off. We can keep that going. If we add solar-powered houses to that and maybe small-level wind power in backyards, there would be pretty good sources of electricity, especially adding a battery to that. Batteries are now reasonably priced. I am told they are one-fifth of the price of a Tesla battery. There would be a sustainable environment generating electricity within a small town in regional and remote areas. They would be independent of power lines from outside and power generated elsewhere. The town could look after itself. Is that not a good idea to trial? Should we not bring that into our thinking? Would it not be better than simply asking Western Power to please supply and we will pick up the pieces when they fall.

Let us think differently. The byproduct of biodigesters is burnable bricks for heating in the winter or sensible fertiliser for the soil. It is water sparing, so we are not putting our drinking water in deep septic tanks. The environmental impact is fantastic. We reduce greenhouse emissions and capture methane, and we are turning that into organic waste. It would save sewage, create electricity and protect the environment.

At this point, I also suggest that we should perhaps think about hemp. I know members have been waiting for this. If we were to use hemp as a product, we would have biomass for the biodigesters. It would protect the water going into the river systems—they are collecting it—and we turn 10 centimetres of topsoil into a metre-and-a-half of topsoil with a good microbiome, which would then increase yields, hopefully from three bags to eight bags. Depending on what is there, there is a whole host of options for what can be grown in areas where the soil is fantastic. We could add hemp to the wheat and sheep mix that farmers want, for security. Make it three things that farmers could grow, especially as a rotation crop. Would that help? Yes, it would, actually. I will come to that in a moment. Hope lies in innovation—innovative ideas.

Looking at wastage, I remember one time I was involved in getting an X-ray facility in a government institution. I had to tick all the boxes. It was corrected because the things we chose were too expensive, so we made different choices—but the boxes were ticked. The X-ray machine was set up, then the radiologist was refused licensing, because the room in that facility was too small. Nobody was held accountable as \$750 000 went down the tubes, because the right boxes had been ticked. We have Metronet, which was forecast to cost \$2 billion in 2017 and is \$12.4 billion now. It will be welcome infrastructure, for sure, but there is a \$10 billion overspend. If the government applied the same rules to itself as it applied to construction companies, it would be bankrupt. Housing and construction companies were not allowed to increase prices depending on suppliers. They were not; therefore, there is a huge problem in completing housing appropriately. We now have problems in our housing department because the laws that the government applied do not apply to itself. Could that \$10 billion extra have been spent on health, education, justice or environment? Is that trade-off acceptable? It is going to be a quality decision. In opposition, this government complained about Elizabeth Quay for which a planned \$440 million became \$2.6 billion—tremendous—and the Perth Stadium's \$700 million became \$1.6 billion. That broke the bank, but \$10 billion will not?

The status quo is our enemy. Members have heard me say that again and again. It is the way it has always been done. The old guard is fiercely protecting the civil servants and keeping them safe. That is nothing new. There is no progress. Members have often heard me speak about the benefits of hemp as a building material with the potential for great profit. Do we have profit there? What is stopping it? The only reason I can see that hemp is being stopped is because of THC concerns. Did I mention status quo thinking? I may be boring members, but what is the source of that fear?

First of all, international laws decry and describe THC as a narcotic. That is a lie. I state this boldly—the concept that THC and cannabis are narcotics is a bald-faced lie. A patient the other week asked whether they could take their medicinal cannabis when they go on a business trip to America. They cannot because, as cannabis is considered a narcotic, they will be arrested at the border when they go in, even though 24 states allow cannabis use. The national laws have defined cannabis as a narcotic because of those international laws; therefore, the state laws have defined cannabis as a narcotic. The laws are crafted to treat THC as a narcotic. Our laws are basically based on a lie. Are we cool with that? Cannabis is not a narcotic.

Let us look at the potential dangers. We have restrictions that stop us using hemp because of the fear of THC. Industrial hemp has been recognised as having a THC level of 1.1 per cent. I heard yesterday that a crop had to

be destroyed because it had THC in the order of 1.1 per cent. There are huge barriers for growers, cultivators and users. What about the revenue? Last year's economic report stated that over the four-year forward estimates, legalising recreational cannabis—only recreational cannabis—would be \$1.25 billion. That is five per cent of the total value. If I do an estimate for hemp based on those figures, looking at Australia as having about \$66 billion of our cannabis at market annually, with the 20 per cent tax rate here, we would have revenue of about \$14 billion in Western Australia—\$14 billion! That is seven hospitals a year, or one Metronet. We are not making use of that because we are frightened of THC.

What is the fear? One is that THC causes psychosis. It does not. If it does, it is an awful lot less than tobacco, and even smaller than alcohol. It does not. We could say that if we do it in combination with dexamphetamine for ADHD, yes, there is a higher risk, but it is prescribed by doctors who know what they doing. They do not do that if prescribing dexamphetamine. It is less dangerous than tobacco when it comes to psychosis. The second fear is that THC is addictive. No, it is not. It can be habituating, but then, so can not banging your head against a brick wall and not getting a headache.

The third fear is that THC kills. I did a worldwide search of deaths due to THC. There were zero. It is possible that there may be deaths from using cannabis with other drugs, but that is due to the other drugs, not the cannabis itself. So far, I have only discovered 12 such cases. The fourth fear is that THC may be positive in meat derived from animals that have consumed industrial hemp. I have done the calculations, members, because I could not find the calculations and the Department of Primary Industries and Regional Development would not tell me. It is true; THC can be positive in meat. From my calculation it appears that to get one episode of a medical dose of THC, someone would need to eat 300 kilograms of beef in one sitting. That is about \$6 000 for one medical dose of THC. Are we concerned about giving hemp to animals for that? We can eat the seeds, but the animals cannot because it might give them THC.

The fifth fear is that we can get increased THC in stressing times of growth. The recent high temperatures had caused some of the crop to develop THC as a defence. That is true. Where is the actual problem? If it has THC, some people may smoke it. What is the problem? It is a problem if we want to continue to prohibit a plant that is recognised worldwide as a healthy healing herb and used commonly as a homegrown remedy. By the way, we are diverting police officers from real work, such as policing the roads. On my daily drive when I am working in the clinic, the amount of crime I see on the roads from Fremantle to Serpentine—poor and dangerous driving—is enormous, but there are no police. Where are they? We are lacking police because they are being deployed elsewhere and doing things like chasing vapes, for example, and chasing cannabis.

What will we as a state do with \$14 billion extra revenue? Will we fund more child health care or allow for a basic universal income? Could we build, as I said, seven hospitals or one Metronet? Could we provide for adequate funding for the weakest in society? Would that not be just a wonderful thing to do? Maybe we could increase the wages for our public services—the nurses, police, teachers and social services. Why are we depriving ourselves based on non-existent fears? I never understood why government is not grasping the potential of hemp as a building product and as an innovative product. The things that we could make from that. We could even turn sunlight into electricity. We can use the hemp to make batteries. They are even making bombproof and bulletproof protection for Australian Defence Force mortars using a combination of hemp and carbon fibre—bombproof! Are we depriving ourselves of a very useful substance that has the potential for innovative changes right through our society? Of course we are. We need to have out-of-the-box thinking, and this state is simply not giving out-of-the-box thinking. We need to lead the way in sustainability, and we are not. We need to get people into warm, comfortable homes rather than leaving them to sleep on the streets. Oh dear, there are so many things I could say about this. There is huge demand for this, but we do not permit it to happen because we are frightened of tetrahydrocannabinol.

I am aware of the time and how we need to be wary of the coming legislation we are discussing, but climate action and environment is a subject very dear to my heart. I have been involved in this since the 1980s. Net zero emissions by 2050—does anyone think this is acceptable? It may be something that is doable, but is it acceptable? Even now, in the United States, there have been temperatures that are far above normal. The sea is warming. There is potential for the change in the North Atlantic Gyre. We know it is not fast enough. In fact, not one single country that signed up to the Paris Agreement has actually maintained the goal—not one. We should maybe start. We cannot defer it to 2030 or 2050. Why not? Are we really not putting enough effort into that? Let me tell members that I spoke with someone who had very good experience with wartime economy. He stated that during the war years, the innovation developed by people in response to threats posed by enemies resulted in magnificent changes, alterations and improvements. After the war, the different companies amalgamated into one or two larger companies. The rate of innovation sank to 10 per cent of previous innovation. There simply was not the drive. At the moment, we need to develop a wartime mentality. No-one cares whether climate change is man-made or natural. The fact is we have climate change, and we need to adapt to that or, as "Twiggy" Forrest mentioned in a lecture last year, people will die. Around 3.5 billion people will die due to the effect of heat and humidity. Can we stand back without action? We cannot. Shall we take action now? Yes, we must. Have we so far? We have done very little. We have vested financial interests. We have the status quo thinking, which is being defended. I am pessimistic that people will actually take this seriously.

The sea rise is happening. Even now, we are seeing nations moving people from their islands to homes. Even here in Perth, our leafy suburbs will suffer from this. Down at the river's edge in Perth, we will find people in the not-too-distant future having to sell their multimillion-dollar homes because they are no longer fit for living in because of sea rise. We need to adapt. We need to plan now. We need to get into the wartime mentality of dealing with an enemy, not as a war against, which is a negative thing, but a war for changing things and discovering ways of doing what was previously thought to be unthinkable. If we do not do that, our children will be left with a world that is less well off than it is now. Whatever we are doing now is not sufficient. Let all parts of government flag this as an essential activity, because it is essential. We cannot justify not doing so to our children. I call on members to rise to the challenge and take action now to meet the needs of our next generation and the generations to follow. It is critical for our advancement.

Perhaps we should let business lead the way, because there is great profit to be made in this. Think, for example, about those who are making, say, the bombproof and bulletproof mortars. That is something that could be sold. There are plenty of other opportunities for something less violent. What about creating materials that can go into space with the Australian space program? That would be a fantastic idea for innovation. Should we not make use of the opportunities that are in front of us to develop? Should we not give this challenge to business? Let us focus on a new area of development. Let this flourish and let our nation flourish. This is what we should be doing as legislators.

I have spoken again about international issues. I will not speak about them now because I think that I have taken too much of members' time, except to say that I still have huge concerns that as a nation—I appreciate this is actually a federal and not a state issue—we are allowing, without protest, \$400 billion to be spent on eight submarines. That is a cost of about \$50 billion a submarine supporting a military–industrial complex of the United States and the United Kingdom to get, by the time they are delivered, out-of-date submarines. We have people who are suffering homelessness or a lack of schooling, and people who are unable to afford clothes to go to school or health care to manage their health constraints or chronic disease. We are not looking after the weakest in society as well as we might do, but we are quite happy to give a substantial sum to industrial complexes, for which we get little benefit apart from eight out-of-date submarines and the military and the Navy being able to say that we have the infrastructure to look out for the Chinese submarines. Do members not think the Chinese are advancing? Are they not developing things? Are they not moving forward at this very moment? Will they not find a way to detect and remove those submarines? We are chucking our money away at things that do not matter to our people. Personally, as a citizen of this country, I resent that, and I will not leave this debate without having expressed that very clearly. With those few words, I will resume my seat.

Debate adjourned, on motion by **Hon Peter Foster**.

FIREARMS BILL 2024

Second Reading

Resumed from 30 May.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [2.37 pm] — in reply: Honourable members, before we rose I had started answering, or at least trying to answer, the comments or questions that had been asked by a range of people. I will endeavour to answer as many as I can in my response. We will be going into committee, so there will be an opportunity for members to further engage on the issues they have raised.

On the comments by Hon Dr Steve Thomas, particularly regarding questions on storage, the regulations will incorporate in some way current storage practice while also applying a graduated storage scheme. This means the greater the number of firearms or the higher risk of firearms such as handguns, the greater the storage requirements. The government acknowledges that there is no absolute security against theft, but mitigation strategies based on contemporary storage and security capabilities are essential as people acquire a larger number of firearms or firearms of higher risk capability. There will be a transitional period to allow existing licence holders, when necessary, to meet new requirements so that they do not fall foul of the legislation. The Western Australia Police Force continues consultation with storage manufacturers and will ensure awareness is raised with existing licence holders to meet any new conditions.

Hon Louise Kingston raised a number of issues. I think she might have asserted that the new legislation will not improve public safety in relation to firearms beyond the measures already laid out. The bill will introduce a better understanding of fit and proper considerations. It will clarify the power of police officers to remove firearms from those no longer fit and proper and from those who intend to offend with them. Better storage and setting a reasonable limit to the number of firearms available to people in certain circumstances will help mitigate theft and the funnelling of firearms into the black market.

In relation to the comments that people in the city will no longer be able to engage in hunting activities, the bill will not prevent that in situations whereby an applicant has suitable permission for land that they will actually use. The bill will resolve the issue of landowners selling property letters to people, giving them a reason for a licence, in situations whereby they never intend to go to the property and use firearms for the licensed purpose. The bill will enable legitimate, genuine hunting activities to occur. Hon Louise Kingston also raised concerns over the

general matters the commissioner will be able to consider when forming an opinion on whether somebody is fit and proper, particularly the examination of views, attitudes and opinions. A person is and should be entitled to their own opinions and views, including those critical of the government of the day. Those views when coupled with the person's behaviours and criminal history will paint a better picture of the risk that person poses to public safety. As a likely example, when a person expresses views and opinions inciting or encouraging coercion, intimidation or violence towards themselves or others, that may have an adverse impact on their fit and proper status depending on the circumstances. That will likely be informed by whatever intelligence reports or information the Western Australia Police Force hold regarding that person.

A person's good repute with regard to character, honesty and integrity is a necessary inclusion for the commissioner to consider in granting a firearm authority. If a person demonstrates that they frequently breach the law or continually cannot meet licensing obligations, such as through the failure of reporting or safe storage or, related to their conduct, have a tendency to be violent or coercive, they should not be granted a licence. In granting a licence, a person must be able to seriously and responsibly exercise safe control over a firearm.

Hon Louise Kingston also highlighted her work with a firearms group for a number of months to identify problems with the bill. The honourable member then suggested the government did not consult with the community and cherry-picked organisations during the extensive consultation process. I take the opportunity to remind members opposite that the bill was formulated through consultation with a wide array of firearm groups, the general public and those groups seeking better gun control. That has occurred over a number of years and in many formats, including direct consultation, workshops, surveys and calls for submissions. This bill is a result of navigating the interests of existing firearm owners, community needs and the matters dealt with by the Law Reform Commission of Western Australia and the National Firearms Agreement.

The honourable member raised the concerns of a person who contacted her with concerns over the health assessment process. I can assure the honourable member that a person who has been diagnosed and is managing their condition is very unlikely to lose their licence. The intent of the health assessments is to start a conversation for those with undiagnosed health matters that are not being addressed. To provide more clarity, a medical practitioner will examine any temporary or chronic conditions, disabilities or age-related issues, or anything that may have an impact on exercising safe control of a firearm if not addressed. The practitioner will inform the WA Police Force, in their opinion, that the person can safely exercise control of a firearm or whether the person could do this conditionally, or whether the person's health status renders the person unable to exercise such control. The WA Police Force will not hold medical records but will work with applicants to ascertain whether a firearm authority could be granted and whether any conditions are required to achieve this. As has been stated previously, this is similar to other legislated health assessments in this state.

Hon Louise Kingston also raised the concept of parents obtaining a firearm on behalf of their child so they can participate in competitions. Under the 1973 Act, a person should not obtain a firearm under their recreation, hunting, shooting licence on behalf of another person. However, the bill will allow for that arrangement to occur in a few ways. Firstly, an individual licensee can give possession of their firearm to a young person as long as they immediately supervise the young person using the firearm. However, it will not be a suitable reason to exceed the numerical limits that will be put in place by this bill to give firearms to a child. Alternatively, when the parent is not licensed, and does not want a licence, an arrangement could be made with the club or range where the young person competes to use the firearms under either the club or range licence.

On clubs, the concerns raised by the member regarding reporting requirements can be addressed. Under the proposed regime, clubs will be required to report a list of its members, including when members leave or are expelled, alongside any concerns over a member's continued possession of firearms. Further, as discussed in consultation with stakeholders representing firearms clubs, they are aware they will need to register shooting events, which will tie into range records of who attended those events—to ensure the ongoing genuine reason for a competition licence. All reporting requirements will be supported by an improved IT environment, mitigating the reporting burden.

In relation to Hon Louise Kingston's concerns regarding "related things" being too broad, this clearly encompasses ammunition, major firearm parts and prohibited accessories. Each of the concepts are defined, with some including specific items, none of which include straps or recoil pads. I point out that this was clarified during the debate on the Firearms Amendment Act 2022, when major firearm parts were introduced. If a person wishes to attach a sight or rail to the firearm, this does not constitute a major firearm part. The bill will regulate things that are major firearm parts and prohibited accessories as things making up a firearm or something changing the operation or category of firearm.

The honourable member also raised concerns over the concept of firearm technology. The new provisions concern themselves with the manufacture of firearms, major firearm parts, ammunition or prohibited accessories. Any device set up in such a way to manufacture such items, likely with diagrams or technical specifications to undertake such manufacture, may fall foul of those offences. Further, the dissemination of technology is restricted to those who are authorised under the bill, mainly being trade licensees and those in possession of technology relevant to the firearm or related thing authorised under their licence.

Regarding ammunition and asserting it is “too broad” to include a regulation power to add to the things considered ammunition, this is a necessary power as ammunition technology advances and needs to be captured as it becomes available. It should be noted the previous legislation was silent on the ability for licensees to manufacture their own ammunition for their licensed firearm, more commonly known as “reloading”. There is clear provision in this bill to enable a licensee to undertake that activity. What is unlawful is the manufacture or possession of ammunition components, with an intent to manufacture, that do not relate to a firearm under a licence. Regarding the severity of penalties and how they are applied, ignorance is not a defence, and the level of penalty is left to the court to determine.

Hon Louise Kingston also raised the intent to apply the existing defined reasoning under the tax code to determine whether a person is a primary producer. The bill does not define that, but looking at what is in the code, it is very clear the activities considered cover primary production—for example, cultivating or propagating plants or their products or parts or maintaining animals for the purpose of selling them or any other matter listed under that tax ruling.

Further, to clarify for the honourable member, the connection between clauses 129 and 308, this is the intended outcome. A responsible person for a licence is responsible for all the obligations and functions of a licence. If an authorised person under the licence fails to meet storage requirements, it may mean the responsible person also commits the storage offence.

In relation to Hon Dr Brian Walker’s question and his concerns raised that have not already been answered, the government rejects the assertion that nothing has changed concerning firearm violence over the past 30 years. I will remind the honourable member that following the National Firearms Agreement in 1996, all of Australia implemented improved regulation of firearms, which reduced firearm violence. Though amendments aligning to some of the NFA were made post-1996, the 1973 act is no longer fit for purpose as identified in the LRC report, and new legislation needs to better align to the NFA in the WA context.

In response to Hon Nick Goiran, the honourable member raised some of the statements within the Law Reform Commission review, particularly the point that laws should not be made more difficult for firearm users if there is no practical purpose of meeting the objects of the act. The bill will implement the very words within the NFA regarding its principles and objectives, and the obligations under the bill will impact only upon firearm users when necessary to ensure firearms do not get into the hands of people who are not fit and proper and have no genuine reason to have a firearm. This will be done through the introduction of disqualification and suspension of licences; clarity concerning what the fit and proper check entails; and providing clear, delineated, licences relating to the specific lawful firearm activities that can be undertaken.

The bill will rewrite the 1973 act from the ground up, with the core principles of the NFA, particularly emphasising the duty to ensure public safety. The bill will provide legitimate firearm owners clarity on their authority and obligations. It will then provide the WA Police Force the means to better address unlawful firearm possession and use and other unlawful firearm activities.

The costs of licensing under this new law will be mitigated by the implementation of a completely modernised IT system. The functionality of this will reduce the burden to both licence holders and the Western Australia Police Force in meeting obligations. Updated training will be provided to relevant police officers and staff, and the enforcement of offences are the usual business of the WA Police Force.

Regarding the adherence of particular provisions to LRC recommendations, we may well deal with that when we get into the committee stage, but it can be clearly pointed out that the bill will exceed the recommendations of the Law Reform Commission regarding the setting of numerical limits; not allowing category D automatic firearms or silencers into the hands of farmers; and improving the property letter system, amongst others.

Hon Nick Goiran also queried which provisions of the bill differ from the firearm legislation of other Australian jurisdictions. The legislation will largely align to the NFA, like other jurisdictions that have rewritten their firearm laws, but will be contextualised to WA. The significant difference to other jurisdictions is in introducing provisions relating to disqualification, which I note Queensland has recently added a similar scheme in its community safety bill; numerical limits to reduce the stockpiling of firearms; and having better provisions dealing with health assessments.

The honourable member queried what the new legislation could have prevented, particularly a number of tragic events. The bill has a number of points through which these events may have been mitigated, particularly the implementation of clearer fit and proper checks, mandatory health assessments, tools for police to ensure an ongoing and genuine reason and need for firearms, modernised storage requirements and the ability to suspend a licence when concerns are raised.

I turn to the implementation of the new laws. The government is committed to implementing the new legislation as quickly as practicable. The government and the WA Police Force continue consultation on the regulations during their development. They are progressing with the updated licensing IT system build and designing new business processes to administer legislative requirements. Accommodation has been made for the gradual transfer of existing firearm authorities over to the new system with the transitional provisions of the bill.

Finally, there was a question about licence holders from remote Aboriginal communities. Like other licence holders, people in those communities will still be able to obtain authority from whoever the landholder is, or through approval from the Department of Biodiversity, Conservation and Attractions if it relates to crown land, and continue to undertake their shooting activities in compliance with the legislation. As with all firearms user groups, WA Police Force will engage collaboratively with groups in those communities throughout the transitional period to provide guidance on any new requirements.

Hon Neil Thomson asked about health assessments. As I stated previously, the health assessments are not discriminatory, as they are conducted under the 1973 act, as well as by other agencies currently under other legislation. The firearm authority health standards will not prevent a person with disabilities from gaining a firearm authority if the disability does not prevent them from safely and responsibly possessing and using a firearm. However, the health assessment may provide that commissioner insight into what firearm authority conditions may best support a person with disabilities to use a firearm in the safest manner.

Hon Steve Martin made a number of points. One was about what were formerly known as “property letters”. I point out that the bill does not refer to property when it comes to these permissions, rather it refers more broadly to land. The person who will be able to give out those permissions will be the occupier of that land or a person entitled to give permission on behalf of the occupier. The occupier can be a landholder, the representative or a lessee. That will then cater for whatever complexity of ownership the land has, as anyone who will be able to reasonably prove they are the occupier either by deed, lease or some other legitimate agreement can grant hunting permission. The concern for granting a hunting licence is whether the applicant has legitimate permission to hunt on that land.

Hon Steve Martin referred to an Australian Institute of Criminology report about firearm theft, and expressed scepticism that the introduction of numerical limits would help in reducing the impact of firearm thefts. As reported in the paper referred to by the honourable member, the theft of multiple firearms in WA in 2018 made up 57.7 per cent of theft incidents. Thefts involving six or more firearms made up 11.9 per cent of all theft incidents. The Australian Criminal Intelligence Commission highlighted in its 2016 report on illicit firearms in Australia that offenders increasingly target regional or isolated locations largely because they may yield multiple firearms.

Hon Martin Aldridge raised a number of issues. The honourable member observed that there had been several figures relating to the number of firearms in the community discussed in various settings. The figure is dynamic and considers the constant change of firearms data; for example, changes to existing licences for firearms, such as those that are lost or stolen, may impact the official data relating to the number of licensed firearms. Further, people continue to avail themselves of the voluntary buyback scheme and permanent amnesty options available to them, which also impact the figures. As at 1 June 2024, the number of licensed firearms in the community was 335 991. As at 6 June 2024, 12 829 firearms had been handed in through the voluntary buyback scheme. Between February and May this year, 133 firearms were surrendered under the permanent amnesty. In the same period of 2023, 52 firearms were surrendered.

The honourable member said that the health assessments are a new requirement and one that no other state has. As I touched on earlier, they are not a new requirement, they simply formalise an existing requirement already operationalised by the WA Police Force and one that is on par with a number of other states such as South Australia. The identification of health issues and health assessments encourages discussion and the healthy ongoing management of such conditions under the guidance of a medical professional. This should only be seen as a positive for the firearm authority holder, not just for them continuing to hold their licence, but for their general wellbeing. The honourable member’s concerns about the capacity of WA Police Force to process the assessments and what form the communication between a health practitioner and police will take can be assuaged by pointing out that this will be facilitated through the purpose-built IT system.

In response to the questions from Hon Martin Aldridge and Hon Colin de Grussa about how inspections of storage locations are carried out, WA Police Force has a risk-based compliance assessment tool used to determine the inspection schedule on firearm storage security across the state, complemented by supplemental information by licence holders during any additional licensing processes. Every additional application triggers a desktop assessment of storage security, and this averages to approximately 1 000 a month, but has recently reduced to 700 a month over the past six months. The WA Police Force advises that current records on compliance checks do not specify whether they are security audits or other compliance checks—so it is either.

I turn to Hon Colin de Grussa. He had queries about the resourcing for policing of increased storage requirements and how existing resources will manage assessing storage compliance. It is anticipated that the new IT system will help make recording and checking storage compliance more efficient for both licence holders and licensing enforcement.

Hon Wilson Tucker raised some questions. I reiterate a point I made earlier in my reply. The firearm limits were arrived at through extensive consultation, both with firearm stakeholders and the broader community. The honourable member’s count of firearms must be corrected, as he asserted that 85 000 firearms are considered collectables or antiques and should not be counted within the firearm numbers. Antique firearms are not counted in the number as they do not require a licence under the 1973 act. That is also the case under the bill.

I turn to the honourable member's issue with the voluntary buyback scheme. Some firearm values within the voluntary buyback scheme have a scheduled price above market value and some have less. The schedule of valuations is a median price for each firearm type and age and is based on when the firearm was first licensed. Should a person wish to sell their firearm at a greater value through other lawful means, they are not prevented from doing that.

I again highlight that in 2016, the Law Reform Commission called for the 1973 act to be rewritten from the ground up as it was no longer fit for purpose. That is underlined by the fact that WA remains the only jurisdiction that has not rewritten its legislation to better align with the National Firearms Agreement. The Firearms Bill is another step that this government has taken towards a safer Western Australian community. Firearm ownership is a topic that involves a strong public response whether in favour of tighter gun control or for a more lenient approach, and when rewriting the 1973 act, the consideration was not whether to pursue tighter or more lenient gun control but how to ensure that firearm ownership in this state can meet the paramount consideration of public safety, which is what matters the most.

This bill is a substantial and thorough document. It culminates years of review to give WA new firearms legislation that was long overdue, especially considering that we are the only state that has not rewritten its firearms legislation since the incident at Port Arthur. This is a major achievement, and the community will be safer because of it. With that, I commend the bill to the house.

Division

Question put and a division taken, the Deputy President casting his vote with the noes, with the following result —

Ayes (25)

Hon Klara Andric	Hon Donna Faragher	Hon Dr Brad Pettitt	Hon Dr Sally Talbot
Hon Dan Caddy	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang
Hon Peter Collier	Hon Ayor Makur Chuot	Hon Samantha Rowe	Hon Peter Foster (<i>Teller</i>)
Hon Stephen Dawson	Hon Steve Martin	Hon Rosie Sahanna	
Hon Kate Doust	Hon Kyle McGinn	Hon Tjorn Sibma	
Hon Sue Ellery	Hon Shelley Payne	Hon Matthew Swinbourn	

Noes (7)

Hon Martin Aldridge	Hon Louise Kingston	Hon Wilson Tucker	Hon Colin de Grussa (<i>Teller</i>)
Hon Ben Dawkins	Hon Dr Steve Thomas	Hon Dr Brian Walker	

Question thus passed.

Bill read a second time.

Declaration as Urgent

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [3.01 pm]: I declare the Firearms Bill 2024 to be an urgent bill pursuant to standing order 125A.

The DEPUTY PRESIDENT: Members, the bill is declared urgent.

Remaining Stages — Time Limits — Motion

On motion without notice by **Hon Stephen Dawson (Minister for Emergency Services)**, resolved —

That pursuant to standing order 125A, the following maximum time limits apply to the following stages of the bill: Committee of the Whole, 14 hours (840 minutes); and third reading, 60 minutes.

Committee

The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 1: Short title —

The CHAIR: Members, I draw your attention to supplementary notice paper 150, issue 7, of Monday, 10 June 2024.

Hon PETER COLLIER: This is a very extensive bill, as the minister is well aware. The chamber has just agreed to a time limit of 14 hours for Committee of the Whole and I think we will probably take every minute of that. I say at the outset that I will contain most of my comments to clause 1, which I imagine will assist the process, but there will be other areas that I will look at.

I will first go to the primary issues that have come to my attention. I am sure all members would have been inundated with comments from hundreds and hundreds of people on this piece of legislation. The most significant areas that have been talked about are where the gun limits came from, the mental health checks, which have caused some issues, and the storage requirements. All those issues have caused some grief, particularly for the law-abiding, legitimate

gun owners within the state. Having said that, I have spent the last 18 months asking multiple questions on each of those areas, as I identified in my contribution to the second reading debate. The thing that was most disturbing to me and why I had difficulty explaining the bill to legitimate gun owners was the lack of clarity in the responses I received. I asked basic questions about the number of guns involved in crimes, the number of unregistered guns involved in crimes and the number of unregistered guns et cetera and was getting so frustrated. I was actually keen to assist the government in progressing its legislation to reform the Firearms Act and ensure that we are a safer community, while at the same time placating what appeared to me to be reasonable questions from the firearms community. I will stick with this one for a moment. With regard to the firearms limit, I note that the minister alluded to the Law Reform Commission of Western Australia on several occasions in his reply comments. The Law Reform Commission did not recommend limits, so that is an interesting concept. The second issue was with regard to other jurisdictions. In my contribution to the second reading debate, I asked which jurisdictions in Australia included gun limits in their firearms acts and which jurisdictions in Australia required those applying for a gun licence to meet mental health requirements. The response I received from the minister was —

Western Australia is leading the nation in elevating public safety as its paramount consideration with respect to firearms possession and use in accordance with the National Firearms Agreement.

That completely ignored the question. Again, I was getting comments from various members of the community that no other jurisdiction does this and that the Law Reform Commission did not recommend it. All the questions that I was asking indicated that the limits themselves were not necessarily going to add to safety. With all due respect, minister, if a person has one gun or 100 guns, if they have an intent to kill someone, they are going to do it. I do not feel that the legitimate concerns of those gun owners have been addressed either by the multiple comments of the Minister for Police or Premier out there in the community—in fact, a lot of those comments inflamed the situation—or in the minister’s response to the second reading debate. Can I perhaps get some explanation from the minister as to why the limits were put there to make, in the words of the Minister for Police, Western Australia a safer place?

Hon STEPHEN DAWSON: The honourable member is correct; recommendation 54 of the Law Reform Commission report says that there should be no upper limit on the number of firearms under an individual licence. The reason behind that recommendation was that the LRC was unable to determine any evidence of firearms stockpiling by licence holders. Despite the LRC acknowledging the increased risk of firearm theft with no upper limit set, storage requirements and the genuine reason and the genuine need tests were considered sufficient to control the number of firearms that a person can possess. The WA police have, however, recorded significant growth in the number of firearms owned by a similar number of licence holders since 2009, showing a 60 per cent increase in firearm numbers regardless of little growth in licence holders. Additionally, increased firearm thefts clearly showed that the number of firearms stolen and never recovered, thus going into the black market, is too high not to consider the implementation of a set upper limit, which means that both storage requirements and the genuine need or reason tests are not enough to prevent the proliferation of firearms in the black market. Further to that, there have been years of consultation on this bill. As part of that consultation, a number was identified for an upper limit. That was consulted on and feedback was given by various stakeholders that where this bill lands was an appropriate number.

Hon PETER COLLIER: I want to drill down on this a little bit, if members do not mind, and then I will pass the baton. I think the minister alluded to the increased number of unlicensed firearms and unregistered firearms in the community that are directly involved in crimes. Is that correct? Every time I have asked a question on that, I have been told that the Western Australia Police Force does not keep those statistics.

Hon STEPHEN DAWSON: What we are seeing, and what we have seen over the past few years, is an increasing number of firearms stolen and many of them are not being recovered and escape the system. In 2022, for example, 224 firearms were stolen in this state and only 57, or 25 per cent, were recovered. That figure fluctuated between 25 per cent and 40 per cent over the 10 years preceding 2013. Lots of guns are being stolen in this state and they are not being recovered. We can presume that crimes are being committed not only in Western Australia; I am told that guns stolen in Western Australia can end up on the east coast and vice versa. A significant number of guns are stolen every year and not many are recovered so they are out in the community. Although I have not got concrete figures for the honourable member, we know that there are guns out there that have not been bought and are being used in crimes.

Hon PETER COLLIER: I thank the minister, but that is an assumption, is it not? The minister does not actually know that. I have asked that very same question.

Hon Stephen Dawson: We haven’t got a concrete number.

Hon PETER COLLIER: Exactly. There is no scientific evidence to prove that stolen guns are involved in crimes. I want to make that perfectly clear. We could assume that that is probably the case, but WAPOL does not have the capacity to make that declaration because it does not keep a record of that. I have asked that very same question. I asked —

- (1) How many registered firearms were involved in an arrest in 2021 and 2022?
- (2) How many unregistered firearms were involved in an arrest in 2021 and 2022?

The response was —

- (1)–(2) The Western Australia Police Force advise that due to the level of detail ... a response is not able to be provided.

I was not asked to put the question on notice; WAPOL could not provide that information. I have asked questions on multiple occasions. I really desperately wanted to assist the government in this process, but I was getting the hand every time. It was so difficult for me to assist you guys because you were not helping yourselves. I also asked the following question on notice —

- (1) For crimes committed in 2019, 2020, 2021 and 2022 to date, how many involved the use of a registered gun(s)?
 (2) For crimes committed in 2019, 2020, 2021 and 2022 to date, how many involved the use of an unregistered gun(s)?

The response was —

- (1)–(2) The Western Australia Police Force does not distinguish between crimes involving registered and unregistered firearms. The Western Australia Police Force can provide a record of crimes incidents where the modus operandi is ‘firearm’.

That was it. I will not labour the point, but I will point out that the issue that was the government’s poster boy for this legislation was that unregistered guns are out there and being used to intimidate people and used in crimes. The reality is that there is simply no concrete evidence to that effect. One would assume that the bikies and the bad boys in town with guns have not all of a sudden gone and done all the right things to become registered and are actually using unregistered guns, but I find it extraordinary that WAPOL is not able to provide any evidence on the distinction between registered and unregistered guns. To me, that was an own goal for the government. It would have really assisted registered gun owners if the government had been able to point to the number of crimes committed over certain years using however many firearms—200 or 300—and that, say, 200 of those crimes involved unregistered guns and it was going to clean it up. That is why it was doing it. But the government cannot do that.

Having said that, the minister spoke about two other areas. One area is other jurisdictions. Can I just get confirmation that no other jurisdiction has limits on its gun laws?

Hon STEPHEN DAWSON: We will be the first jurisdiction.

Hon PETER COLLIER: That is right. There is no Law Reform Commission of Western Australia recommendation and no other jurisdiction currently doing it and at this stage we do not have any evidence that unregistered guns are involved in crimes. Again, I get the point of the exercise and we are here to help. I am from His Majesty’s loyal opposition, and I will do whatever I can, but the government is making it hard for me.

I did extensive consultation, too. I will go to the opening of an envelope. I went everywhere I could possibly go and I met with people wherever I possibly could. I met people at Parliament House multiple times and people came to see me at my electorate office. I engaged on the phone multiple times with farmers, legitimate gun owners and recreational gun owners. This bill has consumed me more than almost any bill in my almost 20 years here. I promise members that I have consulted, and I have tried really, really hard to assist people on legitimate areas of concern. I have put individual questions to the minister’s office. I give credit to minister, in this instance, and to the liaison officer in his office, who is very good. We tried to get information, but when I have to go back to people and say, “Actually, you’re right”, it makes it difficult for me to defend the government on this piece of legislation. Having said that, we have heard about the extensive consultation. I noticed that the number of organisations, individuals et cetera that were consulted was tabled in the other place. Are we able to get information on the number of organisations and anyone else that was consulted tabled in this chamber?

Hon STEPHEN DAWSON: I do not have that information with me. We will get it for the honourable member.

Hon PETER COLLIER: It is nothing new and the government obviously has the information. I would appreciate it if at some stage during the debate that could be tabled, please.

Again, there was criticism of the consultation paper that went out. At the same time, the government will never appease everyone, whether it consults for a week, a month or three months. I get that not everyone will be satisfied, but can I find out how many responses there were to the consultation paper, how many were positive and supportive of the bill and how many opposed the bill?

Hon STEPHEN DAWSON: Honourable member, there were more than 6 600 responses overall to that consultation. About 6 081 were negative responses that were against the legislation or elements of it. In all the submissions and across the spectrum of responses to the consultation paper, 45 concerns about individual elements of the legislation were raised, and changes were made to incorporate 19 of them into the final bill.

Hon PETER COLLIER: I was going to finish then, but did the minister say 6 700?

Hon Stephen Dawson: I said 6 600.

Hon PETER COLLIER: And 6 000 of the responses were opposed, but some 19 changes were made as a result.

Hon Stephen Dawson: Yes.

Hon PETER COLLIER: Sorry; I missed that. Did the minister provide that?

Hon STEPHEN DAWSON: I want to make sure that Hansard gets it. I said that there were more than 6 600 responses overall, and about 6 081 were against either the legislation or elements of it. I also said that in all the submissions, 45 concerns were raised about individual elements of the legislation. Of the 45 individual elements that were across a spectrum of responses, changes were made to incorporate 19 of them into the final bill.

Hon PETER COLLIER: Was there a generic theme to the changes? I do not want it for all 19 changes, but was any specific area changed as a result of those responses?

Hon STEPHEN DAWSON: Changes were made to the storage provisions based on the licence type and number of firearms, the reloading of ammunition by individuals or other licence holders for their use under their licence, the disqualification periods for mandatory disqualifying orders to commence at the completion of incarceration, the penalties for firearm offences and the categories of firearms allowed under particular licences. They were the broad categories that were changed.

Hon NEIL THOMSON: I will touch on an area that does not come up in the main part of the bill as far as I can see but that I referred to briefly in my second reading contribution, and that is the level of discussion about people involved in customary hunting, particularly in my part of the world in the remote communities. I draw people's attention to an article from NITV, which states —

Customary hunting activities might be under threat in Western Australia

Local traditional owners in the south-west of WA are concerned that the cultural practice of hunting will come under fire with the government's new firearms bill.

It goes on to say —

Traditional weapons such as boomerangs and spears are now banned for the use of hunting, which leaves firearms as the only choice ...

I am not sure whether that is accurate, but I will make a general comment about people in the remote parts of Western Australia. The use of firearms is a very common thing, particularly for shooting bush chooks, kangaroos and even cattle, if they are given permission to shoot cattle and other animals. They get what they call "killers" in the local vernacular, which is a common practice. Minister Papalia said that the new Firearms Bill 2024 will not affect customary hunting. My first question is: will this new firearms legislation affect in any way Aboriginal people who own firearms?

Hon STEPHEN DAWSON: The member was away from the chamber on urgent parliamentary business earlier when I raised this point in my response. The member is conflating a few issues. We talk about customary hunting, but historically guns were not part of Aboriginal culture and so we cannot bring guns into that. The article talked about boomerangs and other things being not allowed; I am not clear whether that is actually true. I think Aboriginal people can still use traditional tools for hunting. The provisions in the bill will change little for how these licence holders—Aboriginal people who are hunting, particularly in remote Aboriginal communities—will use firearms to obtain sustenance or in other ways. Like other licence holders, they will still be able to obtain authority from the landholder. If it relates to crown land, they will have to talk to the Department of Biodiversity, Conservation and Attractions. They will be able to continue to undertake their shooting activities in compliance with the legislation, but landholder approval will need to be sought. Western Australia Police Force will need to engage collaboratively with all firearm user groups and affected people throughout the transition period to provide guidance on any new requirements.

Hon NEIL THOMSON: I thank the minister for clarifying a point he made previously. I was not going to go into the detail about landholder consent, but we are on the topic. Now that the minister has raised it, I will do my best to confine things to clause 1 if he gives me a satisfactory answer. The minister mentioned DBCA in his response. I assume that applies only to national parks or reserves that are managed by DBCA. Is that correct?

Hon STEPHEN DAWSON: My advisers tell me that all approval for shooting on crown land needs to be from DBCA, but we might need to check and clarify that.

Hon NEIL THOMSON: It would be very important to clarify that because I do not think that DBCA would be in any way equipped to deal with the vast areas of crown land. I note that Aboriginal Lands Trust land and unallocated crown land are also crown land. Our state has vast areas of crown land and a lot of it is unmanaged. My understanding is that authority could be given for use only on a specific lot. I note, by the way, some of the challenges with the reserve boundaries across Western Australia. This will be a massive change. Somebody, for example, who lives in Balgo, has a firearm and uses the firearm regularly for their sustenance could have a property letter at the moment. In my second reading contribution, I raised that many pastoral stations offer those letters. I have spoken to pastoral

leaseholders, and they comply as much as possible to provide access. I have not met a single one who does not want to have a good relationship with traditional owners on their land to enable shooting on their property. I assume that under the new rules they will need to have permission to go on different parcels of land. Is that correct?

Hon STEPHEN DAWSON: Could the honourable member please ask that question again? I heard it differently from the advisers.

Hon NEIL THOMSON: Yes, I will just to get the context right so that I do not ask dumb questions. Under the new law, to shoot on a parcel of land, people need to have a property letter from the landowner. Is that correct?

Hon STEPHEN DAWSON: Thank you. That is correct.

Hon NEIL THOMSON: Let us take a hypothetical, if the minister does not mind indulging me; it is important for people in the bush to understand, particularly those in remote communities. Currently, someone who lives in Balgo needs just a licence, and that could have been given by the sub-leaseholder at Lake Gregory, for example. They could then shoot on Kearney Range, on the unallocated crown land to the north of Kearney Range and, basically, on all the traditional lands and beyond. However, under the new provisions, people will have to get permission from the Department of Planning, Lands and Heritage, I would expect, to shoot on the unallocated crown land to the north of Balgo and permission from the Aboriginal Lands Trust to shoot on land around Balgo—the ALT reserve, Kearney Range—and permission from the responsible landholder at Lake Gregory. That is my reading of the legislation. Is that right or wrong?

Hon STEPHEN DAWSON: If it is on unallocated crown land, they will need a permit, but they will also need written permission from the landholder for that parcel of land.

Hon NEIL THOMSON: I assume the landowner will be the state for the unallocated crown land. Is that correct? Will that be through the Department of Planning, Lands and Heritage?

Hon Stephen Dawson: Yes, that is correct. In your earlier comment, you were talking about other bits of land.

Hon NEIL THOMSON: Let us unpack this because it is very important. I think there is a blind spot in the legislation because it will have a very real impact on Aboriginal people in remote communities. If someone lives in Balgo, they will have to write to, approach, go online or somehow contact the department, for permission to shoot on the unallocated crown land. It is unallocated crown land to the north of Balgo all the way up to the Kundat Djaru pastoral station, where it goes back to ALT reserve and pastoral lease. If someone lives in Balgo and they shoot to the west and south of Balgo, they will have to seek permission from the Aboriginal Lands Trust, because that is ALT land. Would that be logical?

Hon Stephen Dawson: Yes.

Hon NEIL THOMSON: If they want to shoot on Lake Gregory, which is part of the traditional lands, the Djuraballan people, whom the minister spoke about, will often go hunting with rifles. They will have to seek permission from, probably, the sub-leaseholder at Djuraballan, I would have thought, or have some other arrangement. This is a serious flaw and a real challenge. I have spoken to some traditional owners, and they have absolutely no clue about this. They feel angry and upset. Have the police liaised with every single prescribed body corporate as part of this process to inform their members of their obligations when seeking a licence in order to shoot on their traditional lands?

Hon STEPHEN DAWSON: We have spoken to a range of property owners in relation to it. However, I make the point to the honourable member that currently people cannot go onto someone's land, even if it is traditional land, and shoot. Currently, verbal permission is required from the landowner. What will change under the bill before us now is that they will need written permission. It is simply a fallacy to suggest that somebody in one of those communities can go onto any parcel of land and start shooting. They cannot do that currently, and they will not be able to do it under this new bill.

Hon NEIL THOMSON: That is interesting. The minister says that the practice for a traditional owner living in Balgo who has a rifle that complies with the law and a letter of permission from somebody is that they must seek permission by means of written approval from either the Department of Planning, Lands and Heritage, the ALT or the pastoral leaseholder if they go out to shoot bush turkeys or kangaroos, for instance. The minister says that is the current requirement under the law. Is that correct?

Hon STEPHEN DAWSON: Currently, one needs a permit to take protected fauna; that is the law currently. Under the new bill, one will be able to get verbal permission from somebody to shoot on their land, as they could under the old law. What will change is that they will have to have written permission as a result of this bill.

Hon NEIL THOMSON: I thank the minister for that, because clearly Minister Papalia does not have a clue what he is talking about. He is the most useless minister ever to be on the planet, honestly, and it makes me angry. To make a comment that there will be no impact is simply wrong. He needs to get off his high horse and out of that ivory tower and talk to some of the people in the bush. People needed verbal permission, but the government now says they will need written permission. I have been to places such as Kundat Djaru, or Ringer Soak, and have met people on the side of the road with bush turkeys over their shoulder. They have been out shooting, and they have not had

to get permission to shoot on their traditional lands in order to get their sustenance. It makes me angry to see this poorly worked through bill. The government has not consulted. I ask the minister: has the government consulted with every prescribed body corporate on this issue so that they can tell their members what the requirements will be under the new legislation?

Hon STEPHEN DAWSON: No. A number of them may well have been consulted as part of the consultation process that took place. Indeed, some may even have put in submissions. If this bill passes this place, the government is committed to work with all the stakeholders, including the PBCs, to advise them of the implications of the new laws and the requirements of the new laws moving forward.

Hon NICK GOIRAN: It was an important and interesting interaction between Minister Dawson and Hon Neil Thomson. The minister will recall that during my second reading contribution it was drawn to my attention—at least it was alleged—that there had not been consultation with Aboriginal people living remotely. That was the allegation that had been put to me by constituents. I put that to the minister in my second reading contribution. I know that he made best endeavours in his reply to respond to a number of those points. I want to park that for a moment because there either has been consultation with Aboriginal people in remote areas or there has not, and it is not clear to me yet that the government is in a position to articulate that that has occurred. I know the minister is busy working to provide a list, as requested by the Leader of the Opposition, of those who have been consulted, and maybe that will become a little clearer. It seems from the minister's interaction with Hon Neil Thomson that it remains a vague area. It is not clear whether there has been consultation with Aboriginal people living remotely. As important a point as that is, I will park it for a moment.

I hear from the minister's response to Hon Neil Thomson that, at the moment under Western Australian law, a person must get verbal permission from a landowner before they go shooting on that person's land and the change that this bill will bring into effect, amongst other things, is that the person will no longer be able to get mere verbal approval. The approval will need to be in writing. At the moment, is the verbal authority provided by a landowner to a prospective shooter required on each occasion when a person goes shooting? Is it for each episode, or can it be for a period of time?

Hon STEPHEN DAWSON: I am told it should happen any time someone goes onto a property to shoot. Currently, they need to seek approval.

Hon NICK GOIRAN: Would there be a requirement to get verbal approval each day?

Hon STEPHEN DAWSON: I am told that if the shooter were to seek approval to shoot on a property for the next three days and the landowner says yes, that suffices.

Hon NICK GOIRAN: To the point that Hon Neil Thomson made about Aboriginal people and those in remote communities who go shooting on land, is it currently the custom and practice that verbal authority is sought whether it is for one day or a number of days?

Hon STEPHEN DAWSON: I could not tell the member.

Hon NICK GOIRAN: Is that because the minister does not know? I do not say that disparagingly. Is that because the minister does not know or because the Western Australia Police Force does not know?

Hon STEPHEN DAWSON: The Western Australia Police Force does not know.

Hon NICK GOIRAN: It seems to indicate then that there has not been consultation with Aboriginal people. If there had been consultation, we would know about the ordinary custom and practice. Hon Neil Thomson indicated that he sees Aboriginal people in communities who come back from a hunting exercise and there may even be an animal on the shoulder of the individual. I have no reason to dispute what Hon Neil Thomson says about that. It sounds plausible to me. However, that is the extent of the consultation going on at the present time in this most unsatisfactory situation in which, as lawmakers, we are being asked to make a decision about this new law. At the present time there is not capacity to do a full public inquiry. It was a matter sought by a record number of Western Australians, but we do not have that opportunity available to us. If the minister is not sure whether that is the current custom or practice for Aboriginal people living in remote communities and the Western Australia Police Force is not sure, what confidence can we have that Aboriginal people who undertake these activities at the present time have any awareness whatsoever of the change in the law?

Hon STEPHEN DAWSON: I point out that the police would not know who is shooting on whose property at the moment. If a non-Aboriginal person is provided with approval to shoot on the property, whether it is for a day or three days, the police would not know. It is the same deal with Aboriginal shooters at the moment. We cannot say that the police do not know and, therefore, they have not consulted with anybody. That is an absolute fallacy because, as I and other ministers have said—I will eventually provide a list to the member—consultation has been taking place over the past few years. There have been a number of surveys, including the one that returned 6 600 responses, which we mentioned earlier. In relation to this bill and life generally, we are not doing anything in this bill that relates to customary or traditional hunting practices of Aboriginal people. They can continue to hunt traditionally on the land as they have previously. What we are changing in this bill relates to the use of firearms. Firearms have

not traditionally been used by Aboriginal people; they are not part of Aboriginal culture. They have not been around for 60 000 years. I will say this again, but I do not know how far we will go on it: if they want to shoot on somebody else's land moving forward, Aboriginal people will need written approval to be able to shoot on that land.

Hon NICK GOIRAN: I understand that point. My question is: what confidence can we have that they know that this is going to be a change in law? At no time have I been talking about customary hunting, as the phrase goes. I accepted the explanation as provided to the honourable member. It is a rational explanation. Evidently, if we are talking about matters of ancient tradition, there would have been no firearms in place. I thought the minister provided a good explanation to the honourable member. That is not what I have been talking about. I am talking about the current state of affairs in 2024 in which, today, Western Australians of whatever persuasion may want to go shooting, and the minister has indicated that at the present time they only require verbal approval or authority, but it will be the case that they will be required to get written authority. What confidence can we have that those people are aware of the change in law? I do not know that we have been provided with a response to that question.

Hon STEPHEN DAWSON: It is the same confidence that we have for everybody else, honourable member. As politicians, as the honourable member would be aware, we send stuff out to people—sometimes constantly and sometimes less frequently—and even though people get stuff, whether they understand it and we can have confidence that they have taken it on board is not something I can answer. It is the same for anyone who has been consulted as part of this bill. We have all received emails from various people. Some emails talk about things that are not in the bill, but there are obviously stories in the community about certain things that might be in this bill. Moving forward, if this bill passes, the Western Australia Police Force will provide information over a period of time to all of the various stakeholders who may be impacted by the bill. There will obviously be a transitional period for elements of the bill so, moving forward, we will make sure all affected stakeholders are aware of what is in the legislation and what they will have to adhere to.

Hon NICK GOIRAN: It does not give me any confidence with respect to the level of consultation, but I acknowledge the response that the minister has given. He says that police will be working with people moving forward. The law will come into effect and be relevant to Western Australians the moment that the commencement provisions kick in. There will not be an opportunity for a person to plead ignorance to the law and say they were never consulted about the matter. I think the honourable member in the previous example referred to the Balgo community. Is it possible for them to simply say that they have never heard of this? They are not following the live stream of Hon Stephen Dawson and his answers in Committee of the Whole House in the Parliament of Western Australia in West Perth. They could understandably be completely ignorant of this new law. The minister says that the Western Australia Police Force will work with those people. Has a decision been made by the Western Australia Police Force, the Commissioner of Police in particular, as to the approach that will be taken to the enforcement of this new law?

Hon STEPHEN DAWSON: I am told that the transition team at WAPOL is making arrangements to contact every affected licence holder. I am told that 70 000 have been engaged so far, and the transition team will talk to the other 20 000 who will be affected by the law change.

Hon NEIL THOMSON: I want to follow up a bit more on the line of questioning around getting letters of permission from landowners. It does not fill me with a lot of confidence when a response initially comes back that DBCA will provide the letter because, in my view—the minister can disagree; it is okay—I do not think the drafters and particularly the minister understand anything about the tenure system in Western Australia. I think this minister is so far out of touch with the people in remote Western Australia that this is the sort of law that we see before us today. That is my opinion, which I put on the record. By doing that, I hope people in remote communities might be alerted to these issues and something good may come out of this debate to help people understand. I hope that the transition team takes on board some of my comments because I think there are a few ivory towers that sometimes exist in this process. We have seen that with other legislation in this place.

I had the good fortune of spending three years as the executive director in charge of the administration of the Aboriginal Lands Trust and working with the very competent board and some of its members. I never, ever had to give anyone permission to shoot on the land. Maybe that was in breach of the act. Who knows? I do not know. The custom and practice of the law was that someone who is seen to be a local, through their local community, assumed they could always do it. Going back to the Balgo example, maybe they knocked on a door at the Wirrimanu Aboriginal Corporation office and said, “Hey, look, I'm going out shooting”. They said, “No worries, mate. You can go out there”, and off he went. Maybe that is how they did it. Quite frankly, I do not think they ever did. I think that is the reality of those parts of the world.

The law is going to come into play. This is going to pass and the law will come in. As my colleague Hon Nick Goiran said, the law will come in and it does not matter what those people think or how much information they have, the law will be the law. In all probability, nobody in those communities will seek written approval from the ALT. I think there is a job for the state to either amend the law or admit the law is incomplete or poorly worked through. It could have gone to committee and these things would have been brought up because there is a lot of wisdom in this place collectively. There is more wisdom in this place collectively than there is in the mind of the Minister for Police, Hon Paul Papalia, who seems to have very little wisdom indeed. That is my view.

I want to ask one further question. Have the drafters or the people responsible through the Minister for Police liaised with the Department of Planning, Lands and Heritage?

Hon STEPHEN DAWSON: Yes.

Hon NEIL THOMSON: Did the Department of Planning, Lands and Heritage raise these issues I raise here today?

Hon STEPHEN DAWSON: I am told no.

Hon NEIL THOMSON: Once again, for me, this shows the complete breakdown in our governance. Has the minister, through the drafters, liaised with the Aboriginal Lands Trust on this matter? Has this been on its agenda?

Hon STEPHEN DAWSON: No, we have not, but we would have presumed that DPLH would consult the various affected bodies that it has responsibility for. I am further told that WA police has an Aboriginal affairs division internally, which liaises with various Aboriginal stakeholders. I am told they have been consulted as part of bringing together this bill.

Hon NEIL THOMSON: Has the Aboriginal liaison group liaised with any Aboriginal bodies on this matter?

Hon STEPHEN DAWSON: I do not have that information before me, honourable member.

Hon LOUISE KINGSTON: I want to expand a bit on the questions asked by Hon Neil Thomson. How will written approvals that will be required in remote Aboriginal communities be handled? What resources will be required to implement this new regime?

Hon STEPHEN DAWSON: I am told it will be worked out in the transitional provisions, so it is being worked out now. The way we deal with legislation in this place normally is that the bill passes Parliament and then regulations are worked on. In the case of this bill, given its importance, work on regulations has started already. Consultation is taking place on that. As for the transitional provisions, the transition unit working on this bill will work through the next steps in how people are told and how approvals may well be sought, or the information that will need to be provided to people on what is in the bill. Written approval may well need to be sought from a state agency if it is a landowner, but it may well be a pastoral station, which is the main one that comes to mind.

Hon LOUISE KINGSTON: I suggest that is going to be extremely difficult and a lot of thought needs to be put into how the government is going to roll that out. I would like to bring the minister's attention to an article on the South West Aboriginal Land and Sea Council website. It is about the rights of traditional people to hunt. It reads —

Noongar hunters are entitled to hunt with a fire arm on DBCA managed lands and are entitled to buy ammunition ... to do so.

This relates to the situation that arose in 2020 when gun shops were closed by the government and people were not able to access ammunition. The government was required to open the gun shops so Aboriginal people could access ammunition. How are the minimum requirements for some of the gun shops in the legislation going to be managed to provide ammunition in an effective way to Aboriginal people in remote areas?

Hon STEPHEN DAWSON: I am told the commissioner has discretion under the bill to waive the minimum trading requirements. The intention would be for people in remote communities who may not access this stuff more frequently. He can provide a waiver for them.

Hon LOUISE KINGSTON: Once again, I think that is going to be difficult to manage and a fair bit of attention needs to be spent on that.

Regarding the recent letters that were sent out to people who want to buy firearms in excess of what the new laws will be and them being rejected, can the minister advise why those letters were sent before the laws have come in?

Hon STEPHEN DAWSON: I think the department is advising people now of the changes that are likely to come into effect from the legislation before us so that in three months, such a gun owner will not fall foul of the legislation before us. I know the honourable member and a number of other honourable members will ask questions on this in question time today. There will probably be some further response I can give then, but I do not have those answers in my folder now.

Hon LOUISE KINGSTON: The question to be asked is: is the letter being sent out actually unlawful?

Hon STEPHEN DAWSON: It is not. I am told it is covered under section 11 of the existing legislation.

Hon BEN DAWKINS: Who drafted the bill? Did the Parliamentary Counsel's Office draft the bill?

Hon STEPHEN DAWSON: Yes.

Hon BEN DAWKINS: To use a legal term, who was the instructor? Did the minister instruct the Parliamentary Counsel or was the minister bypassed in this instance? If I were to ask for emails, would I see that senior police have effectively instructed the Parliamentary Counsel?

Hon STEPHEN DAWSON: Just for the honourable member's information, cabinet approves drafting instructions, and those drafting instructions are given to Parliamentary Counsel to draft this piece of legislation or any other piece

of legislation. It would be highly irregular for a minister to directly engage with Parliamentary Counsel in relation to a bill. A minister is responsible for a cabinet submission. Drafting instructions are provided by an agency. They will go to cabinet, and cabinet signs off on them. It is then up to PCO to draft the bill.

Hon BEN DAWKINS: Regarding ongoing communications, were the senior police, who appear to be the main ones behind this bill, allowed to, and did they, have ongoing communications with PCO as things arose or was that all through cabinet and the Minister for Police?

Hon STEPHEN DAWSON: No. The interaction, then, would be directly between the agency instructor, who is the person with responsibility of the bill, and the drafter. That level of detail does not come to cabinet.

Hon BEN DAWKINS: Can a minister rule out any direct contact between senior police and Parliamentary Counsel over the intricacies of the drafting or redrafting of the bill?

Hon STEPHEN DAWSON: I am advised that the most senior police officer who would have had any interaction with PCO is sitting in front of me today, and that is the instructing officer.

Hon MARTIN ALDRIDGE: Minister, I am certainly not planning to spend a lot of time on clause 1, but there are a few discrete matters, nearly all of which I raised in my speech in the second reading debate, that I do not think were addressed in the minister's reply. Maybe I did not make a very compelling argument for a response, but I had a couple of issues with the minister's second reading speech. We know that two amendments were made in the Assembly, and they are detailed on page 1 of the second reading speech. One amendment refers to clause 57(3), which was deleted. The explanation in the second reading speech says —

Upon consultation with the Pastoralists and Graziers Association and the Western Australian Farmers Federation, it was acknowledged that many farms and pastoral stations have a complex and unique ownership structure, making this subclause impractical in its application as to restrict one landholding to one primary producer licence. After listening to the concerns of these organisations, this subclause was removed.

I notice on page 3 of the same second reading speech, it says —

It should be noted that a primary producer licence will not be able to be granted to a landholding for which such a licence already exists. This is to prevent multiple persons on a given property having multiple primary producer licences and therefore accessing a greater number of firearms.

Are those two statements inconsistent?

Hon STEPHEN DAWSON: Honourable member, I am now advised that that second mention was an error that should have been deleted when the change was made to page 1, which the member alluded to earlier.

Hon MARTIN ALDRIDGE: It is good to know that that second reference on page 3 of the second reading speech is erroneous and contradicts the amendments made in the Assembly because at some stage in the future, somebody may reflect on the second reading speeches, particularly of ministers, to try to interpret what the Parliament on 11 June 2024 was thinking when it was contemplating the Firearms Bill 2024.

The other reference in the second reading speech that I want to take up is found on page 2. It is a reference to the property letter system. I think that government has referred to it being “corrupted”. The second reading speech refers to it being “exploited”. The final sentence of that paragraph says —

This was suitable when it was introduced in 1973 when the intent was to give a farmer's friend a firearm to shoot on the property, but has since been exploited.

Did the property letter system commence in 1973?

Hon STEPHEN DAWSON: No, it did not. Again, that is another error, honourable member. That is now two errors that you have raised with me today. Can I apologise to the chamber for the error, and I will seek the advice of the Clerk as to whether I should table an edited or fixed second reading speech for the purposes the member raised in relation to people, down the track, trying to get to the intention of the Parliament when passing a piece of legislation. Therefore, I will take that advice from the Clerk.

Hon MARTIN ALDRIDGE: With respect to the corrupted and exploited property letter system, when did that system first commence in Western Australia law?

Hon STEPHEN DAWSON: I am trying to find that detail for the honourable member. From memory, it was 2003 or 2004. I think it was the then Minister for Police Hon Michelle Roberts who brought it into place, but I will clarify that. Perhaps we can keep going, and I can come back to it.

Hon Martin Aldridge: Yes.

Hon STEPHEN DAWSON: I can confirm it was 2004. Just to make the point, in my second reading speech, I use the word “exploited”. I think the member has used other language. I am not sure who said it or where they said it.

Hon Martin Aldridge: The police minister used the word “corrupted”.

Hon STEPHEN DAWSON: The word I have used is “exploited” and I continue to stand by that.

Hon MARTIN ALDRIDGE: I think that raises more questions than it answers. Perhaps that is best addressed when we get to the written authorisations clause of the bill.

The other amendment made in the Assembly was to clause 444, which will amend the Corruption and Crime Commission Act 2003. I do not fully understand what has occurred here. Was the CCC consulted on the formation of this bill? Was this matter identified or why was it not identified at the time of that consultation?

Hon STEPHEN DAWSON: The CCC was certainly consulted on the bill, but I am told that this issue was brought up by PCO. It came to the surface because PCO was working on another piece of legislation.

Hon MARTIN ALDRIDGE: That piece of legislation, I suspect, was the Corruption, Crime and Misconduct Amendment Bill 2023.

Hon Stephen Dawson: By way of interjection, that is correct.

Hon MARTIN ALDRIDGE: That bill received assent prior to the introduction of this bill. This bill is significant and had a long gestation period in its drafting. Was it an administrative oversight, through the drafting process, that the CCM amendment bill had passed and therefore there were implications that needed to be addressed, or was it more than just an administrative oversight?

Hon STEPHEN DAWSON: I am told that that bill had not passed at the time that this bill was introduced, and so it was a case of not knowing which bill was going to pass the Parliament first. That is what my advisers tell me.

Hon MARTIN ALDRIDGE: I am pretty sure the Corruption, Crime and Misconduct Amendment Bill 2023 received assent before this bill was even introduced, but I will have to go back and check my notes. I could certainly imagine that the first draft or second draft of the Firearms Bill was certainly occurring late last year or early this year when the 2023 bill may not have passed. I have just found my notes. It received assent on 14 March 2024, so I am not sure of the exact date that this bill was introduced into the Assembly, but I thought it postdated that time.

Hon STEPHEN DAWSON: I am told this bill was introduced into the Assembly in February, so it predates it.

Hon BEN DAWKINS: I refer to the conversation earlier and the minister saying that the senior police officer with him today may have directly instructed the Parliamentary Counsel’s Office on occasion. Is that the case? Therefore, is the Minister for Police not actually responsible for some aspects of this bill; and, if so, which parts are they?

Hon STEPHEN DAWSON: The honourable member just needs to listen—conspiracy theories, whatever. Let me tell the member again that drafting instructions go to cabinet, cabinet approves them, and then a staff member of the relevant agency is responsible for dealing with Parliamentary Counsel in relation to drafting the bill. That happened with this bill and happens for every bill that we deal with in this chamber. There is no conspiracy with the police minister ringing up PCO to say to put in this bit or not. Cabinet signs off on drafting instructions. I will not answer silly questions during this debate. If they are pertinent questions about the bill, fine, but I will not get into conspiracies.

Hon BEN DAWKINS: I did not understand any of that. I did not say anything about the police minister being on the phone.

Hon Stephen Dawson: You alluded to it.

Hon BEN DAWKINS: No, I did not.

Hon Stephen Dawson: Yes, you did.

Hon BEN DAWKINS: This is childish.

I will ask the question again. Can the minister point me to the clauses in the bill that were the result of direct instruction by the senior police officer who is with the minister today? The minister said that that is how it occurs; that is, the senior police officer here today effectively bypasses the minister on occasion and goes directly to PCO. I would like to know which aspects of the bill have therefore not been specifically and directly endorsed by the minister—that he has not turned his mind to these aspects of the bill—and are a wish list from the police, the public servants. That is not how the separation of powers works. The police minister is elected by the people and therefore is accountable at the next election. We, as a community, do not want the public service directly drafting or even directly instructing the drafters of our legislation, and that is the question that the minister should answer without throwing some sort of tantrum.

Hon PETER COLLIER: I would like to follow up on the points I started to raise when I tried to get the logic behind the firearm limits. As the minister knows, I have an amendment on the notice paper about grandfathering limits for existing gun owners. I am afraid that nothing that has been provided to me to dissuade me from moving that amendment. In fact, I am encouraged to move that amendment. I have no concern about the capacity of the Western Australia Police Force—do not get me wrong, I am a ferocious supporter of WAPOL—but I still have some concern about the information derived to motivate the government about limits.

As I said, I started asking these questions long ago. For example, I asked a question without notice on 10 August 2022. I asked —

- (1) What is the average number of firearms for licence holders in Western Australia?
- (2) How many licence holders have more than —
 - (a) 25;
 - (b) 50; and
 - (c) 100 guns?
- (3) What is the highest number of firearms issued to any one licence holder?

I got a response that day, even though I had put the question without notice. I was told the average was 3.69 per licence. The number of licensees who have more than 25 firearms was 178, for those with more than 50 it was 34 and for those with more than 100 it was 26. The largest number of firearms owned was 317. That got a bit of publicity at the time, and it surprised me, but it still showed that the vast majority of gun owners had a minimum number of guns, a small number of guns. When there were so few gun owners with so few guns that the Law Reform Commission said not to have limits and no other jurisdiction has limits, I needed to be convinced about limits, so I kept on going down that path. I could not find an answer.

I got a document off the WAPOL website about the Firearms Act reform that identifies the licence types and the various limits. It says —

The maximum numerical limits for individual licence holders who have firearms for the purpose of competition (club) shooting and firearms for hunting and/or target shooting is **ten**. However, the maximum number of firearms purposed for hunting and/or target shooting remains at **five**.

It then shows the licence type and says —

Individual Club/Competition	10
Individual Target	5
Individual Hunt	5
Individual Paintball	No limits.
Individual with multiple subtypes	10
Primary Producers	10

I asked a question at the end of last year about the gun types on the WAPOL website —

I refer to the proposed changes to the Firearms Act 1973 and the associated Firearms Act ... Numerical limits additional information on the Western Australia Police Force website. How many registered firearms owners have more firearms than the proposed limits across the following categories —

I went through the categories on the WAPOL website. I was not trying to be difficult. As the minister knows, information is power, knowledge is power, and I wanted to know. The response I got was —

These categories of firearms licence do not currently exist; therefore, it is not possible to determine how many firearms licence holders will be subject to specific category limits.

This is meant to be the validation for having limits. If they do not exist, why are they on the WAPOL website in the first place? If the government does not have that information, how can it use that to validate limits?

Hon STEPHEN DAWSON: I was listening intently; however, my mind had moved to getting the member an answer and I missed the question part of his speech. Would he mind repeating it for me, please?

Hon PETER COLLIER: He is one of those students! That was my best work, too!

Hon Stephen Dawson: Was your question about the number of people who have more than the 10?

Hon PETER COLLIER: No. I was worrying about what is on the WAPOL website. Remember, one of the government's primary reasons for this legislation is to limit the number of guns, yet, as we all know now, most gun owners do not have anywhere near the limit. In fact, 95 per cent of gun owners have nowhere near the limit, yet the government is using this—I might just wait!

Hon Stephen Dawson: I am listening.

Hon PETER COLLIER: They have nowhere near the limit. This is my frustration, as I said, and this is why this keeps coming back to me. I have all this information in front of me. Sometimes WAPOL gives me the results and sometimes it does not, and it is because it says it does not have this information. If WAPOL has this information up on its own website, yet I ask a question about the categories on that website and the response is that they currently do not exist, how on earth can the government use that as justification for limits—if the government does not actually know?

Hon STEPHEN DAWSON: I am told that the categories exist but the numbers associated with each of them may not be able to be identified. That is the information I have. It does not correlate. I think it has been said, maybe in my second reading speech or multiple times by the minister, that the database used by WA police at the moment is out of date, it is not easy to use and, indeed, it is not easy to interrogate. Getting down to the granular detail is a laborious process, so I may not have updated numbers purely because it takes a great deal of work for people to go through all the licence holders to get it.

I can provide the chamber with the number of people who will be affected. I am told that around 10 per cent of gun owners will be impacted by the new thresholds that will be put in place.

Hon PETER COLLIER: It will actually be a lot less than that. I have the figures. I persisted with this and finally got them at the briefing. I have to be honest, minister: I am actually really frustrated now. I know that there are people watching this. I am getting texts all the time saying, “I told you so.” This is the stuff that they are frustrated with. I have just been told that the government does not have the granular detail on the categories, yet that information was being used.

Hon STEPHEN DAWSON: A question was asked I think last year and the honourable member got some data, and I think he got it quite easily. A laborious piece of work was done at the time, in which the agency went through various licence holders and worked out who had what. I think when the question was asked a second time, the member was told that up-to-date information was not readily available. Having said that, Hon Peter Collier also made the point about this information during an estimates committee hearing. I took that on board and went away and encouraged the agency to do the work associated with telling the honourable member how many licences are out there, so that is what he has now. I misspoke when I said “10”. In relation to club and competition licence holders, I think about 2.57 per cent of people will be impacted. It is a low number. I am not saying that the information was not provided to the honourable member eventually; I think he now has some information. However, it took some time to get it to him.

Hon PETER COLLIER: I did not actually get it through the Parliament; I got it at the briefing. I am not having a crack. All I am saying is that it is a shame that it was not provided through the Parliament because that information would then be publicly available. I am very grateful to the minister’s office for providing that information, but I had the conversation that we are having now during the briefing. I said, “It’s inconceivable that this is up on the WAPOL website at the moment and you don’t know how many are in the categories.” I know that the results I got back in 2022 were just with regard to how many licence holders had how many guns. I did not ask for that information again, but I did ask, on numerous occasions, including at the end of last year after the consultation paper had gone out, for specific numbers of firearms for those with the licence condition “recreational hunting shooting” and so on. I asked those questions because, by that stage, the categories had been identified. However, I was told —

... it is not possible to provide an answer within this parliamentary sitting period. It is requested that the honourable member place the question on notice.

It was very frustrating for me to get that response, and members in the chamber will know why. It was frustrating because I asked that question on 28 November 2023 and I was asked to put it on notice. What did that mean, everyone? It meant that I would not get a response back for three months because we went into the break. This was at the time that I was out there talking to legitimate gun owners and recreational gun users who were trying to convince me to vote a particular way and tell me what the issues were. WAPOL already had the consultation paper out there and must have known what was going on, yet it could not provide me with that evidence. I was asked to put the question on notice. WAPOL had the information, but it could not give it to the Parliament. That was my frustration. I eventually got it. I am just having a bit of a crack at the moment. What I mean with all this is that I ultimately got that information, but the thing that was frustrating for me and legitimate gun owners was that the limits were purportedly crafted on the basis that people had multiple guns when they in fact did not. Everyone knows that. WAPOL has provided that information because I finally got it at the briefing. I said at the briefing, “You guys should be waving this as a badge of honour.” I finally got the numbers during the briefing and not, as I said, in Parliament. Am I keeping the minister from something?

Hon Sue Ellery: He is listening to every word you are saying.

Hon PETER COLLIER: I am about to bring down the government with this one. I have had my rant, but I think it was a legitimate rant. I had asked multiple questions and been given the hand. I am not being difficult here. The issue of limits is causing the most consternation out there. From what I have heard thus far, it still does not placate me. We are still at the point when we do not really have any justification for the limits because the Law Reform Commission did not recommend them, no other jurisdiction has them and the information provided by WAPOL emphatically suggests that they are not needed.

I will explain why they are not needed. The information was provided to me in the briefing. Although I tried on multiple occasions, I could not get this information in here. This was not given to me in the chamber; the minister could not provide this information to the Parliament. It is estimated that 8.78 per cent of recreational hunting shooting licence holders will be impacted by the limit of five firearms. That is less than 10 per cent; it is less than

nine per cent. Even more compelling for the government in terms of the limit of 10 firearms for club and competition licence holders is that only 2.5 per cent are going to be impacted. The government has been saying that it will take all these guns off the street with these great new gun laws. The Minister for Police has been saying constantly for the last 18 months that all these guns will come off the streets because of this, but that is actually not true. If the government is basing that argument on these limits, it will not work. Those figures do not work. I got some rolled eyes when I brought up this point during my contribution to the second reading debate, but this could in fact have a perverse outcome. The average number of guns that people currently hold is 3.69. People will think that they could have five or 10, so they might get a couple more. I am not saying that this is going to happen, but gun owners could feasibly, for the first time, wake up to the fact that they could actually have more guns.

Committee interrupted, pursuant to standing orders.

[Continued on page 2696.]

QUESTIONS WITHOUT NOTICE

CORRUPTION AND CRIME COMMISSION — POLICE INVESTIGATION — OVERSIGHT

643. Hon PETER COLLIER to the parliamentary secretary representing the Attorney General:

I refer to the decision of the Corruption and Crime Commission to actively oversee the internal police investigation into the recent and tragic shootings in Floreat.

- (1) As part of this role to oversee the investigation, will the CCC view all vision from the body cameras worn by officers when they escorted the wife and daughter of Mr Bombara to retrieve their belongings from their home; and, if not, why not?
- (2) As part of this role to oversee the investigation, will the CCC listen to all recorded communication between officers when they escorted the wife and daughter of Mr Bombara to retrieve their belongings from their home; and, if not, why not?
- (3) If yes to (1) and (2), will the CCC ensure that if any mistakes were made, if there was a neglect of duty or if a defect in police systems and policies is established, the details of these mistakes and defects will be made public; and, if not, why not?

Hon MATTHEW SWINBOURN replied:

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

- (1)–(3) The commission advises that it is unable to disclose specific operational information in relation to this or any matter that is subject to an investigation or review. The decision on whether or not to report publicly rests with the commissioner at the conclusion of the review.

CONSULTANTS

644. Hon PETER COLLIER to the Leader of the House representing the Premier:

I refer the Premier to his response to question without notice 624 on Thursday, 30 May 2024, in relation to the tabling of the *Report on consultants engaged by government*, which states —

The premise of the question is incorrect. The *Report on consultants engaged by government* has been tabled since 30 June 2022. Reports will continue to be published regularly as part of the Cook Labor government's ongoing commitment to transparency.

I refer also to Premier's Circular 17, dated 4 November 2021, which states, in part —

Government departments and agencies are to prepare and submit details of all Consultants engaged on contracts for services, for each six-month period to 30 June and 31 December each year, to their relevant Minister's Office within five weeks of the end of each six month period.

- (1) Has the *Report on consultants engaged by government* been completed for 1 July to 31 December 2022, 1 January to 30 June 2023 and 1 July to 31 December 2023?
- (2) If no to (1), why not and when will they be completed?
- (3) If yes to (1), have they been tabled; and, if not, why not, and when will they be tabled?

Hon SUE ELLERY replied:

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

I preface the answer to this, honourable member, by saying that I meant to check earlier today whether I needed to apologise to the house. I did not do that, but I will check whether or not I need to do that.

- (1)–(3) The December 2022 and June 2023 reports will be tabled in the June sittings of Parliament. These were not tabled previously due to an administrative error. The December 2023 report is being compiled and will be tabled once finalised.

POLICE — FIREARMS LICENCES — APPLICATIONS

645. Hon COLIN de GRUSSA to the minister representing the Minister for Police:

I refer to applications for additional firearms.

- (1) Is the minister aware that the Western Australia Police Force is currently assessing applications in consideration of clause 30, “Limit on number of firearms under Individual Licence”, of the Firearms Bill 2024, which has yet to be passed into law?
- (2) Has WAPOL been directed to assess applications in this manner?
- (3) If yes to (2), what was the basis of the direction to WAPOL?
- (4) If no to (2), will the minister direct WAPOL to assess applications in accordance with the Firearms Act 1973?

Hon SUE ELLERY replied:

On behalf of the minister representing the Minister for Police, I thank the honourable member for some notice of the question.

- (1)–(4) The Western Australia Police Force has endorsed a change to its firearms licensing process procedures, adopting a new policy position to better align with the Firearms Bill 2024 and prioritising public safety as part of the application process.

COOK GOVERNMENT — LEGISLATIVE PRIORITIES

646. Hon TJORN SIBMA to the Leader of the House representing the Premier:

I seek some clarity on the Cook Labor government’s legislative priorities for the remaining period of the forty-first Parliament.

- (1) As of today, how many bills listed on the notice papers of both houses does the government intend to pass?
- (2) What are those bills?
- (3) Excluding the above, how many other bills are being drafted or printed with the intention of introducing and passing them before prorogation?
- (4) What are those bills?

Hon SUE ELLERY replied:

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

- (1)–(2) When possible, the government intends to pass all government bills that have been introduced into Parliament.
- (3)–(4) The drafting and introduction of future government bills is a decision for cabinet. In my capacity as Leader of the House, I note that we have a process in this house whereby I consult with the parties about the bills that are prioritised over the particular time that we have.

EARLY CHILDHOOD DENTAL PROGRAM — ELECTION COMMITMENT

647. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Health:

I refer to the answer provided to question without notice 1148, asked on 21 September 2023, regarding the early childhood dental program, which states that the first year of service delivery will commence on 1 July 2024.

- (1) Can the minister confirm that the rollout of this program will commence on 1 July?
- (2) How much funding has been allocated to the rollout for the financial year 2024–25?
- (3) How will the early childhood dental program be rolled out in 2024?

Hon PIERRE YANG replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Health.

- (1)–(3) The early childhood dental program will introduce health promotion and education resources for consumers and practice support materials for community health nurses. This will be followed by the establishment of the clinical dental workforce, at which time referrals for children in the first eligible age cohort between six and 17 months will be accepted for assessment, treatment and onward referral when required. Confirmation of the program timelines is contingent on sufficient workforce. A total of \$2.534 million has been allocated to the first year of phased rollout for the program.

GRIFFIN COAL — STATE AGREEMENT

648. Hon Dr STEVE THOMAS to the Minister Assisting the Minister for State and Industry Development, Jobs and Trade:

I refer to the minister’s statement to the lower house on 15 June 2023 in which he said —

A further 12-month extension to 30 June 2025 may also be granted at Griffin’s request and my sole discretion as the Minister for State and Industry Development, Jobs and Trade.

- (1) Has Griffin Coal formally requested a 12-month extension to its applicable state agreement to 30 June 2025; and, if so, on what date was the request made to government and by whom?
- (2) In relation to the extension, has the minister and/or ministerial or departmental representatives engaged or negotiated with parties from ICICI Bank or Oceania Resources or Mr Dev Sindhu?
- (3) What mining plans, including fair pricing for coal proposals, have been provided to the minister or his representatives in relation to the extension?
- (4) Has the minister agreed to a 12-month extension to the Collie Coal (Griffin) Agreement Act, and what specific economic factors determined the sole discretion that is embedded in his decision?

Hon SUE ELLERY replied:

On behalf of the Minister Assisting the Minister for State and Industry Development, Jobs and Trade, I thank the honourable member for some notice of the question.

- (1) Yes. Griffin Coal's receivers and managers submitted this request on its behalf on 27 March 2024.
- (2) No.
- (3) Section 49(2) of the Collie Coal (Griffin) Agreement Act 1979—the state agreement—requires Griffin Coal to submit a draft conditional proposal detailing Griffin Coal's plans for the exploration, development and environmental and rehabilitation management of the coal contained in its coal mining leases granted pursuant to the state agreement for the period up until 30 June 2025. The detail required for this additional proposal is outlined in section 7 of the state agreement. This was submitted with the extension request by Griffin Coal's receivers and managers on 27 March 2024.
- (4) Yes. The extension request was approved on 1 May 2024, and the Minister for State and Industry Development, Jobs and Trade had regard for the need to maintain coal supplies to Griffin's major customers, being Bluewaters power station and South32's Worsley refinery.

ELECTION CAMPAIGN ADVERTISING — AUDITOR GENERAL'S REPORT

649. Hon NEIL THOMSON to the Leader of the House representing the Premier:

I refer to the recent Auditor General's report on campaign advertising and note the response to a previous question when the Premier said —

Unfortunately, some of the audit's findings contradict the independent review of WA's COVID-19 management and response and seeks to undermine WA's world-leading response to the pandemic.

Let that sink in. It was also noted on the website that the Auditor General's role is to provide Parliament with —

... independent and impartial assurance from the Auditor General that public sector entities are providing services and using public money in accordance with Parliament's purpose.

Given the Premier's extraordinary criticism of the Auditor General, who plays a very important independent statutory role, what steps is the Premier taking to reconcile this?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The government's response was provided in the report.

VOCATIONAL EDUCATION AND TRAINING — CAREER TASTER PROGRAM

650. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Training and Workforce Development:

I refer to the year 9 career taster program, which was deemed a success in this year's budget.

- (1) How many schools have participated in the program since its inception?
- (2) How many students overall have participated in the program?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Minister for Training and Workforce Development.

- (1) In 2022, 178 schools participated in the career taster program. In 2023, 266 schools participated in the CTP. It is worth noting that the 2023 figure includes schools that participated in 2022. Combining the 2022 and 2023 figures would result in a duplicate count.
- (2) In 2022 and 2023, 30 088 year 9 students participated in the program.

CORRECTIVE SERVICES — DEPUTY COMMISSIONER FOR YOUNG PEOPLE — APPOINTMENT

651. Hon Dr BRAD PETTITT to the minister representing the Minister for Corrective Services:

I refer to the appointment of a dedicated deputy commissioner for young people outlined in the Western Australian state budget and community reports that this role has been filled.

- (1) Has this position been filled?
- (2) If yes, who has been selected to fill this position?

Hon SUE ELLERY replied:

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

- (1) The process for the appointment of a deputy commissioner for young people remains ongoing and has not yet been finalised.
- (2) Not applicable.

DENTAL HEALTH SERVICES — STAFF

652. Hon WILSON TUCKER to the parliamentary secretary representing the Minister for Health:

I refer to the WA government's school dental service.

- (1) How many dental practitioners are employed across the SDS, and how many positions are vacant or unfilled?
- (2) How many dental practitioners are employed in the SDS in the town of Port Hedland, and how many positions are vacant or unfilled?
- (3) What is the current recruitment strategy?

Hon PIERRE YANG replied:

I thank the honourable member for some notice of the question. The following has been provided by the Minister for Health.

- (1)–(3) Dental Health Services has been actively recruiting new clinical staff. If required, locum dental officers are being utilised to address vacancies. In addition, Perth-based Dental Health Services dental officers and therapists are deployed from their existing clinics to provide short-term care in country locations, including Port Hedland.

As of 30 April 2024, 140 FTE dental officers and dental therapists are employed in the SDS, with 38.9 FTE dental therapist vacancies and one FTE dental officer vacancy. A locum dental officer is providing dental services to the eligible Port Hedland community, including school dental services, and one dental therapist position is vacant in Port Hedland.

METROPOLITAN CEMETERIES BOARD — DATA BREACH

653. Hon Dr BRIAN WALKER to the minister representing the Minister for Local Government:

I refer the minister to the answer she provided to my question without notice 630 of 30 May 2024, in which she stated that the Department of Local Government, Sport and Cultural Industries works to address audit findings as a matter of priority, and I note the release last week of local government financial audit reports for the last year.

- (1) How does the minister balance this prioritised approach with the fact that 34 per cent of the current year's adverse findings are, in fact, unresolved from the previous year, with many classed by the Auditor General as significant and requiring urgent action?
- (2) What steps are the minister and her department taking to ensure that the entities of which it has oversight are working to prioritise solutions to these issues, and will she accept responsibility as the responsible minister for the clear lack of progress to date?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Local Government.

- (1) The honourable member's previous question without notice 630 related to information systems audits for state government entities, with reference to the Metropolitan Cemeteries Board. This question today appears to relate to the audit of local governments, with particular reference to financial management controls. The Local Government Act 1995 and regulations establish that local governments are generally responsible for their own financial management, including responding to auditor's findings.

- (2) Although local governments are generally responsible for their own financial management, the Cook government continues to work to provide support to local governments. For instance, as part of the broader local government reforms, measures to standardise and simplify local government financial reporting have already been implemented. The 2024–25 state budget also contains funding for a pilot initiative to support smaller local governments to respond to potential cybersecurity risks, such as those identified through information systems audits. The Department of Local Government, Sport and Cultural Industries also continues to provide general support to the local government sector.

KNIFE CRIME — STOP-AND-SEARCH LAWS — MINISTER'S COMMENTS

654. Hon BEN DAWKINS to the minister representing the Minister for Police:

I refer to comments made by the minister on 11 November 2009, as recorded in *Hansard*, with regard to police search powers in relation to knives.

- (1) Can the minister confirm he said the following —
- It is my opinion that not only is it helpful to raise totalitarianism and fascism in relation to this law, but also it is essential that we appreciate the nature of the laws that those regimes imposed on the people ...
- (2) Can the minister confirm that he recently stated to the media that the world has changed since 2009 and that his statement from 2009 is not relevant in 2024?
- (3) Can the minister explain why the lessons of Nazi Germany are no longer relevant to the WA Labor government in 2024?
- (4) What has changed in the world since 2009 that makes it unhelpful to consider the dangers of fascism and totalitarianism when considering new laws?

Hon SUE ELLERY replied:

I answer on behalf of the minister representing the Minister for Police. I think a straight bat is what is required here.

- (1)–(4) The Cook Labor government is tackling the threat of knife crime to better protect Western Australians. Knife-wandering areas and the associated powers will ensure that Western Australia Police Force officers are far better equipped to detect, deter and reduce the illegal use of knives in Western Australia.

The government extends its thanks to the parents of Jack Beasley, Brett and Belinda, who have passionately advocated for, and assisted in, the development of legislation in memory of their son. Western Australia will be a safer place because of their determination to improve safety in Jack's name.

EMERGENCY SERVICES — MARINE RESCUE GERALDTON

655. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to the minister's answer to my question without notice on 30 May 2024 relating to the relocation of Marine Rescue Geraldton.

- (1) Will the state government contribute to the demolition of the building; and, if so, can the minister please detail that commitment?
- (2) If the state government does not have control of or responsibility for the building, who does?
- (3) Given that the likely coastal impact on the building has been known and understood since the adoption of the City of Greater Geraldton's coastal hazard risk management and adaptation planning in 2018, why is the state government only now identifying land on which to relocate?
- (4) What funding has been allocated by the state government to relocate Marine Rescue Geraldton?

Hon SUE ELLERY replied:

I answer on behalf of the Minister for Emergency Services. I thank the honourable member for some notice of the question.

The Department of Fire and Emergency Services advises the following.

- (1) Yes; it will contribute approximately \$60 000.
- (2) The building, excluding the public toilet facility, at Point Moore is owned by Marine Rescue Geraldton as an incorporated body.
- (3) DFES has been working with the Department of Transport and Marine Rescue Geraldton volunteers over the previous 12 months to identify the most suitable and available block of land.
- (4) Approximately \$90 000 has been allocated to support demolition, removal costs and temporary accommodation.

FIREARMS BILL 2024

656. Hon LOUISE KINGSTON to the minister representing the Minister for Police:

I refer to letters and emails received by licensed firearm owners over the last week that their applications for additional firearms would be rejected according to clause 30 of the Firearms Bill 2024, which is yet to pass this house.

- (1) Did the Minister for Police declare pre-enactment powers?
- (2) If so, when and where?
- (3) Under what authority has the Western Australia Police Force acted to enforce legislation that has not passed Parliament?

Hon SUE ELLERY replied:

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

- (1)–(3) The Western Australia Police Force has endorsed a change to its firearms licensing procedures, adopting a new policy position to better align with the Firearms Bill 2024, prioritising public safety as part of the application process.

NICHELIVING — HOME CONSTRUCTION DELAYS

657. Hon NICK GOIRAN to the Minister for Commerce:

I refer to the minister's letter of 5 January 2024 to a distressed constituent who had written in desperation to the Premier last November regarding the extraordinary delays she has experienced with Nicheliving.

- (1) Is the minister aware that the contract to build this home was signed in December 2020?
- (2) Is the minister aware that this single mum continues to live in a camper trailer with her two children, one of whom is trying to study for her year 12 exams?
- (3) Is the minister aware that this constituent continues to pay a mortgage, full strata fees and council and water rates on the home she cannot live in, while paying rent for the camper trailer and storage locker fees for furniture?
- (4) Is Nicheliving one of the construction companies that has been offered a substantial interest-free loan by the Cook Labor government?
- (5) Why is no financial assistance being provided to this constituent?

Hon SUE ELLERY replied:

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

- (1)–(3) I am acutely aware of the difficult situation a number of Western Australian home owners are facing due to delays with their building projects with Nicheliving and its construction arm Projex Management and Construction Pty Ltd, and I have requested a meeting with the company's directors.
- (4)–(5) Questions regarding the builders' support facility should be directed to the Treasurer.

SOCIAL HOUSING

658. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I refer to social housing.

- (1) How many homes have been added to the total stock so far this calendar year?
- (2) How many homes have been removed from the total stock so far this calendar year?
- (3) How many people are on the priority public housing waitlist?
- (4) How many people are on the public housing waitlist?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Housing.

- (1)–(2) So far this financial year, as at 30 April 2024, 754 social housing additions have been achieved. On average, around 125 social homes are either added or returned to the system every month in Western Australia. For the period 1 January to 30 April 2024, there were 115 disposals of social housing properties out of a total stock of 36 884, representing less than half of one percent of overall housing stock. Over 90 of these homes were demolished as part of urban renewal programs at Subiaco East and North Beach, which will see new social and affordable developments built and a net increase in stock at these sites.
- (3)–(4) As at 30 April 2024, there were 20 203 applications on the public housing waitlist statewide. This includes 5 431 priority applications.

FLOREAT SHOOTINGS — POLICE RESPONSE

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

I refer to the recent tragic shooting in Floreat.

- (1) Has the minister viewed the body-worn camera vision, heard the audio or been informed of the contents of conversations between officers when they escorted the ex-wife and daughter of Mr Bombara to retrieve their belongings?
- (2) If yes, is the minister confident that no mistakes were made and that all procedures were adhered to by attending officers?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Minister for Emergency Services, who is currently absent from the chamber. The Minister for Police advises the following.

- (1)–(2) This incident is subject to an internal investigation by the Western Australia Police Force and, therefore, as Minister for Police, it is not appropriate for me to provide comment while the investigation is being undertaken.

DRY SEASON TASKFORCE — FARMERS — HARDSHIP SUPPORT GRANT

660. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the \$2 million for hardship support grants for farmers impacted by drought conditions, noting that applications closed early due to funding exhaustion.

- (1) Why was only \$2 million allocated for the grants?
- (2) What method was used to determine that \$2 million would be sufficient for the number of farmers affected by drought conditions?
- (3) Will more funding be allocated to continue the hardship support grant for farmers who have not yet had an opportunity to apply?

Hon JACKIE JARVIS replied:

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

- (1)–(3) The Cook government recognised the need for support to help address the concerns of farmers across Western Australia experiencing challenging seasonal conditions and established the 2024 Dry Season Taskforce. The Dry Season Taskforce helped to inform the Cook government's significant \$8.6 million funding package of support for drought-affected farmers, which includes the hardship grants. There has been a positive uptake of the \$5 000 hardship grants, with funds reaching the first recipients within eight days of the program opening. The funds swiftly helped our farmers to purchase essentials such as stockfeed, water and fuel. To be clear, the hardship grants did not close early, as per the guidelines, funds were available until fully utilised.

LLOYD STREET BRIDGE PROJECT

661. Hon TJORN SIBMA to the minister representing the Minister for Transport:

I refer to the Lloyd Street Bridge project, which was stalled in March 2022.

- (1) What activities has Main Roads WA completed in the last two years?
- (2) Has a decision been made about the future of the project; and, if so, what is that decision?
- (3) If no to (2), when does the minister intend to make a decision?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Minister for Emergency Services, who is currently absent from the chamber. The Minister for Transport advises the following.

- (1)–(3) A feasibility study was undertaken to assess the viability of an alternative alignment for the project following a section 10 application under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. The findings of the feasibility study are under consideration in conjunction with the City of Swan, noting the Lloyd Street Bridge is a local government initiative.

COMMUNITIES — FINANCIAL COUNSELLING SERVICES — REVIEW

662. Hon DONNA FARAGHER to the minister representing the Minister for Community Services:

I refer to the answer provided to supplementary question B10 asked during the 2023–24 budget estimates hearing with the Department of Communities regarding a review into financial counselling services, which stated a review was due to be completed in the second half of 2023.

- (1) Has the review into financial counselling services been completed?

- (2) If yes to (1), will the minister table a copy of the review; and, if not, why not?
- (3) If no to (1), when is the review expected to be finalised?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Community Services.

- (1) Yes.
- (2) The review is being considered by the Department of Communities and forms part of its internal work to inform future commissioning of services. Communities works in partnership with community sector partners to improve service delivery and, therefore, the review in isolation is not reflective of the current or future state of services.
- (3) Not applicable.

PERTH SEAWATER DESALINATION PLANT

663. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Water:

I refer to the minister's answers to my questions without notice 457 and 616 asked on 14 and 30 May 2024 that admitted that in the six years from 2017–18 to 2022–23 inclusive no renewable energy has been used in the Perth seawater desalination plant and only 47 178 carbon credits have been purchased.

- (1) For each of those years, what percentage of energy purchased for the PSDP was purchased from gas generation, coal generation and liquid fuels?
- (2) Were the 41 178 carbon credits purchased to cover energy purchases from the five per cent of energy supply not required to be generated from gas or from the 95 per cent of energy that was required to be generated from gas but perhaps came from another source?
- (3) Why were the carbon credits required to be purchased?

Hon MATTHEW SWINBOURN replied:

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

- (1) Electricity for the PSDP was supplied from the south west interconnected system. What proportion of the supply was from gas, coal and liquid fuels is a question for the Minister for Energy.
- (2) Water Corporation satisfies the ministerial condition by purchasing carbon credits to offset the difference between the emissions generated by grid electricity and what would have been generated if electricity was supplied by a gas-fired generator for all of the electricity consumed by the PSDP.
- (3) The carbon credits were purchased to comply with the ministerial condition.

ABORIGINAL HERITAGE ACT — PROSECUTIONS

664. Hon NEIL THOMSON to the Leader of the House representing the Minister for Aboriginal Affairs:

I refer to question without notice 640 asked on 30 May 2024, and note that from 2008 to 2017 there was only one prosecution under the Aboriginal Heritage Act and that under this government there have been 14 prosecutions and 11 convictions.

- (1) Of the 11 convictions —
 - (a) how many were resource companies or other corporations;
 - (b) how many were home owners, including those on rural properties;
 - (c) how many resulted in a fine only;
 - (d) what was the total value of the fines; and
 - (e) how many have resulted in a prison sentence?
- (2) Has there been any direction by the minister to the director general, either in writing or verbally, to take a more litigious approach to breaches of the act?
- (3) What efforts has the department made to inform landowners of their obligations under the law?

Hon SUE ELLERY replied:

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

- (1) (a) Of the 14 prosecutions, 11 of which were convictions, 10 were resources companies or other corporations.
- (b) There were four.

- (c) There were 11.
 - (d) It is \$81 170.
 - (e) Nil.
- (2) No.
- (3) The public and political debate regarding the Aboriginal Cultural Heritage Act 2021 and the amending and reinstating of the Aboriginal Heritage Act 1972 created a much broader awareness of the importance of Aboriginal heritage and the obligations of landowners and proponents. The Department of Planning, Lands and Heritage has published a consultation policy and section 18 guidelines on its website to advise landowners of their obligations under the 1972 act. The department continues to engage with key industry and community stakeholders.

ENVIRONMENT — CONTAMINATION — LOT 101, PLAN 55271, PEMBERTON

665. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Environment:

I refer to the contaminated site known as lot 101 on plan 55271 in Pemberton, which has a classification of “contaminated—remediation required”. Restrictions on the use of the site state “as the site is not currently suitable for occupation or use, the site should remain vacant and fenced until further remediation has been undertaken”.

- (1) What is the current management plan for this site, and does this include provisions for fencing maintenance and weed and invasive species management; and, if so, how often has that occurred since 2013?
- (2) Has there been ongoing testing of the groundwater bores located along the common boundary of the contaminated site and adjoining property; and, if so, what were the results?
- (3) Has there been ongoing soil testing along the common boundary shared with the adjoining property; and, if so, what were the results?

Hon DARREN WEST replied:

This question requires significantly more time than we have for questions without notice with some notice given, so I ask that the member place the question on notice.

RACING AND WAGERING WESTERN AUSTRALIA — DR KATAKASI

666. Hon Dr BRAD PETTITT to the minister representing the Minister for Racing and Gaming:

I refer to the transcript of 23 May 2024 from the Legislative Council of South Australia Budget and Finance Committee’s hearing with the Office for Recreation, Sport and Racing, which includes comments about Dr John Katakasi.

- (1) Can the minister advise whether Dr Katakasi is engaged either through contract, direct employment, sponsorship or as a volunteer by either Racing and Wagering Western Australia or Greyhounds WA?
- (2) If yes, what is the extent of that appointment, including job title, tenure and specific responsibilities?
- (3) Who has been engaged to conduct the epidemiological study currently being undertaken by Racing and Wagering WA?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The following response is provided on behalf of the minister representing the Minister for Racing and Gaming.

Due to the availability of Racing and Wagering Western Australia, it is not possible to provide a response within the required timeframes. An answer will be provided for the honourable member tomorrow.

POLICE — FIREARMS LICENCES — APPLICATIONS

667. Hon WILSON TUCKER to the minister representing the Minister for Police:

I refer to a letter received by a firearm licence applicant—I am aware that other people have received a similar letter—denying the application based on proposed legislation and provisions that are yet to be passed into law.

- (1) Is the minister aware that the Western Australia Police Force is issuing such advice to current firearm licence applicants?
- (2) Does the minister consider it appropriate for WA police to base decisions on legislation that has not yet been enacted?
- (3) How does the minister address concerns regarding WA police exercising powers it does not have under current law?
- (4) What steps will the minister take to address these concerns?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The following response is provided on behalf of the minister representing the Minister for Police.

- (1)–(4) The Western Australia Police Force has endorsed a change to its firearms licensing procedures, adopting a new policy position to better align with the Firearms Bill 2024, prioritising public safety as part of the application process.

MENTAL HEALTH — ANXIETY

668. Hon Dr BRIAN WALKER to the minister representing the Minister for Mental Health:

I refer the minister to statistics from Beyond Blue that suggest anxiety is the most common mental health condition facing Australians, with one in four people affected—some three million Australians in total.

- (1) Is the minister aware of a new study from the University of Colorado Boulder published in the *Cannabis and Cannabinoid Research* journal that concludes that far from causing an increase in anxiety, CBD-dominant strains of cannabis can bring about an acute easing of the symptoms?
- (2) What is the Cook government doing to combat anxiety as a mental health condition here in Western Australia?
- (3) Will the minister take this latest research on board and consider the significant role that cannabis can potentially play in the treatment of anxiety going forward?

Hon PIERRE YANG replied:

I thank the honourable member for some notice of the question. The following has been provided by the Minister for Mental Health.

- (1) Yes.
- (2) The state government is continuing to increase its investment in mental health prevention, community support and treatment services, with \$1.3 billion committed for the 2024–25 financial year, an increase of \$80 million from the previous year.
- (3) The state government continuously monitors national and international research and data related to the impacts of cannabis use.

QUESTIONS ON NOTICE 2029, 2035, 2037 AND 2038

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Leader of the House)**, **Hon Matthew Swinbourn (Parliamentary Secretary)** and **Hon Darren West (Parliamentary Secretary)**.

DOMESTIC VIOLENCE ORDERS — BREACHES

Question without Notice 609 — Answer

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.04 pm]: On behalf of the minister representing the Minister for Police, I provide an answer to Hon Sophia Moermond's question without notice 609, asked on 29 May 2024, and seek leave to have that incorporated into *Hansard*.

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

The Western Australia Police Force advise:

- (1) As at 29 May 2024, of the 4727 reported family violence restraining order breaches in 2024, 3124 were resolved with an offender processed, of which 2782 were committed by men.
- (2) As at 29 May 2024, five offences have been attributed to offenders with a valid firearms licence on the date the offence occurred.

FIRE AND EMERGENCY SERVICES — WALPOLE FIRE

Question on Notice 2022 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.05 pm]: Pursuant to standing order 108(2), on behalf of the Minister for Emergency Services, I wish to inform the house that the answer to question on notice 2022, asked by Hon Dr Brad Pettitt on 7 May to the Minister for Emergency Services, will be provided on 12 June 2024.

FIREARMS BILL 2024

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 1: Short title —

Committee was interrupted after the clause had been partly considered.

Hon STEPHEN DAWSON: Honourable members, before we broke for question time, the honourable Leader of the Opposition asked for a list of the consultations that had taken place. I am advised that it was not actually tabled

in the other place; it was tabled in this place previously on 7 November 2023 in response to a question asked by Hon Louise Kingston. However, I am very happy to table that document again. I will ask the advisers if they do not mind giving me back a copy of it in case we are asked about it later.

[See paper [3219](#).]

Hon PETER COLLIER: I thank the minister for that; I appreciate it. I was not aware that it had been tabled in answer to a question.

Just to pick up where I finished off, I was expressing my frustration about the fact that I was trying to do my job and I was trying to, quite frankly, assist the government in this process, and I felt that I was getting stonewalled pretty much every time. Just to remind members, I have been trying to get the numbers of each of those gun categories on the Western Australia Police Force website that are going to come under restrictions as a result of this legislation. I actually used the title of the guns that are on the WAPOL website for consultation. I asked for the numbers of those guns and I was told that they do not exist, yet they are on the WAPOL website. Before I continue, can I get some clarification on that? Why are these guns listed on the WAPOL website, yet, apparently, according to WAPOL, they do not exist?

Hon STEPHEN DAWSON: I wonder whether the honourable member might be in a position to table what he has and then I can get him an answer.

Hon PETER COLLIER: I seek leave to table this document.

[Leave granted. See paper [3220](#).]

Hon PETER COLLIER: My other frustration is that in some instances I was able to get the information and in other instances I was not. This is the one, minister, that was very frustrating. As I was preparing for this legislation, we kept hearing that the government was doing this for two years, so I assumed the Western Australia Police Force had all this information on hand. I have received information from WAPOL before. When I asked for the information on how many firearm licence holders are currently registered in the licensing registration system and, of those registered in the licensing registration system, how many firearms licence holders “have more than”—my question went on in parts (a)–(d)—I was told that WAPOL could not provide that information and to put my question on notice. I put my question on notice, but the thing that was frustrating to me was that I asked that question on 28 November—I have been through this point before, but I am reinforcing it—but I did not get that information back until we sat again in March this year, because we did not come back until late. I am trying to construct an argument that I can give to the multiple people who phone my office. Honestly, my office will be so glad when this bill is over and done with and we can do some other stuff. We have been dealing with gun owners, and I do not deny them that right at all. That is my role as shadow Minister for Police. That is my job, but it was very frustrating because we just could not get that information. Then, finally, I got it.

Again, this goes back to this point: how is it that WAPOL could not have that information readily available when the fundamental premise of this bill is the limits? A significant proportion of the bill is based around the limits, yet no-one knows how many there are. It took four months!

Hon STEPHEN DAWSON: Can I apologise for your frustrations, honourable member.

Hon Peter Collier: Thank you.

Hon STEPHEN DAWSON: Obviously, information was provided in March 2023, and it took a lot of effort to put that together. I understand that the member asked for information again in November and it was not provided to him until later. It took effort to get. It was not an easy process to get it; however, from my perspective, it was important information to provide to the shadow minister to enable a proper discussion of this legislation in Parliament. Therefore, can I apologise for the member’s frustrations.

Hon PETER COLLIER: Thanks, minister. I appreciate that, and it has been frustrating.

The real question around this, which I have alluded to, is that the minister’s office provided this paper after the briefing, so I got this information on 19 April. We were about to debate the bill, and I had to go to present to my party members and explain to them our position. As the minister knows, when one is in a party, one has to convince one’s colleagues of one’s position. I took all my colleagues down the path with me to try to get them across the line with regard to my recommendation. This is the thing that I am a little bit sceptical about. When I got the information, the number of people who fall outside the threshold was compelling. It is estimated that 8.7 per cent of holders of recreational, hunting or shooting licences have, or are above the limit of having, five firearms; therefore, over 90 per cent do not fall into that category. That is why we have to wonder why we need a limit at all if 92 per cent of licence holders will not be impacted. Only 2.57 per cent of club and competition firearms and individual private licences fall into the category of having 10 firearms. Therefore, fewer than three per cent fall into that category and fewer than 10 per cent fall into the other category. I am trying to be as sensitive as I can here, minister. The cynic in me says that the reason this information was not as forthcoming as it was, and not as transparent, is perhaps that the government did not need limits. Because most people do not fall into that category, the government did not need limits in the first place. I can promise the minister that he would have saved the government an enormous amount of trouble had he not included these limits in this piece of legislation.

Hon STEPHEN DAWSON: Thanks, honourable member, for the comment. The comment is noted. Can I reaffirm that this information was not sitting on a shelf; it needed to be accessed. I think the minister in the other place has said he anticipates that, as a result of the changes before us, we will take 15 000 firearms out of the community. That is the figure that he gave in the other place. That is a significant number of firearms.

It might have been in the briefing notes that were provided to the opposition, or certainly it was something that I have seen previously, but 14 firearms were stolen in Albany. If there had been a limit in place at that time, at least four fewer firearms would have been stolen and four fewer firearms would be out in the community.

I hear what the member is saying and I take his points on board. The numbers the member read out of 8.78 per cent of recreational, hunting or shooting licence holders and 2.57 per cent of club competition holders being impacted are correct, but that will mean fewer firearms in the community and hopefully less risk, whether in terms of stealing or other potential crimes associated with them.

Hon PETER COLLIER: That is fine. I take the minister's point about the stolen firearms, but WAPOL does not know whether they are being used in crimes. WAPOL does not know that and cannot distinguish that, and so the minister cannot use that as an excuse. With all due respect, no-one knows whether they are involved in crimes.

I am going to, for want of a better term, tap the mat on this. I think that this information should have been out there in the community. At the moment, if I am a legitimate gun owner, I think I am justified in feeling a little cynical about the fact that so few legitimate gun owners will be impacted by this bill. In terms of club and competition members, 97 per cent of gun owners will not be impacted.

As I told the minister when I started, I will put most of my arguments now so we will not have to deal with them again when it comes to the amendment. I made a decision to move an amendment based upon all that information that was compelling to me. All the legitimate gun owners who came to see me said they were not doing anything wrong. They said they had done everything right in cleaning their guns, keeping them safe and having licences. They are law-abiding citizens who have farms with pests or who want to go to a legitimate, legal gun club to shoot. That is what they want to do, yet all of a sudden they are feeling, for want of a better term, targeted. That is why I then made the decision to put in an amendment so that those gun owners who already have a number of firearms above the limit can be protected by a grandfather clause so that they can retain those guns. Well, all hell broke loose with the Minister for Police! I was the devil incarnate. The day I put my amendment on the supplementary notice paper, he went feral. In the other place, he said —

They moved —

As in me; he had been talking about me —

a couple of amendments, but one in particular effectively “grandfathers” it so that everybody who has got a gun at the moment can have the number of guns that they will have when the law commences later this year, meaning that everyone will rush out and buy as many guns as they possibly can, so that they have them for the rest of their lives.

I cannot believe he said that. Honestly, the longer I am in this portfolio, the more I think he needs to get better advisers. The next day he said in the media that the streets would be flooded with guns because of my amendment. Can members believe that? How do he get this? It is like me saying that the streets will be flooded with guns because of this bill because so few people have reached the gun limit that they will get more guns to reach the limit. Exactly the same thing that the minister accused me of will be created by this bill. Dare I say that I was more moderate with my tone? I said it would probably not happen, but a perverse outcome could be that a person could end up with more guns. I tempered my comments. I did not carry on in the chamber like, quite frankly, some ill-informed individual who should know better or face the cameras and say that Peter Collier would be responsible for flooding the streets with guns. That is garbage. I thought I would test this and asked the minister a question the week before last—the minister knows this. I asked —

How many new gun licence applications were received in —

- (i) 2022;
- (ii) 2023; and
- (iii) 2024 to date?

Guess what? In 2022, there were 13 123 new gun licences; in 2023, there were 12 008; and in 2024 to date, there were 3 694. Let us bring it back to the point at hand. In 2022, the average number of gun licences granted a week was 252. There were 252 new gun licences issued each week in 2022, and in 2023, there were 231. In 2024 to date, there were 185 a week. There were 252 a week, then 231 and 185. After my amendment went on the supplementary notice paper, we would assume that there would be at least 500 a week because apparently my amendment would flood the streets with guns. I asked the minister how many new gun licence applications had occurred in the three weeks since 7 May. Have a guess how many. There were 47.3 a week, for a total of 142. There were 252 a week one year, then 231 and 158. Then, in the last three weeks, after I put my terrible amendment on the supplementary

notice paper, there were 47.3. Honestly, the government does not help its own cause with that rubbish, particularly when it uses the tragedy in Floreat for political purposes. I purposely did not comment on that incident. I again got criticised by the minister and the Premier for holding up this gun legislation. They said this gun legislation was going to stop all these crimes and we would not have any more of them again. I did one interview about parliamentary processes with Nadia Mitsopoulos on ABC radio. She asked me why we were holding up the legislation and I explained the process to her. She said that this man, Mr Bombara, had 13 guns. I said, “Do you know what? Under the new laws he would have five.” How many guns does it take? It takes one.

My point is that these intemperate comments from the Minister for Police do not help anyone. We desperately want to assist the government in this process. I have been trying to assist the government for two years and, honestly, the minister’s response has not been helpful. To accuse me of flooding the streets with guns is just absolutely abhorrent. One, it is wrong, and, two, it is fatally flawed, as statistics show. The reason I put the grandfathering clause on the supplementary notice paper is that so many people—not just Nigel no-friends saying, “I have 26 guns and want to keep them”; I am talking about multiple people—have asked me why the government is going for them. I could have said that the government is coming for them. I am sure there are 10 000 or 15 000 people who will be affected, but here I am talking about legitimate gun owners who do not understand why the government appears to be focused entirely on them. There is then a natural assumption that a legitimate gun owner is immoral or somehow sinister. Why should they need 15 or 20 guns? If they are not heritage gun collectors, why do they need all these guns? They say they have always had those guns and that they belonged to their grandfather or great-grandfather. They say they have foxes, rabbits and all sorts of vermin that pollute their farms and they need different guns. That is why I put that amendment on the supplementary notice paper. I did not put that amendment on the supplementary notice paper to make life difficult for the government, I put it on the supplementary notice paper to make life easier for the government. Before the minister finished reading the statement, he said the amendment was terrible and that it would flood the streets with guns, but did he consider whether it would have that much of an impact?

This amendment would take a lot of heat off him from legitimate gun owners. A lot of legitimate gun owners would say that that is fair enough and they would get to keep their guns. They would say, “I am doing the right thing. I am a law-abiding citizen. I need those guns and the government has listened to me”, as opposed to the bombastic, emotive rhetoric that has continued, really, for the last 18 months that portrays gun owners as almost being some sinister subset of our society, which has not helped at all.

That is probably more a comment than anything, but that is the motivation behind my decision to put that amendment on the supplementary notice paper. I do not want to rush the amendment on, so I will seek the call for just another minute.

The DEPUTY CHAIR: Hon Peter Collier.

Hon PETER COLLIER: Sorry about that, I just want to finish what I was saying.

I got this information for the very real purpose of making sure that those legitimate gun owners have a voice. I am not the only member here who has been given that information; other members have received exactly the same information. We want to say that everyone knows that the vast majority of people in the public, particularly in the metropolitan area, say they want tougher gun laws. The Premier and the police minister have a crack at us, saying we are holding up these gun laws and that the bill has been in the Legislative Council for ages, and asking why we are we are delaying these laws. They both know the parliamentary process. They know that up until today we have had less time for debate than they have in the Legislative Assembly because of budget reply speeches. They did not mind using their emotive rhetoric to create this image that we are holding up this legislation.

No, we have done our job. We have spent months and months consulting with people, and we know that most people want good, strong gun laws. They definitely want illegal, unregistered guns off the streets. I have to say that this bill will not necessarily do that. If the government had showed me anywhere that the firearm limits were necessary, I would have had no problem saying on behalf of the government to Bert, Harry or whoever comes to me that they are wrong. Those people come to my office. They have sat in my office and tried to explain this to me. If I did not have the information when they asked how many guns have been involved in crimes, I had to answer that I did not know and the government does not know. That simply does not help.

I think the limits are an impediment and they have caused enormous grief for a group of people who have done nothing but abide by the law. That is all they have done. Unless we have decided that we will go down the path of saying that that is it and there will be no guns at all—no gun clubs, farmers cannot have guns, recreational shooters cannot have guns; no guns whatsoever—we, as a society, still have a law stating that a person can be a legitimate gun owner, so they deserve a voice. They definitely deserve a voice, and that is what we are trying to provide here. We are not being difficult. I know the media will portray it one way or another and ask why we need 14 hours to deal with this thing. It is our role as legislators to portray and explain the views of a group of people who feel extraordinarily disaffected. Given the information that has been provided by the government, I understand their dismay.

That is just a bit of a blurb, but the minister does not need to respond to that, to be perfectly honest. We will deal with it when it comes to my amendment. I have said most of what I am going to say. If we get to the amendment, we

will have another bit of a crack, but it will not be long. However, the reason I moved that grandfathering amendment was, as I said, to ensure—to conclude on this yet again—that legitimate gun owners can retain their guns. I promise the minister that it will not flood the streets with new guns.

Hon LOUISE KINGSTON: I go back to some comments about the 14 guns that were stolen during that recent theft. I would like to know whether they belonged to one firearms owner or multiple firearms owners.

Hon STEPHEN DAWSON: I am told they belonged to one firearm owner.

Hon LOUISE KINGSTON: Potentially, under the new rules, if there were three firearms owners in one house and they were stored, would that be 15 firearms? Is that correct?

Hon STEPHEN DAWSON: Technically, yes. If there were that number, there would be further storage requirements, such as for how they are stored, but that falls outside the legislation before us now.

Hon LOUISE KINGSTON: It could be 30. That answers my question. Earlier, the minister referred to section 11 in the existing firearms legislation and about being able to write those letters and emails to people telling them they could not have any more firearms now. Can the minister tell me which part of section 11 was used?

Hon STEPHEN DAWSON: It is section 11(1)(b) and (c).

Hon LOUISE KINGSTON: Section 11(1)(b) states that it is not desirable in the interests of public safety and section 11(1)(c) states that the person is not a fit and proper person to hold the approval, permit or licence.

Can I ask another question or do I have to sit down? AIf a person already has firearms and they are applying for further firearms because they already have a permit and the commissioner is now saying that they are not desirable to hold it. Does that mean that firearms will be confiscated from those people who already have them?

Hon STEPHEN DAWSON: It may be someone who is subject to mandatory disqualification. We would not necessarily give them more guns if we know they will be captured by that, but the commissioner could use, and did use, section 11(1)(b) or (c) when sending out those letters to people.

Hon LOUISE KINGSTON: It cannot possibly be (c). That is what I thought, too. I go to the new domestic violence amendments that we got today, in case we do not get to it in the Committee of the Whole stage. How will vexatious complaints be handled?

Hon STEPHEN DAWSON: I am told that clause 369 of the bill relates to providing false information to police and that there is a \$5 000 fine associated with it. Although a seizure would take place, an investigation would occur. If it was found that the complainant was vexatious, those firearms would be returned and action taken with the \$5 000 fine.

Hon LOUISE KINGSTON: Would part of the process be to assess that while the allegation is being made? Is that correct?

Hon STEPHEN DAWSON: That is correct.

Hon LOUISE KINGSTON: What additional police resources are expected in order to do this?

Hon STEPHEN DAWSON: The agency is established for public safety, so this would be one of the tasks that police will undertake. It is not a case of needing extra resources. We are not aware of how many complaints may be made and, indeed, how many of those may be vexatious. We do not know how many complaints might be made under this new piece of legislation. Regardless, if a complaint is made, guns will be taken, an investigation will take place and they either will not be handed back or they will.

Hon MARTIN ALDRIDGE: I take up Hon Louise Kingston's line of questioning about the exercise of the commissioner's discretion. I refer to section 11(1)(b) in particular, which allows the commissioner to form an opinion that it is not desirable in the interests of public safety. The first point I make is that it is usually repeated ad nauseum that the government never responds until Parliament legislates and makes a decision. Here we have an agency, the Western Australia Police Force, led by the commissioner, anticipating a decision of the Parliament with respect to policy matters arising from the proposed Firearms Act. The second point is that there is surely some limitation on this power, because otherwise the commissioner could effectively circumvent any provision in this future act—this is in the current act—on the basis that he has formed an opinion that it is not desirable in the interests of public safety. When did the policy change? When did the Western Australia Police Force, at the direction of the commissioner, implement this revised policy? Was it based on legal advice from the State Solicitor?

Hon STEPHEN DAWSON: I am told it was based on in-house legal advice from police lawyers, but the decisions are appealable to the State Administrative Tribunal.

Hon MARTIN ALDRIDGE: Based on the police advice, which I assume the minister is not in a position to provide to the Parliament —

Hon Stephen Dawson: By way of interjection, I understand the practice is that we would not provide legal advice to the Parliament.

Hon MARTIN ALDRIDGE: I think the standard practice is that when it suits the government's argument, it provides legal advice and waives privilege.

Hon Stephen Dawson: I can't recall handing it over previously.

Hon MARTIN ALDRIDGE: Nevertheless, it is open. Obviously, it is subject to judicial review or review by the tribunal, but under the new legislation the commissioner could form a view at some point in time that a class of firearm licence holders might be limited to five firearms. Would there be anything stopping the commissioner forming the view that there should be one?

Hon STEPHEN DAWSON: Under the new legislation the commissioner could put a provision on a licence to say that somebody could get only one firearm, but that would be appealable to the State Administrative Tribunal. I am told that people can already do that now, but they will be able to under the new legislation as well. But the commissioner would not have the power to say, wholesale: "Okay, new limits. Everyone can only have one."

Hon MARTIN ALDRIDGE: Just judging from the level of interest in this issue during question time today alone, are WA police aware of an application to SAT with regard to these decisions that are being implemented under a revised police policy on firearms licences, or is it too early to tell?

Hon STEPHEN DAWSON: We could not tell the honourable member.

Hon MARTIN ALDRIDGE: Well, it will be interesting. As I understand it, the 1973 act will not be repealed until later this year or perhaps even early next year, so there probably will be time for a review by SAT of the appropriateness of the commissioner applying this policy in the way that he is. It will be interesting to see whether the WA police legal advice is sound with regard to consideration by the tribunal in due course, if that occurs.

I want to take up another point. The minister had an exchange with Hon Peter Collier earlier about numerical limits. The minister may recall that I asked a question of him on 29 May about two very particular ministerial briefing notes. I identified the police reference numbers of both the ministerial briefing notes, which were between the Western Australia Police Force and the Minister for Police. The minister answered that it was not possible to table the ministerial briefing notes requested as they contained cabinet deliberations. I want to draw the minister's attention to the fact that WA police have actually released those ministerial briefing notes under the Freedom of Information Act. It might be worthwhile for the minister to reflect on the decision of Acting Assistant Commissioner Peter Healy to release these briefing notes under FOI on 13 September 2023, and the minister's refusal to provide them to the Legislative Council on 29 May 2024.

The question I want to take up is on the issue of numerical limits. One of the briefing notes that was released under FOI is dated February 2023 and is to the Minister for Police. It was authorised by a number of senior police officers, including Deputy Commissioner Alan Adams. It is quite interesting; it provides information about some modelling that was being done by WA police on the impact of this bill on firearms numbers. We know that it is the government's publicly stated intention to reduce the number of firearms in Western Australia, which it says will make the community safer. I heard the minister say to Hon Peter Collier that the numerical limits will reduce the number of firearms by approximately 15 000. In this briefing note to the Minister for Police of February 2023, the claimed number of firearms that will be impacted by numerical limits was 40 000, based on police advice. Is the minister able to advise why there is such a significant discrepancy between the advice provided to the Minister for Police in this briefing note of February 2023—more than a year ago—and the advice the minister just gave the Legislative Council with regard to a much smaller number?

Hon STEPHEN DAWSON: I cannot tell the honourable member exactly why there is a discrepancy. I am told that 13 000 firearms have been given in under the buyback scheme. There has been an amnesty, and I am also told that police have been doing a data cleanse since that time. The figure of 15 000 that I gave today is the figure the Minister for Police used during debate in the Assembly, so that is the best information I have at hand—the information that the minister used.

Hon MARTIN ALDRIDGE: It might be something that the minister's advisers could take on notice overnight. I read this table out in my contribution to the second reading debate. The total upper limit of the potential impact of the firearms reforms is a reduction of 129 690 firearms; that is almost one in three firearms, although there are varying numbers of total firearms, which the minister in his reply to the second reading debate earlier today gave as the reason for that. But the potential upper limit impact of these reforms is one in three firearms. I read that out in my contribution to the second reading debate. The numbers included: for prohibitions, 250; numerical limits, 40 000; letters—I assume that is a reference to property letters—76 000, which is the largest category of impact; mandatory disqualifications, 3 440; citizenship/whistleblower training—I am not sure exactly what all those things mean—2 000; and it is suggested that 6 000 to 8 000 firearms will be impacted by health assessments.

There are two issues I would like the minister to consider with some notice: an answer to the question about the minister telling the Parliament that these briefing notes could not be tabled; and whether some clarity can be provided on the discrepancy between the figure of 15 000 provided moments ago to Hon Peter Collier and the figure of 40 000 that was provided to the Minister for Police by none other than the deputy commissioner in February 2023.

Hon STEPHEN DAWSON: I will see what I can provide, honourable member, but just bear in mind, again, that since that time, 13 000 firearms have been handed over as part of the buyback, so 13 000 on top of 15 000 is 28 000, and others have been handed back as a result of the amnesty. Let me see what I can get for the member. I am not clear on what I can get for him this evening. I will also clarify that, as the member understands, I am a representative minister in this place and I provide answers on behalf of other ministers, so I have to respect the answers that are provided to me. If I have any queries, I always ask, but if I have made a mistake in the house, I will check on that and act accordingly at the appropriate time.

Hon MARTIN ALDRIDGE: I thank the minister. I appreciate that a number of firearms have been subject to the buyback; I do not know the precise number, but I think it is in the order of 13 000.

Hon Stephen Dawson: Can you tell us, by way of interjection, the date of that briefing note?

Hon MARTIN ALDRIDGE: It was 9 February 2023.

Hon Stephen Dawson: Okay. As I said, we'll undertake to see what we can provide to you.

Hon MARTIN ALDRIDGE: The point with regard to the buyback is that not all of those 13 000 or so firearms are subject to the buyback as a result of numerical limits. In my contribution to the second reading debate, I made the point that it has probably motivated people who no longer need access to a firearm or perhaps no longer have serviceable firearms to actually return them and make a few bucks at the same time. I am not sure that even a majority of them would be subject to future numerical limits.

The other thing I wanted to draw the minister's attention to is that I asked a question on 28 May 2024. On that day, I was pursuing an interest in the Western Australia Police Force's statistics or records for conducting in-person storage inspections. On the day, the answer to my question was to put it on notice, but the minister made a commitment to try to see whether he could get an answer more quickly than that, given the connection to this debate. In the minister's second reading reply today, he touched on this. He said that the Western Australia Police Force was not able to distinguish between compliance checks and security audits. I am not sure what the difference between those two things is, but I find it somewhat disturbing that we are unable to identify how many storage inspections were conducted by WA police in the last month, quarter or calendar year. At the very essence of this bill is the number and storage of firearms. I have claimed that I think the Western Australia Police Force has not done enough in this area in particular, and it is one of many areas.

In fact, this featured in a decision of the State Coroner on 28 May this year, in which comments were made about the delays associated with inspecting firearm storage in the residences of police officers who are authorised to take home firearms. It is important to try to understand whether the data is available and in what form it is available because I think the WA police has not been doing its job in this area. I would be happy for the minister to counter that claim with some evidence that there has been more than desktop inspections of firearm storage facilities or safes in Western Australia. At this point in time, I do not know and cannot ascertain how many inspections occurred last month, let alone last year.

Hon STEPHEN DAWSON: Earlier on, in providing a second reading reply, I said that WA has a risk-based compliance assessment tool that is used to determine the inspection schedule of firearm storage security across the state. That is complemented by supplemental information provided by licence holders during any additional licensing processes. Every additional application triggers a desktop assessment of storage security, and this averages to approximately 1 000 desktop assessments a month but in the past six months has reduced to 700 a month. The Western Australia Police Force advises that current compliance check records do not specify whether they are security audits or other compliance checks.

I can provide an example of the physical inspections that occur from time to time. In 2018, which is the latest year's information I have before me, the WA police operation into statewide security audits provided licence holders with two weeks' notice of a planned attendance. Two weeks later, the police attended 2 710 addresses and carried out 2 494 firearm cabinet inspections. As a result of those inspections, 398 firearms, including 28 handguns, and 33 427 rounds of ammunition were seized. As a result of that operation, 41 firearms were surrendered, 26 firearms were reported lost or stolen, 185 firearms owners were charged with noncompliance offences and 72 owners were charged with 320 other offences. That is one example. The data is available because it was an operation. Ordinarily, the data is not easy to access, but this is one example of what took place and what was found.

Hon MARTIN ALDRIDGE: Is this task the responsibility of the licensing enforcement division of the WA police, or is it a key performance indicator of the local sergeants in policing districts? A bit like fire stations have to service all their hydrants twice a year, does the sergeant of a police district have a KPI that says once every 10 years the district has to inspect 1 000 firearm licence holders? Outside these specific operations, which part of the WA police is responsible for the regular inspection of firearms and firearm storage facilities?

Hon STEPHEN DAWSON: The licensing enforcement division undertakes audits, but audits also take place from time to time in districts. Just as drivers might get stopped on a Saturday morning because a district has decided to do breathalyser tests that day, from time to time districts decide to do audits on firearms.

Hon MARTIN ALDRIDGE: Apart from the specific operation in 2018, police are not able to give me more information with any specificity. It is interesting that we measure how many breathalyser samples we take, how many random drug samples we take and how many speed camera operations we conduct, but we have little data about firearm and community safety and the importance of securely stored firearms. The numbers the minister just gave us from the 2018 inspection of 2 700 addresses are quite compelling. There were a number of seizures, surrenders, fines and infringements. It says to me that there does need to be some corrective action, but there does not seem to be any methodology. This could be a resourcing issue.

In my contribution, I used the case that I have been a licence holder for probably the best part of two decades and have never been inspected, apart from when I initially applied for my licence.

Hon Stephen Dawson: Be careful what you wish for.

Hon MARTIN ALDRIDGE: I would welcome police coming and inspecting my firearms safe. I have moved house three times. This is one of the other things I hear: there is the risk that people could share photographs because they literally fill in a form, sign it and send in photographs for these desktop reviews. I have heard that that is a risk. I think this comes down to resourcing, and that is why the government is not prepared to admit that it is not doing inspections, apart from desktop reviews. It is not doing them because we are so far behind in running a safe and orderly system that this is just not on the top of the pile. The other day, I had a lovely exchange with an officer about my firearms licence. He said, “We have a serial number, but that is about it. Can you tell us what the firearm is?” We have a long way to go. This is what worries me: we will expect a lot of the WA police during the transition and the reform, and the burden will be immense. I have little comfort in the belief that we have given the Western Australia Police Force the resources it needs—in the context of everything else that goes on inside that organisation—to be able to discharge its current responsibilities under the Firearms Act, let alone the burden we will place on it under the new act.

Hon STEPHEN DAWSON: I am pleased that the transition team has been in touch with the member. As I said, we do not have information. I am hopeful that the new data and IT system, which is being worked on at the moment, will allow us to provide more granular detail. Certainly, I am told that district-level audits happen from time to time, but they are not logged in the system as an audit of firearms, a firearms check, a cabinet check or whatever. I make that point.

I am also now in a position to provide an updated second reading speech to the house, and that deals with both the issues that we spoke about earlier and that Hon Martin Aldridge raised with us about outdated inclusions in the second reading speech that I provided some weeks ago. I again apologise.

Hon Nick Goiran: Are they the only two changes?

Hon STEPHEN DAWSON: They are the only ones. I apologise to the house for the error, and I table that document.

[See paper [3221](#).]

Sitting suspended from 6.00 to 7.00 pm

Hon NICK GOIRAN: Earlier this afternoon the minister was explaining to the Committee of the Whole House that if a Western Australian wants to shoot on a property at the present time, they require approval and under the new law they will still need to obtain approval from the property owner, but a significant difference will be that at the moment a person can have what might be described as mere verbal approval, but moving forward one will have to have written approval. As part of that discussion, I was asking the minister whether we could have any confidence that Western Australians would be aware of this significant change. In response, the minister indicated that the transition team had contacted approximately 70 000 registered owners of firearms and that they were still working on the other 20 000 licence holders. We then got, shall I say, interrupted by all the other very important questions that were subsequently asked by other members, so if can I just pick up where we left off there.

Can the minister just explain to the house how the approximately 70 000 people were contacted by the transition team about these new changes that will apply to them, the mode of communication and whether some kind of a template was provided to the team?

Hon STEPHEN DAWSON: Contact was made either through email, telephone or SMS. When an SMS or an email was sent, it was to get the person to make a phone call to police, so eventually somebody talked to them over the phone. There was clarification of personal details and contact details, and discussion of the transition.

Hon NICK GOIRAN: Regarding that email or SMS that ultimately results in a phone call, is the minister saying that 70 000 phone calls have taken place or 70 000 emails and SMSs?

Hon STEPHEN DAWSON: I am told that there have been 70 000 telephone conversations.

Hon NICK GOIRAN: Suffice to say that there are a few people in the transition team in order to be able to get through to that many people. That is an incredible amount of work being done by public servants in Western Australia. Can the other 20 000 people not be found or contacted or have they just not yet responded to the SMS or email?

Hon STEPHEN DAWSON: It is a combination; either they cannot be contacted or they have not been contacted just yet. I am also told that the work has been going on for about nine months and there are approximately 33 people in the team.

Hon NICK GOIRAN: One of the challenges here, of course, is that the work has been going on for nine months but the information provided to those people in the phone calls will only be as current as the information available to the transition team at that particular point in time. As the minister responsible for giving notice of government amendments, he will be aware that some amendments were provided to opposition members only as recently as today; we were briefed on them earlier this morning. How will the 70 000 people who have already been informed be told about the latest urgent changes by the government?

Hon STEPHEN DAWSON: Essentially, the process has been to clarify their contact details so that we can contact them at any stage. The intention is to provide them with the information that will affect them upon the passage of the bill. The changes in the bill will affect different licence holders differently. We have clarified their personal details and contact details, so we will be able to send them the appropriate information based on their needs post the passage of the bill.

Hon NICK GOIRAN: The communication to the approximately 70 000 licence holders has been to confirm their current contact details to improve the integrity of the police database of licence holders, primarily for the purpose of communicating the changes to them after the passage of the bill. Has there been any communication to the 70 000 at this stage about the changes in the law?

Hon STEPHEN DAWSON: I am told that people are essentially told that they have a gun on certain conditions now and that, upon the passage of the bill, they will fall into a certain category. As a result of that, some people have started to make some of the changes that will be required of them. For instance, they might have started looking at new storage cabinets or whatever. Upon the passage of the bill, we will be able to confirm the exact requirements. We are telling them that changes are on the way and what those changes are likely to be. Once the legislation has been passed, they will be given information that pertains to them and their licence.

Hon NICK GOIRAN: Is the minister saying that some preliminary information has been provided to those 70 000 people about the changes in the law but that some ancillary information will be provided to them at a later stage?

Hon STEPHEN DAWSON: Yes, that is correct. That will continue throughout the whole transition period and probably through the regulation period as well. We have alerted them to the fact that the laws will change and told them what we think the law will end up being, but post the passage of the legislation, we will go back to them and let them know how the changes will actually affect them.

Hon BEN DAWKINS: This is consistent with clause 1. I ask about the general origin of some of the things that have crept into this bill, which my constituents are very concerned about. I know there is presently a fit and proper person test, but can the minister tell me or my constituents the origin of the necessity for what now appears at clause 150? From my reading, it is an addition to the existing fit and proper person test. Without going too far into it, we have a person's conduct or behaviour. A person's physical and mental health, I can say, is existing. There are also a person's views, opinions and attitudes; the way of living or domestic circumstances; and whether the person is of good repute, having regard to the person's character, honesty and integrity. I know there are a number of ways to analyse these changes and say that there was previous scope to look at a range of things, but I think the way the police work is the fact that, now they are specific, it will draw the police's—or at least the commissioner's—mind to these things. It expands it, but it is very undefined. I know the minister is going to say that maybe they are in the regulations, but my initial question—we can start at clause 150(a)—is around the wording of a person's conduct and behaviour being so open. The clause does not include the words “violent conduct”, “behaviour” or anything like that. It just says “conduct and behaviour”. Can the minister tell me where these words have come from? Is it from another jurisdiction or anything like that?

Hon STEPHEN DAWSON: If the honourable member is going to the specifics of clauses, we can talk about the detail when we get to clause 150. Clause 1 is general, so I am happy to give the member some general responses. If he requires further detail as to what this clause means, and why and how, I will send him that. The commissioner currently has the power to determine that someone is not a fit and proper person. This legislation fleshes out that process more expansively to provide greater clarity as to what that determination entails. In the coming clauses, more detail in the nature of the matters will be considered as part of the health standards and other matters, to provide more of an indication of what the commissioner will consider. Clause 419 and the following clauses refer to the parameters. No single example or incident is going to be like another. Every individual will be assessed in light of the entire picture of them available to the commissioner. A holistic view will be taken of the risk that they pose. In the event that the commissioner deems them to not be a fit and proper person under this process, they will be able to challenge that through the State Administrative Tribunal. The sort of conduct or behaviour referred to in fit and proper considerations may range from demonstrated violent tendencies or antisocial behaviour to a demonstrated refusal to comply with the law. Ultimately, it forms part of the overall fit and proper test, measured against the need to ensure public safety and minimise the risk of firearm use.

Hon BEN DAWKINS: I think I am still being general here. This is a general specific question! Does the terminology in clause 150 come from another jurisdiction?

Hon STEPHEN DAWSON: I am told some parts of it come from the National Firearms Agreement, some come from the Law Reform Commission, and some come from the existing practice or, indeed, elsewhere. It is a combination.

Hon BEN DAWKINS: Good answer. Thank you.

Are there any specific consultation papers that the minister might be able to point me to that led to the wording that is preferred in this clause?

Hon STEPHEN DAWSON: No. We provided instructions to the Parliamentary Counsel's Office, but the PCO drafted it and landed on the terminology that is used in clause 150.

Hon BEN DAWKINS: Was any consultation undertaken with any of the many and varied rural men's mental health groups? One is called the Regional Men's Health Initiative. I know the term "physical" was there, but I believe specific mention of mental health is new. I feel that there is concern that that may be interpreted against farmers who, for example, are having a bad season, such as lack of rainfall et cetera.

My general question is: was a men's rural mental health group of any kind consulted about this clause and how it might be implemented?

Hon STEPHEN DAWSON: I am told that the Western Australia Police Force consulted with the Mental Health Commission, which is the state government agency responsible for mental health policy, and other health groups. It was also mentioned in the consultation paper that was released more broadly.

Hon Dr BRIAN WALKER: There are a number of questions to be asked at the moment, but one thought has struck my mind. It has been mentioned a number of times so far in this part of the debate that people can challenge decisions at the State Administrative Tribunal. I am wondering how much a challenge at SAT would cost?

Hon STEPHEN DAWSON: We would have to find that out for the honourable member. We do not have it in front of us.

Hon Dr BRIAN WALKER: If that could be found out, I would be very grateful. It is just my curiosity there. Of course, the more there is a financial cost—it might even be free—the more people will be unable to pursue their path for perceived justice. My questions will start now actually.

Hon Stephen Dawson: Honourable member, your question already started. Nonetheless, ask another.

Hon Dr BRIAN WALKER: I thank you for your kindness, but I must practise as well. I have been through the Law Reform Commission of Western Australia report in some detail and read what the minister has said about most of it being adopted. My understanding is that the shooting community was mostly very much in favour of the Law Reform Commission report. Can the minister confirm that?

Hon STEPHEN DAWSON: I cannot say that with any level of certainty. Certainly, various people provided submissions as part of the Law Reform Commission inquiry. I think there were 1 244 submissions. I cannot say whether they were generally supportive or not.

Hon Dr BRIAN WALKER: The conversations that I have had with the various groups—the shooting groups and the people who have consulted with me—have generally said they were quite in favour of that. I looked at the number of recommendations by the Law Reform Commission, and I calculated 93 per cent of them have been implemented. The question arose in my mind that if there is such a lot of disagreement with the current legislation, what has been added to the legislation that would upset the shooters so much?

Hon STEPHEN DAWSON: Certainly some issues and concerns have been raised about the gun limits and the health assessments, albeit that health assessments could be required under the existing legislation, and some complaints were received about training, property letters and the new storage requirements.

Hon Dr BRIAN WALKER: Thank you, minister. We heard earlier—I was fascinated by this—that one aspect of this is that a Western Australia Police Force lawyer had given an opinion clarifying some things so that there was some specific wording. I found that very interesting and very proper as well, because the correct advice had been given by people who are educated and knowledgeable in this area. Are there any other specific areas for which such advice has been given independent of what the government has put out?

Hon STEPHEN DAWSON: I might ask the member to ask the question again because I did not understand it. Perhaps, for my simple mind, the member would not mind breaking it down further for me.

Hon Dr BRIAN WALKER: Thank you for assuming it was because of the minister's simple mind; I assume that is not the case and that it was my wording, I am sure. In this area, regarding the number of weapons, specific legal advice was received by a WAPOL lawyer, which is very right and proper. Are any areas designated whereby a WAPOL lawyer has specifically contributed to aspects of this bill? It might not have been noted, of course.

Hon STEPHEN DAWSON: If I can clarify, honourable member, when I spoke about police lawyers earlier, that was in relation to the letters that have been sent out this week. The drafting of the bill was done in-house. The consultation happened and various people from the WA police were involved in that, but not necessarily external lawyers.

Hon Dr BRIAN WALKER: Again, I thank you, minister. It is all very clear. My specific interest, of course, is the medical approaches to defining who is a fit and proper person. Speaking as a general practitioner who will likely be required in the not-too-distant future to be personally involved in determining that, can the minister give me a precise understanding of what medical points—not mental points—would make a person an improper person to hold a firearms licence?

Hon STEPHEN DAWSON: I am told that at the moment in certain circumstances doctors are used for assessing a person's ability to hold a driver's licence. They assess whether it is appropriate for a person, particularly one of senior years, to still hold a licence. It will be a similar process for a gun licence. WA police is working with the Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, the WA Country Health Service and the WA Primary Health Alliance network to work out exactly what guidance will be given to doctors. The intention is that the assessment that is done will be similar to that which is done for an aged person to keep their driver's licence.

Hon Dr BRIAN WALKER: Just one question before I pass to another member; I will have a few more after that as well. When it comes to doing a driver's licence examination, I get a form that has a number of pages. The nursing staff will do part of it, but I will do the majority of it. Often in my personal experience, I will go through the boxes and see that eyesight and blood pressure are there, and diabetes is under control. Then I look at this person and say to myself, "I would not want him to have a driver's licence and be driving in one direction if my wife and children were coming from the other direction." It is a sense I have that something is not quite right, so I will send them to a specialist to be retested. It is generally about things like cognition or, indeed, some mental health issue. If I do not want my wife to be in danger, I cannot see why I should allow anyone else's wife to be in danger as well. That is the standard by which I proceed. Is that a reasonable approach to take with a firearms licence?

Hon STEPHEN DAWSON: That is the approach, and that is the type of outcome that medical practitioners would be able to provide. I mentioned earlier that the data stays with the medical practitioner, so it would be essentially only the message that you think the person is appropriate or not, or a fit and proper person or not that would go to WA police.

Hon BEN DAWKINS: I thank the minister for his answers. I also have a simple mind, and maybe my questions are hard to interpret, but I will do my best. I have a general concern about the destruction of civil liberties in this legislation. I will give the minister an example. Clause 368 seems to erode an individual's right to silence when speaking to police. There are penalties for not answering questions. My more learned friend Hon Nick Goiran may assist me with this, but surely a lawyer would have looked at this legislation and looked at the implications for our society in terms of eroding what we consider to be the universal right to silence. My question is: is the government doing that intentionally and almost by stealth under this legislation? Has a lawyer looked at it? Hon Paul Papalia was some sort of a Navy officer, or something like that; he was obviously not a lawyer. It seems outrageous that something like this could slip through. Maybe there is someone who has half an idea, unlike Minister Papalia? Maybe it is the Attorney General, who has defended people in matters against the police before. Maybe he looked at this legislation. In a roundabout way I am asking: has the minister received any legal advice or even advice from a human rights lawyer as to the implications of eroding the right to silence in this state via clause 368?

Hon STEPHEN DAWSON: The full clause reads —

A person commits an offence if the person —

- (a) fails without reasonable excuse to answer any question asked by a police officer under this Act; or
- (b) in answer to a question asked by a police officer under this Act provides information that the person knows to be false or misleading in a material particular.

Penalty: a fine of \$5 000.

If police ask, "Where are the guns?", and someone replies, "I'm just not going to tell you", I think people would have the right to be concerned. If someone says, "The guns are over there", when in fact they are not, or they are misleading the police or unreasonably refusing to answer questions, I think it is an appropriate offence and penalty. These are guns, not lollipops. It is important that people adhere to the law.

Hon BEN DAWKINS: We could say that about any act that touches upon potential criminal offences. There are obviously fundamental reasons why we have a right to silence; it protects the individual. More often than not, and with good reason, criminal lawyers instruct clients to exercise their right to remain silent for a host of reasons, which is well documented through the courts, having led to wrongful convictions over the years. I accept the minister's answer.

Hon Nick Goiran interjected.

Hon BEN DAWKINS: As I said, I am always willing to get assistance from learned counsel, of which I am not. Does the minister accept that the erosion of the right to silence is a step towards a police state in Western Australia?

Hon STEPHEN DAWSON: With the greatest of respect, this is not question time. This is not about my opinion. If the member has questions about clause 1, he is very welcome to ask them. If he has questions about clause 150, he can ask them when we get to clause 150, but I will not give an answer to that question now.

Hon Dr BRIAN WALKER: We are talking about the replacement of the 1973 bill, which is well past its time and now due for replacement. I also note that in the past we have asked specific questions about how much, when and what has gone on with weapons. We have not received a great deal of information in return. I mentioned during my speech on the budget reply this afternoon that we did not have much in the way of staff, either. The research I have done may be faulty, and I apologise for that. I understand that since 2021, around 350 firearms incidents have occurred. Is that about the right number?

Hon STEPHEN DAWSON: Does the honourable member have an answer to a question in which he has been given that figure?

Hon Dr BRIAN WALKER: No, I have not. I have had to do the research myself. It may well be false. It is the number I have researched.

Hon STEPHEN DAWSON: My advisers tell me that they thought it would have been more than that. We do not have a figure in front of us now. I will check the files to see what we have, but at this stage I cannot confirm that figure.

Hon Dr BRIAN WALKER: Of course, the figures are fuzzy because I do not have access to the real figures.

Hon Stephen Dawson: You use the words “firearms incidents”. Can you be clear on what you are saying an incident is?

Hon Dr BRIAN WALKER: I would love to, but, no, I cannot because this is very fuzzy. This is part of my discomfort with the approach so far. Of those incidents that I identified—I appreciate that the figure may be a bit less than the police have noticed—my search of the reports that are publicly available suggest that approximately 24 per cent of them were committed by people already on bail, and a further 20 per cent were committed by those who had existing mental health problems. Why was use not made of the existing 1973 legislation to remove weapons from people who had obviously shown themselves not to be fit and proper persons?

Hon STEPHEN DAWSON: I can say a couple of things about that. I am told that in the last 12 months, we did about 141 specific health assessments in which we ascertained whether someone was fit and proper. Those assessments take place quite regularly. The information about people’s mental health may not come to our attention; however, as a result of the bill before us, it will be mandatory to advise if there are issues with someone’s mental health.

Hon Dr BRIAN WALKER: Thank you; that is very reassuring. I thank the minister for the information. Bear in mind that these figures are fuzzy and may well be incorrect, but I had ascertained that, of the remaining 195, about 130 already had existing criminal records. Why would they still be thought of as fit-and-proper persons according to the existing 1973 legislation?

Hon STEPHEN DAWSON: The commissioner may make a decision at the moment, and has done previously, but a number of those decisions have been appealed to the State Administrative Tribunal, which has overruled the commissioner’s decision. Sometimes, the SAT deemed the commissioner’s decision to be wrong based on the fact that the gun might not have been used in the circumstances. Although the commissioner deemed the person not fit or proper, the SAT overruled that.

Hon Dr BRIAN WALKER: Thank you; that is all very reassuring. I will not ask this question, but I suppose that people could argue that if someone had committed a crime of, say, shoplifting, it really would not justify removing weapons, even though they might not be the most honest person in the world. I will accept that. The minister must also bear in mind that I am very supportive of the Western Australia Police Force and the excellent job it does, and I am also aware of the serious stresses it is under. They would possibly explain how, if it is doing so many things, it is difficult to keep track of such a large number of areas and persons.

What in the Firearms Bill 2024 will give the police more certainty that they will be able to meet the requirements of the legislation, and have we ensured enough resourcing and funding so that the Western Australia Police Force will not be over-challenged in maintaining the law?

Hon STEPHEN DAWSON: There are a number of things in this bill that give the police confidence or that they are very supportive of, such as the mandatory disqualification functions and mandatory health assessments. In terms of resourcing, \$27 million has been set aside for a new IT system. It has been universally acknowledged that the IT system that is currently in use is outdated, cumbersome and challenging to use and get detail out of. This new system will be helpful. Those are some of the main things that give the police confidence that this will be good legislation.

Hon BEN DAWKINS: As a general question, why will clause 351—I believe that is the relevant clause—introduce what my constituents and I say are excessive powers? In this instance, clause 351 concerns search powers. I previously spoke about the excessive power to force people to answer questions and the derogation of their right to silence. If this bill is really about reducing gun numbers, why will we see the introduction of new police powers, such as the new search power contained in clause 351?

Hon STEPHEN DAWSON: This is not a new power; it exists in the current act.

Hon BEN DAWKINS: I will have to look more broadly to see where the new search powers exist. I thought it was clause 351. Perhaps the minister would like to tell me. I know it is there. I can ask the question: will any additional search powers be introduced by this bill; and, if so, in which clause?

Hon STEPHEN DAWSON: The advisers are just checking that. I am told that the powers are under section 26D in the current act. The bill contains some new powers—for example, clause 349, “Power of search and seizure before firearms prohibition order served”.

Hon BEN DAWKINS: I guess the answer would be that this legislation is not just about reducing gun numbers; the government is also introducing those—what do you call them?—seizure orders. The seizure orders are new; is that true, minister? Is that what the minister said?

Hon STEPHEN DAWSON: I said clause 349, which is “Power of search and seizure before firearms prohibition order served”.

Hon BEN DAWKINS: Is the prohibition order in this bill new? I have not managed to establish that.

Hon STEPHEN DAWSON: No, it is not.

Hon BEN DAWKINS: Were those search powers available under the previous prohibition orders?

Hon STEPHEN DAWSON: The provisions in clause 351 are available under the current prohibition orders; the powers in clause 349 are new.

Hon NICK GOIRAN: I have a number of questions on clause 1. Just to close the loop on this clause 349 issue, the minister is saying that a new power of search and seizure before a firearms prohibition order is served is being inserted. That power does not exist under the current act. What justifies the inclusion of this new power?

Hon STEPHEN DAWSON: We have had circumstances in which, even in the case of a murder, we wanted to seize the firearms, but we could not get to them because we could not find the person in order to serve the order. In that circumstance, under this legislation, we will be able to use this new power to seize the firearm without needing to find the person to serve the order upon. We might know where the guns are, but the person might not be around. It might be that the person has absconded from the state, for example, as the member mentioned in an earlier question. If the guns are somewhere in that person’s house but they have gone, this power will allow us to seize those guns.

Hon NICK GOIRAN: How does that compare and contrast with the new powers to seize firearms without a warrant that have been set out in the government’s media release today, signed by the Premier and the Minister for Police?

Hon STEPHEN DAWSON: The power under clause 349 relates to somebody who has been assessed and is subject to an approved order. The powers in the announcement that was made today relate to somebody for whom we believe there is some immediate need to take their firearms away but an assessment has not yet taken place.

Hon NICK GOIRAN: There would have to be an assessment in order to proceed with even the new power that has been proposed in the media release, which will presumably be in one of the sections that the minister is proposing to insert in the supplementary notice paper. If a police officer is going to seize a firearm, before he or she seizes the firearm, they will have to conduct an assessment. They will have received a complaint. Let us say it is an allegation of domestic violence. The officer will have to receive that allegation, assess it and then take a course of action, so there will be an assessment of sorts. I appreciate that it may not be one and the same assessment as one that may ultimately lead to a prohibition order; they may be two different kinds of assessments, but clearly some kind of assessment must take place.

Hon STEPHEN DAWSON: In this case the officer would form an opinion, whereas in the other case an assessment would be a full-blown process. In this case, it is simply that an officer forms an opinion that there is a risk or an issue and therefore a course of action takes place. An assessment is something else; although, yes, as the member said, it is an assessment of sorts would take place because the officer is forming an opinion.

Hon NICK GOIRAN: How then does that differ from the power to seize, which is set out in clause 344?

Hon STEPHEN DAWSON: Clause 349 relates to somebody who is on a prohibition order. Clauses 344 and 345 will work together, and I am told that they relate to somebody who is subject to an order, or an opinion has been formed but they are not subject to a prohibition order.

Hon NICK GOIRAN: What I want to understand here is whether clause 344 sets out a power to seize.

I draw the minister's attention to clause 344, which states —

- (1) A police officer may seize a firearm or related thing that is in the possession of a person in any of the following circumstances ...

...

- (c) if the police officer reasonably suspects that possession of the firearm or related thing by the person may result in harm being suffered by any person or may result in a threat to public safety;

That is a pretty broad seizure power by a police officer. Therefore, my first question is: does that power currently exist?

Hon STEPHEN DAWSON: I am told that a similar provision exists in section 24(2) of the current act.

Hon NICK GOIRAN: Section 24(2) is a similar provision. Do I take from that that it is materially the same without necessarily being exactly the same?

Hon Stephen Dawson: By way of interjection, it is materially the same.

Hon NICK GOIRAN: Why did we have a media release today from Mr Cook and Mr Papalia about the new powers to seize?

Hon STEPHEN DAWSON: I am told that clause 344(1)(d) is the new power referred to today. The new power for a non-warrant seizure is under clause 345. It is the one referred to in the press release today.

Hon NICK GOIRAN: Let us look at it this way. The minister has already agreed that the power under clause 344 substantially exists under the current law. I think the minister might have referred to section 27; I cannot recall. It does not matter. The minister indicated it is materially the same as clause 344(1)(c). Can the power to seize under clause 344(1)(c) be exercised without a warrant?

Hon STEPHEN DAWSON: Not unless there is an absolute and immediate risk.

Hon Nick Goiran: So, the answer is yes.

Hon STEPHEN DAWSON: I think this is a stronger provision that we are including in the bill before us, which will allow for an action to be undertaken without a search warrant.

Hon NICK GOIRAN: Minister, we need a lot better than that. Mr Cook and Mr Papalia have gone out today, beating their chests with another media release telling everyone in Western Australia that, amongst other things, the opposition is holding up this bill and that there are going to be new powers to seize firearms—new powers—without a warrant following a domestic violence report. We need something more concrete from the minister in the other place. I sometimes wonder whether the Minister for Police has ever read the bill presently before us. If he is going to go out and beat his chest and do these media releases and all the rest of it, we expect, as the final arbiters of whether there is going to be a new law in Western Australia, a cogent and comprehensive response. There is clearly, at clause 344, a power to seize. The minister has already indicated to the chamber on a couple of occasions that it is materially the same as the existing power that is available to police. Let us put to one side whether it was used in the Bombara case, because that will be the subject of an internal investigation. In this instance, we know that police have the capacity to be able to seize a firearm. If a police officer —

reasonably suspects that possession of the firearm or related thing by the person may result in harm being suffered by any person or may result in a threat to public safety;

If the police minister spent two seconds to actually read his own bill, he would see that under clause 345 that power, which is under clause 344, can be exercised without a warrant. The words are plainly there: “may be exercised without a warrant”. Let us look at clause 345(2) on page 170 of the bill at lines 3 and 4 —

A power of a police officer to enter and search a vehicle under this section may be exercised without a warrant.

My question is why the media release today is telling everybody that there are going to be new powers to seize firearms without a warrant following a domestic violence report? Would it not be the case, minister, that that provision already exists under clause 344, the power to seize, which can be done without a warrant under clause 345?

Hon STEPHEN DAWSON: The honourable member is incorrect. To be honest, I do not really care what press release went out today. I am dealing with the bill before me now. My advisers tell me there is a new power in this bill. Certainly, under clause 344(1)(c), there will need to be a search warrant. In relation to clause 345, it is if there is a sense of immediacy. If the crime or challenge is happening right in front of a police officer, a seizure could be made. If somebody rocks up to a police station in Mirrabooka, Morley or anywhere else, and says somebody is threatening them, the power does not exist without a warrant for a seizure to take place. Under this new change, no warrant will be needed. A police officer could make that seizure.

Hon NICK GOIRAN: The minister's advice to the house, the answer that is going on the record in *Hansard*, as the minister representing the Cook Labor government at this time, is that in order for a police officer to exercise the power under clause 344, a warrant must be issued.

Hon STEPHEN DAWSON: As I said, it is unless there is an immediacy—an immediate risk, right there and then in front of the police officer. That is what I am told.

Hon NICK GOIRAN: Minister, either a warrant is required or not for the purposes of clause 344.

Hon Stephen Dawson: It is not either/or; it is whether there is a sense of immediacy in front of them.

Hon NICK GOIRAN: The minister must have a different bill from me. This gigantic bill I have in front of me, at page 170 says at lines 3 and 4 —

A power of a police officer to enter and search a vehicle under this section may be exercised without a warrant.

I do not know whether the version in front of the minister has different words, but they are the words here. That is one in the same provision as clause 345, which says —

For the purpose of exercising a power under section 344 —

That is the provision we have just been dealing with. We need to get this right. I appreciate that the minister is representative. If I sound agitated, it is directed at the Minister for Police, not him. We need to be clear that clause 344 is a provision that the minister—and I have no reason to dispute him—said is materially the same as a power that is presently available to the Western Australia Police Force under the current act. I do not quibble with that at all. Can that power be exercised without a warrant?

Hon STEPHEN DAWSON: In limited circumstances. The advisers are telling me to tell the member to read clause 345(3).

Hon NICK GOIRAN: I absolutely accept that, but the point is that clause 345(3) cannot be read without having first read clause 345(2), which states that this power can be exercised without a warrant.

Hon Stephen Dawson: By way of interjection, subclause (2) relates to a vehicle and subclause (3) relates to a place. They are two different things. It is not the same.

Hon NICK GOIRAN: I can repeat the dissertation that we just had moments ago. Clause 344 is the power to seize in certain circumstances. Can it be exercised with or without a warrant? The minister's latest answer to the chamber was that it can be, in limited circumstances. So it can be exercised without a warrant. Then we read into clause 345, which contains the limited circumstances that the minister referred to. How will that then change as a result of the amendments put out in the press release? I accept what the minister has just said; it is not that I have not heard him. He said he is not interested in the media release that was issued by his colleagues today.

Hon Stephen Dawson: I am just saying that it is not material to my debate on this legislation.

Hon NICK GOIRAN: I would like to go back to check the record because I seem to recall the minister saying that he was not interested in those media releases, he was interested in the bill presently before the house. The problem is that the people of Western Australia are not poring over this gigantic bill; they are listening to the media releases and the press conferences by the Premier and the Minister for Police. How is the amendment that was advertised in the media release today going to change the power set out in clause 344?

Hon STEPHEN DAWSON: I have nothing to further to say on this at this stage. I will answer those questions when we get to clauses 344 and 345.

Hon STEVE MARTIN: I want to quickly step back to a conversation that the minister had with my colleague while I was in the chair about the correspondence that has taken place with the 70 000 licence owners, I believe. I assume there was a phone call or email involved and a follow-up phone call. As a licensed firearm owner, I have received some communication from police. It felt to me like it was about updating my licence. It required my name, date of birth and the serial numbers of the weapons on my licence. I do not recall any conversation about the upcoming bill, the changes to storage or the other pieces of the bit of legislation before us. I just want to clarify: was my correspondence about the licence details in effect what the 70 000 licence owners have received or am I one of the 20 000 who is getting a subsequent phone call?

Hon STEPHEN DAWSON: Even the 70 000 licence owners will get further correspondence or contact from the police. There are 33 people on the team. In fact, there are probably more officers who are checking the details. As I said earlier, I am not going to repeat myself again. People were either contacted by email, telephone or SMS. If it was email and SMS, it was to phone them. That is my words, not theirs. It is a stocktake to properly work out the data of who people are and what they have got. People are generally being told that the law is changing and this is part of the law changing. We are collecting data and details. Once we have those and know what the changes to the law are, we will then send further information about what will affect them. It may well be that the licences or the cap have changed or things like storage.

Hon STEVE MARTIN: I thank the minister for that. I am expecting further calls!

Hon Stephen Dawson: Did you get any of the SMSs as well?

Hon STEVE MARTIN: I may have done. I was desperately trying to find one when I was sitting in the chair. I think it was an email and a follow-up phone call.

There are 33 staff doing the task currently, with 90 000 licence holders and an enormous piece of legislation that will get through this place next week. Is an uptick in the 33 anticipated or will they just soldier on and get through this task as best they can?

Hon STEPHEN DAWSON: A total of 70 000 people have been contacted so far, and there are 20 000 more to do. There is a whole transitional period, and so the calls continue and they will be done over the transition period.

Hon NEIL THOMSON: I would like to go back to some of the questions on tenure I asked earlier. I have spoken to the Pastoralists and Graziers Association representation, and there was some consultation with that organisation. I understand it raised some points about property letters but that it has largely accepted the reforms. It is really important to note that the consultation with the PGA, the Kimberley Pilbara Cattlemen's Association and, I think, the Western Australian Farmers Federation did not include, as far as I can tell, any of the 50 or 60 pastoral stations owned by Aboriginal corporations.

I have had a fair bit of experience working with Aboriginal corporations over the years, supporting them and furthering their economic development. I will not name names, but in the Kimberley there are about 30-odd Aboriginal corporations, and to a large extent they have varying degrees of governance. Some of the stations are managed directly by the corporations and others have a sublease or some sort of agistment arrangement with a third party—there is a whole range of arrangements. Essentially, for people who are not aware of how the structure works, a corporation could either be an incorporated association under the Associations Incorporation Act or a corporation registered under the Office of Registrar of Indigenous Corporations. They often do not have staff or sometimes even an office or administrative capacity, and sometimes those arrangements are managed informally. People on those stations who are either traditional owners or part of the community that operates, the members of that registered corporation, will go onto the property. They have an allocation of what they call “killers”, which is the cattle they shoot on the property. There will be a number allocated either formally or informally through the process. It is quite a common process.

I am very concerned about the need for written letters every time anyone goes to get access to the cattle, which is what they do—usually it is done either in some informal or structured way—and the capacity for those organisations to provide the administrative capacity to have those letters. Have the people involved in the bill taken the time to engage with Aboriginal-owned pastoral stations?

Hon STEPHEN DAWSON: No, we have not engaged with each individual pastoral landowner or, indeed, every Aboriginal organisation that might have a pastoral company.

Hon NEIL THOMSON: One of the challenges is that, as far as I know, there is no peak body that provides representation for those groups. There may be 70 statewide. I know that of the 96 or 98 pastoral stations in the Kimberley, about a third are owned in this way. As I said, a few have structured management within the organisation, some have agistment agreements with other non-Indigenous pastoral companies and others have subleases. Obviously, Yawuru is a fully operating situation. I am not sure whether any hunting would be allowed on that station, but I know that that would normally be done on a regular basis in the central Kimberley. I guess I am worried that this law will be passed and we will not have reached out. The Pastoralists and Graziers Association represent, to the largest extent, non-Indigenous owners within the pastoral estate—that is no criticism of the PGA whatsoever; that is just the reality—as would the Kimberley Pilbara Cattlemen's Association. Some of the Indigenous corporations are probably members, but I imagine they are not to a large extent. I encourage the minister to take this back to the minister he represents and certainly to the transition group. I think we are going to need to deal with this in a sensible way because I do not think it is very healthy to effectively discriminate against one part of the community because of the challenges they might have. There might be some governance issues that make it harder to manage those letters, because if those decisions need to be made formally through a letter, they would have to go to an AGM or a meeting of the Office of the Registrar of Indigenous Corporations because there might not be staff with the delegated authority to write those letters. I think this will be a major challenge. I just do not think the Minister for Police understands well enough the reality of what goes on in the regions. I ask the minister, in the spirit of trying to make this work, whether he could take that point back to the Minister for Police and work out how, especially in the timeframe in which this will become law, we are going to enable the dozens if not hundreds of Aboriginal people who use firearms on those stations to have access. As I said in my contribution to the second reading debate, a number of people have access to stations that are not managed or owned by Aboriginal people. As I said, many of the pastoralists I know are very collaborative with traditional owners and might see this as a benefit because it will mean that they will have to sign a letter every time. The flip side is that it makes it even harder for people to have access.

I pass that encouragement on to the minister. I am quite disappointed with the level of consultation here, but I have made my point on that. I want to talk about another group of people or stakeholders in my region who have contacted me. These are the prospectors and pastoralists who have concerns about wild animals, particularly wild dogs and dingoes. I understand that the bill does not allow carrying a firearm for the purpose of self-defence. I could read

some articles to the minister. I will not read them all out, but there have been a number of articles on the ABC over the last few years. There was one on 8 June 2023 about a gentleman who was attacked by a dingo and had to shoot it. He got bitten several times. I have had many calls from people. It particularly seems to be a problem in the goldfields, where they say they carry a licensed firearm for the purposes of defence against wild dogs. I have heard some horrendous cases. Not all these cases are reported, but a number have been recorded of dogs, either packs of wild dogs or dingoes, attacking persons out in the bush. I have had many examples given to me of someone being tracked by dogs while doing fencing, for example. This pastoralist would be on the property, and have a firearm in the vehicle or somewhere close because they have been tracked by a pack of 10 dogs along the fence line. They are just following along, and then maybe the pastoralist uses the firearm to fire a warning shot to get them to go away. In the case of this gentleman mentioned in the ABC article, he shot a dingo dead because it seriously attacked him. Are there any grounds for someone to use a firearm for any form of defence against wild animals?

Hon STEPHEN DAWSON: In extraordinary emergencies, a defence would be available to somebody who might need to shoot a wild animal if they are under attack. Dingoes, for example, are a protected species, so I guess the person needs to convince police that it really was an extraordinary emergency.

Hon NEIL THOMSON: Would it be a reasonable defence? I suppose the question is: if a prospector has a licensed firearm to use on a property, I assume that prospector has every right to carry a firearm on the property; is that correct?

Hon STEPHEN DAWSON: I think if he is using it for a lawful purpose under his licence, the answer is yes.

Hon NEIL THOMSON: If a prospector is lawfully carrying a firearm in his vehicle—maybe not with the intent to go hunting, but just having a firearm on hand—is that a lawful purpose?

Hon STEPHEN DAWSON: It is a hypothetical, so it will depend on time, place and circumstance. There would be a number of variables. If the prospector had a legal reason to have the gun in his car, for example, but suddenly gets attacked by a dingo or pack of wild dogs, that would be an extraordinary circumstance and that would be a defence.

Hon NEIL THOMSON: I guess the issue is that the prospector would have to be more cautious under the new legislation. There would be a change —

Hon Stephen Dawson: They would have to be as cautious under the existing legislation as they would under the new legislation.

Hon NEIL THOMSON: In response to that, I am not talking about being cautious using a firearm. That is a given. They will always be cautious about using a firearm. I am talking about ensuring that they would have the appropriate property letters. A lot of prospectors move from one property to another. They could operate over a range of properties. Under the existing legislation, they need only one licence and one approval to go to a number of different properties and carry a firearm. Is that correct? Under the current legislation, they need approval to get a firearm. They are, effectively, allowed to have that weapon on their person. However, under the new legislation, they would have to get a property letter from each of the property owners.

Hon STEPHEN DAWSON: A person cannot just carry around a gun for any purpose now. It has to be for a lawful purpose. That exists now. In relation to property letters, yes, there are changes in the legislation before us around property letters.

Hon NEIL THOMSON: I guess this is when the practice and the law may be somewhat divergent. I suppose this is at the heart of some of our discussions around the use of firearms. I think the bill puts remote firearm owners and users in a more precarious legal situation. A pastoralist will often carry a firearm in their vehicle at all times because they may see a camel that they have to shoot.

Hon Stephen Dawson: They are primary producers, so there is a reason for them to have it. A prospector is very different.

Hon NEIL THOMSON: We can talk about a primary producer licence in detail later. That is a fair point. I am trying to make a point about it being a defence to have a firearm to use against animals because this issue has been raised with me, if the minister does not mind indulging me. Apart from reading the stories and referrals I have had, people say that it is a real thing. I have heard from people, particularly in the goldfields, that they feel very vulnerable. I will just say it: they said they would never go out into the field to do prospecting without having a weapon either on their person or in their vehicle because of the risk of wild dogs and dingoes. I do not know the extent to which that is a real risk, but there are stories in the media that say that has happened. We can only take it on face value. I spend a lot of time out in the bush and I do not carry a weapon, but I have not been in some of the areas where they say it is more prevalent than the areas that I have been. My experience has mainly been in the Kimberley.

It is a question of how the police will deal with a prospector who is carrying a weapon for that purpose or intent. The prospector would have to be licensed but they could potentially be licensed to hunt on a property. If they just happened to have the firearm on their person, could the police charge them with that even if they were deemed to be using it for their own personal protection against wild animals?

Hon STEPHEN DAWSON: If they have a gun for a lawful purpose on the property that they are on, they would have a legitimate reason to have it in the extraordinary scenario the member mentioned. However, people cannot just carry a gun for the sake of it. They would need to have a lawful purpose to carry it in the first place, and that has not changed between the existing legislation and the new legislation.

Hon NEIL THOMSON: I suppose the main difference from the existing legislation is that the hypothesis here is that they are using it for a lawful purpose, putting aside what their thoughts might be about protection, but they are going to need to get written consent on a regular basis from the owners of the various properties that they traverse. I suppose my question is: do the drafters and the police have any view on the legitimacy of the concerns raised by my constituents around the need for a weapon because of the risk of wild dog attacks in Western Australia?

Hon STEPHEN DAWSON: This issue has not been raised with us, honourable member, before now. My advisers tell me that some of them went out to Kalgoorlie as part of the consultation process and this issue was not raised. Now that the member has raised it, it is something for us to be mindful of. If people are currently doing things that they should not be doing and doing things illegally, there is an opportunity for us, with this new legislation, to put out some fact sheets saying exactly what the law allows and does not allow and, indeed, whether people need to apply for a licence and how they might do so.

In relation to the member's earlier comments about the Aboriginal-run stations in the Kimberley, my advisers tell me that they will reach out to those organisations. Some of them may well be members of the Kimberley Pilbara Cattleman's Association, but others may not.

Hon Neil Thomson: Some are, but a lot aren't.

Hon STEPHEN DAWSON: Yes, so they will take that as an action—to reach out to those organisations and make them aware of the status of the legislation and also the upcoming changes.

Hon NEIL THOMSON: While we are trying to work on this issue I will say: do I like this bill and the way it is all structured? No, I do not. I think there are elements that are just too bureaucratic. Do I like some of its intent? Yes, I do. I think some of the intent is fine, so I will just put that on the record. But while we are in the process of getting feedback to try to improve the administration of this poorly crafted bill, which is overly bureaucratic in my view—that is just an opinion—can I ask that when the advisers talk to these Aboriginal corporations, can they please get some more clarity on the issue around complex management arrangements on some of these stations? Maybe it is in the procedures or regulations. If it is an agistment agreement, there might be provision for access; it might be a holding, even though it is not a proper tenure. That will depend on whom those Aboriginal corporations say is the person to give authority. It might not be. Again, it might be the owner and who that might be, because they could end up really falling foul of some of the internal politics of these groups, which is quite understandable. Another one is where there are subleases, for example, and other arrangements.

Please try to put some clarity around that so that at least there is a seamless way for members of those communities to actually comply, to the greatest extent possible, with the law. I should not be saying this, but the fact is we know it is going to be difficult for so many of those people to comply fully because of the complex nature of the ownership structure around some of those things.

In relation to the concerns about dog attacks, there are not that many examples online. We had the example on 8 June when we saw a picture of a dingo with a bullet through it. A guy was bitten; he was very clearly attacked. It was quite a horrific story. There are other examples. I have heard stories from the northern goldfields and also from the Pilbara where that issue poses significant challenges. I ask the minister for some clarity on that. Maybe it will be picked up in some procedures. I would not like to see somebody, who happens to have a weapon in their vehicle, shoot a dog in self-defence after it attacks them and they get charged for not having a proper letter simply because they were trying to defend themselves when they were 100 metres or a kilometre off the boundary of someone's property. That would be a very perverse outcome.

Hon Stephen Dawson: That would be an extraordinary circumstance.

Hon NEIL THOMSON: Okay. Thank you.

Hon STEPHEN DAWSON: The member's point about the Aboriginal organisations was well made. We will undertake to not only contact the Aboriginal pastoral stations, but more broadly reach out to the prescribed body corporate as well just to make sure that they are looped in.

Hon Neil Thomson: And the land councils.

Hon STEPHEN DAWSON: Yes, absolutely. I mentioned the KLC, for example, and other land councils. I am giving that undertaking.

Hon NICK GOIRAN: There is a seventh issue of the supplementary notice paper, which includes a number of amendments standing in the minister's name. At the briefing that was provided to the opposition earlier this morning, it was requested that some form of ancillary explanatory memorandum be provided to members to set out the purpose of the amendments standing in the minister's name. It was acknowledged at the time that there is no obligation on

the part of the government to provide such a document but it was suggested that it might assist in the passage of the bill, particularly given its time-limited nature and the conditions under which we are operating. Has there been an opportunity to prepare a document of that sort?

Hon STEPHEN DAWSON: A document is being worked on. I am not in a position to give it to the honourable member just yet but I will certainly give it to him as soon as possible.

Hon NICK GOIRAN: I thank the minister and those officers who are working on that. It is appreciated.

When we last sat on 30 May, and we were dealing with this bill, it was certainly the opposition's understanding that the government did not need this bill passed until the August sittings. Something has obviously drastically changed, otherwise the clock would not be ticking down as it currently is. What has transpired or changed since the last sitting so we now need to deal with this bill urgently, particularly in the context that the government lodged further amendments today?

Hon STEPHEN DAWSON: Obviously, this issue has been discussed more broadly in the community recently. During the past two weeks, there was a terrible tragedy in Floreat where two women were shot by a licensed gun owner. Although the agency may well have been working towards a particular timeline, it is the government's view that this is important legislation and it needs to be passed through the Parliament as quickly as possible.

Hon NICK GOIRAN: Passing the bill is one thing but it commencing is another. When will the majority of the bill be ready to be commenced?

Hon STEPHEN DAWSON: As I explained to somebody earlier—it may have been Hon Ben Dawkins—the normal process is that a bill passes through Parliament and regulations are drafted. In this case, approval has been given for the regulations to be drafted in tandem, albeit they may change depending on the passage of the legislation before us. It is intended to get the bill passed, assented to and operating as quickly as possible but it will rely on the regulations.

Hon NICK GOIRAN: Has the approval to draft in tandem been given since we were last sitting on 30 May?

Hon STEPHEN DAWSON: No, it preceded that.

Hon NICK GOIRAN: I know that the minister provided the explanation about the tragedy that occurred. Other than the government's—this is my choice of words here—insisting that the bill pass by next Tuesday, the work done by the agency is the same as it was. In other words, the drafting and consultation of the regulations continue to occur in earnest. Is there an expected timeframe when that work will be completed?

Hon STEPHEN DAWSON: No, there is not yet a timeframe. Obviously, as the honourable member pointed out, the supplementary notice paper that was issued yesterday now has some further amendments in my name. Obviously, there is a bit more drafting work to do. The bill drafting has been done, but work continues to be done and needs to be done for the regulations that might need to take place as a result of those amendments.

Hon NICK GOIRAN: Do any of the amendments that stand in the minister's name deal with regulations?

Hon STEPHEN DAWSON: Yes. Some of the collective stuff in there will need regulations. As I said, the work on the regulations is generally taking place already, but there will be some further work as a result of this supplementary notice paper.

Hon NICK GOIRAN: Is there a draft of the regulations that is currently available?

Hon STEPHEN DAWSON: There is not.

Hon NICK GOIRAN: There is not a draft, or it is not available?

Hon STEPHEN DAWSON: There is not a full draft yet.

Hon NICK GOIRAN: I am reading into that that the regulations will be large. Approval has been given previously. Drafting is being done in tandem. We have known about this for quite some time, even before the last sitting on 30 May. Work is continuing, but we do not have a current draft available. It sounds like it will be quite a significant document.

Hon STEPHEN DAWSON: The bill before us is obviously a bigger bill than the last one, and more regulations will be associated with it. What was the second part of the member's question?

Hon NICK GOIRAN: I am trying to get a sense of how far away the regulations are. The work being done in tandem was approved. We knew that on 30 May. Here we are, a few weeks later, but a draft is not currently available. The minister has been at pains to say on a few occasions today that the government intends to continue to consult with stakeholders during the passage of this bill and during the regulation-making process. It must be difficult to consult with stakeholders if the government does not have a document to show them what the regulations might look like. I am reading into all this—the minister can correct me if I am wrong—that we are very much at the early stages of drafting the regulations. Quite a bit of work needs to be done before the government is in a position to table regulations and make them available to the public, at which point in time, this bill will become fully operational. The context of my question is that I recall reading something in the media in recent days. I hasten to add that our

friends in the media are known to get things wrong. I recall that the media was indicating, presumably on the advice of government, that the intention is for this new firearms act to come into effect in March next year. I am trying to get a sense from the minister of whether the media report is wildly inaccurate or probably about right.

Hon STEPHEN DAWSON: The intention is to get the bill enacted as soon as possible. Although some drafting has taken place and some consultation is occurring on the regulations, there may well be some organisations that have more of an interest in particular regulations, so the focus may be to consult them on those regulations. As I have mentioned, more regulations are to be drafted. The outcome or passage of this bill will dictate what further regulations will need to be drafted. The intention is to get them drafted as quickly as possible. I am not too sure who used the March next year date, but the government's intention is to get this bill enacted as quickly as possible. I think there is an expectation in the community that action should take place as quickly as possible.

Hon NICK GOIRAN: I agree with the minister here. It is an expectation fuelled by the Premier and the Minister for Police. That is why I am trying to understand.

Hon STEPHEN DAWSON: Honourable member, it could partly be fuelled by the terrible tragedy that happened in Floreat last week.

Hon NICK GOIRAN: I think the minister and the Premier have poured fuel on that fire. I think that at the end of the day, there is an expectation in the Western Australian community that if the Premier and the Minister for Police are going to say that this is an urgent matter, and, in particular, the Minister for Police takes the opportunity to have a crack at the opposition over the passage of the bill, then it is reasonable for them to be able to articulate when they expect this new law to commence. I appreciate the minister saying that the work is going to occur, and the intention is for it to happen as soon as possible, but is it at all realistic that this new law will be in place during the winter recess? Parliament will go into recess in a week or so, as the minister knows. We will not resume until August. Is it at all realistic that this law will come into place or is that unreasonable given the amount of work and consultation that still needs to be done?

Hon STEPHEN DAWSON: Honourable member, I cannot say. We cannot finalise the regulations until we get this finalised. Both need to take place. The quicker we get this done, the quicker we can get regulations done and the quicker we can get an act enacted and change the law in Western Australia and hopefully save some lives. I know the point that the member is trying to make. He can ask numerous ways, but I say again that the intention and the belief of government is that this is really important legislation and therefore it should pass the Parliament as quickly as possible, albeit the member has an opportunity to scrutinise it as he is doing now, and appropriately so. The sooner we pass it through Parliament, the sooner we can get the regulations finalised and the sooner we will have a new act.

Hon NICK GOIRAN: I think that if the average observer of parliamentary proceedings was unaware that there is a clock ticking at the moment that says 10 hours and four minutes and seven seconds to go—if they were not aware that that is the case, they would probably find the minister's answer to be fair and reasonable. But I put to the minister that it is not fair and reasonable, because the minister and I both know that in 10 hours of parliamentary time, this bill will pass, and there is not a thing that I or any of my colleagues can do about that. The minister and I know that, and I think we can be open and transparent and honest with the people of Western Australia. In fact, as I understand it in discussions that have happened behind the chair, it has been put to us that this bill must pass by next Tuesday evening. We all know that is going to happen. At that point in time, can I suggest to the minister, this bill will be transmitted to the other place. Why? It is because the government has had to make amendments to its own legislation, which is a topic I would like to take up on another date, particularly given some of the vilification that has come our way from the police minister. He has now had to amend his bill not once, but twice, because he had to amend it in the other place. The point being is that next Tuesday night, this bill is going to the other place. We all know what will happen over there. It will pass like lightning. The Assembly rises on Thursday next week; therefore, this bill is going to pass. We do not need to pretend or spend any more time saying, "Well, I wonder if the bill will pass. We're not really sure if the bill will pass." If that was not the case, the government would not start the drafting of the regulations. The government has agreed to approve the drafting of the regulations in tandem, which Hon Martin Aldridge indicated earlier, and that is really quite unusual. We have been told countless times before that it is not possible to even pick up a pen to start drafting any regulations until such time as the bill has passed. We all know that is going to happen.

I do not think that it is unreasonable for the Cook Labor government to give an indication to the people of Western Australia as to how soon it expects this law to come into place. Is it going to be August, September, October, November or December? Is it reasonable to expect that it will be in place before Christmas? As I say, I have seen something recently that suggested March. At a personal level, I do not mind what the date is. I ask for some form of indication. I think the minister indicated that 30 people were working within WA police in what is referred to as the transition team, and that they have had to contact 70 000 firearms owners; they still have to contact another 20 000. Apparently it has taken nine months to contact the 70 000. That does not surprise me, given that we are told that these all require phone calls. A bit of work needs to be done. I do not think it is asking too much to get some form of indication. Is the minister in a position to give us some kind of timeframe as to when this might happen?

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

**CORRUPTION AND CRIME COMMISSION REPORT —
DETAINEE DEATH — UNIT 18, CASUARINA PRISON**

Statement

HON DR STEVE THOMAS (South West) [8.45 pm]: President, today in Parliament, you tabled a report of the Corruption and Crime Commission titled *An investigation into allegations of serious misconduct following the death of a young detainee in unit 18 Casuarina Prison*. I think this is a very good report. Irrespective perhaps of some of the points of difference I have had with the Corruption and Crime Commissioner, being on the oversight committee, I have developed an enormous amount of respect for the work that Commissioner McKechnie does and his capacity, and I think that this is a stand-out report that should be taken aboard and read carefully by all those who have taken a view on this matter. This is a dispassionate report. It does not play on the emotions. It puts forward in plain and fairly certain terms what the commissioner saw occur during a particular night on which a young man took his own life.

I have said a couple of times that we have to be very careful, because the conditions within all prisons are difficult and dangerous. They are dangerous for the employees; they are dangerous in many circumstances for, let us say, the inmates. In many cases, it is actually the inmates who are the greatest threat to other inmates. I reinforce the position that I take and have said here before that the first order of business is for the threats of violence within and the abuse of the prison system to stop before we start addressing many of the other issues. As I have said repeatedly, perhaps that is because I take a right-wing view to much of society, but I would like to read in a few parts of this report. I will not bore members by reading from the report at great length, but I will simply go to the conclusion. There are some very pertinent points here. Paragraph 293 on page 63, the third-last page of the report, states —

The cells are defective because the young people destroy them. They are repaired and then damaged again. YCOs —

That is youth custodial officers —

work in constant fear of being hurt. That fear is well founded. The propensity of the young people to damage and assault is undoubtedly contributed to by the degree to which they are confined to their cells. In turn, their confinement is undoubtedly worse because of their destruction and violence.

The violence is a significant issue. There are many parts to this report. The CCC made the point quite clearly, at paragraph 303 on page 65 —

Having carefully considered the matter, in the Commission's assessment, there is no evidence to suggest that the public officers involved committed an offence punishable by 2 or more years' imprisonment in the execution of their duties at Unit 18 between 10 to 12 October 2023.

That particular timeframe for punishment is the CCC's definition for an act that might be considered to be serious misconduct.

Paragraph 304 states —

Consequently, the Commission is not satisfied on the balance of probabilities that serious misconduct has occurred and has formed no opinions of serious misconduct.

There are other parts of this report that members should perhaps have a look at and read, because I note that there has been a lot of public commentary on this issue. I had a look this evening at some of the media coverage, which as it is often wont to do takes a fairly left-wing bent of things, surprisingly enough. I find myself in the somewhat unusual position of taking the position of the government over the position of the media, which is something that I might have to do a bit more often in some of these circumstances.

This is a good report, despite the various attempts in the media to spin this to form a particular agenda. The CCC looked only at the possibility of misconduct of the staff. I say, as I have repeatedly said, custodial staff, be they for adults or youth, are one of the few groups of people who go to work with the threat of violence hanging over their heads at any moment. This could probably be reinforced in paragraph 297 of this report. It states that the young people's threats of self-harm were not ignored or disregarded by the youth custodial officers. It states —

A review of the cell calls during which Cleveland —

I will name the young man because it is a quote —

made those threats shows that they were generally met with concern. That is despite the daily if not hourly frequency with which the YCOs heard the young people at Unit 18 make threats of that kind.

The report also examines the development of a hanging point in the cells. The report makes the point that the hanging points are a direct result of the damage that is done to the cells. They are repaired and then the damage is effectively immediately repeated. It is a very difficult set of circumstances for any custodial officer to have to deal with.

I reinforce that this is a good report. The commissioner, Mr John McKechnie, and his staff are to be commended for this report. It is dispassionate. It looks at it without the emotion or fear that many would like to see put into these

sorts of things, and it is absolutely the case that it highlights and addresses the threat and risk that youth custodial officers face constantly in their job. It is unfortunate that people have to be put under that sort of risk and threat consistently and, as the report says, on a daily basis. It is a good report. It would be a good thing if members got hold of this report and got across the detail that is within it.

APPROPRIATION (RECURRENT 2024–25) BILL 2024

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)** on behalf of Hon Stephen Dawson (Minister for Emergency Services), read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [8.53 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for recurrent services and purposes during the 2024–25 financial year as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2024–25 *Budget statements*. Total expenditure is estimated to be \$33 789 966 000, of which \$2 985 161 000 is permanently appropriated under other statutes, leaving an amount of \$30 804 805 000 to be appropriated to the services and purposes identified in the schedule to this bill.

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

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

[See paper [3222](#).]

Debate adjourned, pursuant to standing orders.

APPROPRIATION (CAPITAL 2024–25) BILL 2024

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)** on behalf of Hon Stephen Dawson (Minister for Emergency Services), read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [8.55 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for capital purposes during the 2024–25 financial year, as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2024–25 *Budget statements*. Included in the capital expenditure and financing transactions estimates of \$9 762 576 000 is an amount of \$403 909 000, authorised by other statutes, leaving an amount of \$9 358 667 000, which is to be appropriated in the manner shown in the schedule to the Appropriation (Capital 2024–25) Bill 2024.

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

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

[See paper [3223](#).]

Debate adjourned, pursuant to standing orders.

ELECTORAL AMENDMENT BILL 2024

Receipt and First Reading

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

Second Reading

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [8.57 pm]: I move —

That the bill be now read a second time.

I rise to introduce the Electoral Amendment Bill 2024. Last November, the Electoral Amendment (Finance and Other Matters) Bill passed the Parliament, receiving royal assent on 11 December, and with the substantive parts due to commence on 1 July this year. It makes a comprehensive range of amendments to the Electoral Act 1907 designed to modernise our electoral system and make it fairer and more transparent. The current bill will make

further amendments to the act in relation to political contributions and the publication of donor information, to ensure even greater transparency, while also better protecting the privacy of individuals and making it easier for political entities to comply with their disclosure obligations.

Disclosure of Political Contributions: I turn first to the disclosure of political contributions. Ahead of the commencement of the Electoral Amendment (Finance and Other Matters) Act 2023, the Western Australian Electoral Commission has been providing briefings to political parties, developing guidance material for publication and developing an online disclosure system. Through that implementation process, it has become apparent that the provisions dealing with disclosure of political contributions may be interpreted in a way that applies a higher standard of transparency in relation to donors who make smaller, frequent contributions than those who make large ones.

Section 175MA provides for disclosure of political contributions that are more than the specified amount, while section 175MB provides for disclosure when multiple political contributions have combined value of more than the specified amount. Depending on which section applies, subsequent contributions by the same donor in the same financial year may need to be disclosed only where they are also over the specified amount. However, if section 175MB applies, all subsequent contributions must be disclosed, and the timeframe for doing so is by the end of the next business day.

This bill will replace sections 175MA and 175MB with a new section 175MA that will ensure that when a political entity receives a political contribution from a donor that exceeds the specified amount, whether in one contribution or multiple contributions combined, for the rest of the financial year, they will have to disclose all subsequent contributions from that donor regardless of the amount or value. The timeframe for disclosure to occur will remain within seven days of receipt of that political contribution, except during the capped expenditure period when disclosure must occur by the end of the next business day. This reform will ensure that regardless of whether a person makes a large political contributions or frequent small contributions, the same level of transparency and timeframe for disclosure will apply.

The new section 175MA will also provide that the responsible person for a political entity is to be taken to lodge a notice disclosing a political contribution if another person lodges it on their behalf. This will allow the responsible person to instruct another person to assist them to comply with their disclosure obligations and will be appropriate in this context due to the significant increase expected in the number of political contributions that will need to be disclosed, and the frequency with which this disclosure obligation will arise.

The bill will also put beyond doubt that anonymous political contributions of any amount are prohibited. Section 175R, as to be amended, will provide that political entities must not accept a political contribution above the specified amount unless the identity of the donor is known. This section will be amended to ensure that it applies to all political contributions. A responsible person for a political entity who receives an anonymous contribution without reasonable excuse will commit an offence and be liable to pay a fine of up to \$36 000 in the case of a political party or \$24 000 for any other political entity. The responsible person will avoid liability if within seven days of receipt of an anonymous contribution, they take acceptable action and either return the contribution or transfer an equivalent amount back to the donor or the state.

I now turn to the requirements in the act for publication of donor information contained in certain claims and disclosure documents. Under section 175MC of the act, as to be amended, the Electoral Commissioner will be required to publish the details of all disclosable political contributions on the commission's website, and under section 175ZC must also make all claims and disclosure documents available for perusal at the commission's office. This is to ensure the voting public will be able to easily see the details of political contributions accepted by political entities, including the identity of the donor and the amount or value of the contribution. As it stands, the commission will be required to publish the donor's address, unless the person is a silent elector or can demonstrate to the Electoral Commissioner's satisfaction that to do so would be a safety risk to themselves or a family member.

The government has reconsidered its position on this based on continuous feedback and the shifting climate in society in which personal information is an increasingly valuable commodity and identity theft is becoming more prevalent. In reforming our political finance laws, the government's intention was to improve transparency in relation to political contributions; however, in doing so, we must be careful not to overstep and infringe upon the right to privacy. The ease with which anyone worldwide would be able to locate a donor's residential address on the commission's website with a simple google search differs from traditional methods of publication. Incidents such as the protest last year by fossil fuel protesters targeting a high-profile CEO's family home demonstrated the need to maintain boundaries between public and private life.

To ensure we are striking the right balance, this bill's amendments will provide that in relation to the requirements in section 175MC and 175ZC to publish and make available for perusal the information in a disclosure notice, the Electoral Commissioner must not publish a person's address, other than their postcode. This is similar to the practice applied in other Australian jurisdictions such as New South Wales, which publishes the donor's postcode and electoral district, and Victoria, which publishes the suburb and state. This change will achieve the goal of transparency, ensuring that donors can still be identified whilst also better protecting their personal information and privacy.

When the Electoral Commission is informed that a donor is a silent elector or considers disclosure would pose a risk to personal safety, it must still ensure no part of the donor's address will be published, including their postcode.

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

The bill will further improve and strengthen WA's electoral system and deliver on the government's commitment to gold-standard transparency. I commend the bill to the house and table the explanatory memorandum.

[See paper [3224](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 9.04 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FIRE AND EMERGENCY SERVICES — WALPOLE FIRE

2021. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment:

I refer to the recent Walpole fire that burnt 13,700 hectares of land, and I ask:

- (a) on what date and at what time was the fire first reported;
- (b) when were the first Department of Biodiversity, Conservation and Attractions personnel on site;
- (c) in relation to (b), were they the first emergency responders;
- (d) if no to (c), who was the first emergency responder on site;
- (e) when did the first aerial support arrive;
- (f) how many aircraft were made available;
- (g) how many water drops were made;
- (h) in relation to (g), at what times and days;
- (i) what was the full expenditure for the fire (please provide a breakdown of costs);
- (j) will the Minister table a map showing the fuel ages across the fire ground prior to this most recent fire;
- (k) did on-ground firefighting efforts continue after dark on 25 April;
- (l) if no to (k), why not;
- (m) what fire-sensitive ecological values exist within the fire ground;
- (n) please quantify the particular efforts that were made to reduce the impact of fire on peats, sunset frogs, granites, tingles, red-flowering gums and other fire-sensitive ecosystems and species during the firefighting effort and afterwards;
- (o) were aerial incendiaries used in the backburning operation as a part of the firefighting effort;
- (p) if yes to (o), where; and
- (q) if yes to (o), how many?

Hon Darren West replied:

- (a) The initial fire report was received by the Department of Fire and Emergency Services at 10:16pm on 24 April 2024. The Department of Biodiversity, Conservation and Attractions (DBCA) was advised of the call and provided with caller details at 10:18pm on 24 April 2024. The location of the fire was not confirmed at that time and an approximate location of the initial fire was subsequently provided to DBCA at 11:15pm on 24 April 2024.
- (b) DBCA's fire response personnel were dispatched from Walpole at 11:43pm on 24 April 2024. Fire personnel arrived at the location of the first bushfire at 12:15am on 25 April 2024. An additional three fires were located at 12:36am on 25 April 2024. Seven fires in total were located by 3:18am spread over a distance of 15 kilometres.
- (c) Yes.
- (d) Not applicable.
- (e) The first aerial water bomber departed Bunbury at 12:02pm on 25 April 2024. The first water drop occurred at 1:35pm.
- (f) Eight.
- (g) Fifty-three (53) drops were undertaken for bushfire suppression over three days at the Middle Road bushfire complex. Low cloud, fog, smoke, erratic fire behaviour especially during major fire runs on the first day impacted the ability to fly and make safe and effective water drops.
- (h)

Thursday, 25 April:	17 drops	First: 1:35pm	Last 5:10pm
Friday, 26 April:	34 drops	First: 11:01am	Last: 5:22pm
Sunday, 28 April:	2 drops	First: 10:10am	Last: 10:12am
- (i) Costs associated with the suppression of the bushfire have yet to be finalised.
- (j) Please refer to the attached fuel age map shown within the final bushfire boundary.
- (k) Yes.

- (l) Not applicable.
- (m) Granite occurrences at Soho Hills and peatlands.
- (n) Peat systems were targeted for suppression once the fire was declared as contained and resources could be diverted to prioritised peat systems for suppression work. Due to the size and intensity of the fires and the ongoing dry conditions, multiple peat systems caught alight. Using a decision-making tool developed by DBCA to prioritise fire suppression in peatlands, the initial suppression efforts targeted peat systems known to currently or historically contain sunset frogs.
A sprinkler system was deployed and set up at one of these priority peat areas, others were suppressed by hand by fire crews. Suppression and mop-up continued until rainfall caused peat ignition and substrate consumption to decrease or extinguish. Tingles and red flowering gum were treated as part of the mop-up of roads. It is not safe or viable to attempt accessing areas of peat, granites, or other areas of concern well within the fire boundary, to do so would require the construction of extensive tracks causing further disturbance and short and long-term impacts to the area.
- (o) Yes.
- (p) An area of approximately 230 hectares in the southernmost section of Trent forest block targeting areas of predominantly southern jarrah vegetation.
- (q) Two hundred twenty-two (222) capsules were used at a spacing distance of 200 metres by 200 metres with an observed ignition outcome of 35 per cent.

AGRICULTURE AND FOOD — POLYPHAGOUS SHOT-HOLE BORER

2023. Hon Dr Brad Pettitt to the Minister for Agriculture and Food:

I refer to community reports about a lack of clear communication regarding polyphagous shot-hole borer (PSHB), *euwallacea fornicatus*, outbreaks and infestation, and I ask:

- (a) what information is being shared with local governments on the PHSB;
- (b) why is the Department of Primary Industries and Regional Development (DPIRD) not sharing information on private properties with evidence of PHSB with local governments;
- (c) why are communications not being shared when DPIRD update the *PSHB Australian Host List* and make adjustments to the quarantine area;
- (d) in reference to reports some local governments have had the ability to undertake and implement their own PHSB strategies, while other local governments are given no options to divert from DPIRD's suggested management strategy, why has there been an inconsistent approach from DPIRD across different local governments and their options to respond to PHSB;
- (e) will the Minister establish a DPIRD Senior Local Government Coordinator position to manage local government liaison and information updates;
- (f) is DPIRD planning to reimburse local governments for the amenity value of trees lost under their eradication management strategy; and
- (g) in relation to (f), will DPIRD be contributing to the replacement of those trees?

Hon Jackie Jarvis replied:

- (a) DPIRD provides regular updates to local governments on the eradication response for PHSB. This includes operational updates for works on public lands, new host plant information, upcoming engagement events and communication opportunities. DPIRD works with the WA Local Government Association to share information and liaises directly with local governments regarding management of infested trees on lands under their management. Individual site management plans are agreed by the relevant Local Government Authority before works are undertaken.
- (b) The Biosecurity and Agriculture Management Act 2007 does not allow the disclosure of information except under specific circumstances. DPIRD has explored options to provide relevant and current information to assist local governments' operational efforts to support the PHSB response, noting the need to balance public interest with privacy interests, and has written to all local governments in the metropolitan area inviting them to enter an agreement for information sharing.
- (c) The PSHB WA Host List is a live document hosted on the publicly available website at agric.wa.gov.au/borer. It is updated on a monthly basis and all local governments have access to this information. Any amendments to the Quarantine Area Notice, or revocations and reissuing of an amended notice, are advertised in the Gazette, on the PSHB webpage, the West Australian Newspaper and via DPIRD social media.
- (d) DPIRD is delivering a national Response Plan for the eradication of PSHB from the Perth metropolitan area. The eradication strategy detailed in the Response Plan is followed for all areas, and the same

processes and treatment options apply across the Quarantine Area. In addition to eradication activities being undertaken by DPIRD, some local governments have taken the initiative to undertake additional, precautionary actions in relation to PSHB.

- (e) DPIRD has a liaison officer to deliver the local government engagement strategy.
- (f) Reimbursement for trees removed is not covered by the nationally cost-shared Response Plan.
- (g) Not applicable.

AGRICULTURE AND FOOD — POLYPHAGOUS SHOT-HOLE BORER

2024. Hon Dr Brad Pettitt to the Minister for Agriculture and Food:

I refer to recent outbreaks of polyphagous shot-hole borer (PSHB), *euwallacea fornicatus*, and I ask:

- (a) what evidence is used to justify the continuation of the eradication strategy of the PHSB;
- (b) given the experience of other western countries in controlling PSHB, and the difficulties faced locally in containing the spread of the pest in metropolitan Perth, what is the threshold and/or criteria on which the Department of Primary Industries and Regional Development (DPIRD) would progress matters from an 'eradication' program to a 'management' program;
- (c) in changing to a 'management' program, will the management of PHSB include the integrated pest management principles in its implementation;
- (d) what research is occurring on PHSB and by whom;
- (e) given that responsibility of public trees is vested with the local authorities, what level of information exchange can be expected in developing the next round of control measures for PHSB;
- (f) what level of information exchange can be expected with private tree owners and tree advocacy groups in developing the next round of control measures for PHSB;
- (g) is DPIRD intending to seek the assistance and collaboration of other stakeholders outside of its organisation (such as local governments, universities, community and tree advocacy groups, and the private sector) in developing the necessary research and Perth-based trails for determining future control measures;
- (h) is DPIRD able to receive adequate funding and resources to undertake the level of research and communications to enable such information becoming available to support future decision making on this matter; and
- (i) how many PHSB traps are outside the metropolitan area?

Hon Jackie Jarvis replied:

- (a) The eradication strategy for polyphagous shot-hole borer (PSHB) has been developed and approved nationally by the Consultative Committee on Emergency Plant Pests (CCEPP). The CCEPP is Australia's key technical body for coordinating responses to emergency plant pest incursions and is responsible for assessing the technical feasibility of eradication and, where eradication is considered feasible, determining the strategy for achieving this. The eradication strategy was based on a set of criteria and underpinning technical factors, including the extent of the infestation, the impact of the pests and international experience.
- (b) The CCEPP periodically reviews the technical feasibility of eradication, and the eradication strategy and its effectiveness. Additional reviews also occur at any time during a response where a trigger point in the approved response plan is met. These reviews take into account all available information at the time of review, including international experience. If CCEPP consider a pest is no longer feasible to eradicate a national transition to management strategy may be developed.
- (c) Should the response to PSHB in WA transition to management all available tools will be considered, including integrated pest management tools.
- (d) DPIRD continues to consult with international PSHB researchers worldwide. Recent research in California and South Africa has assessed new methods of chemical control of PSHB, including injecting insecticide and fungicide into susceptible trees. While these trials showed some efficacy against limiting infestation and retaining plant health in already-infested trees, none of the studies found chemical control methods to be a suitable tool for eradication. DPIRD is conducting trials focused on developing eradication tools applicable to WA conditions and is actively engaging with local stakeholders to identify potential research priorities.
- (e)–(f) All stakeholders are considered when developing eradication strategies and response plans. Discussions with land managers, including local government authorities and private landholders, as well as community groups are critical to delivery and review of the strategy. The PSHB website hosted on agric.wa.gov.au/borer holds key PSHB information available to all stakeholders and DPIRD continues to meet with impacted stakeholders to exchange information.

- (g) DPIRD is well engaged with local, national and international scientific expertise, and has established a Scientific Advisory Panel for the purpose of supporting the response and considering research options.
- (h) National funding for the PSHB eradication program is determined by the National Management Group under the Emergency Plant Pest Response Deed (EPPRD) and is cost-shared by the Australian and all state and territory governments. Current PSHB eradication trials in Perth are funded through this system, noting that trials are focused on eradication techniques.
- (i) There are currently 160 PSHB traps located outside of the metropolitan area.

WATER LICENCES — BENNETT RESOURCES PTY LTD

2025. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Water:

I refer to the advertisement placed by Kimberley fracking company Bennett Resources Ltd, a subsidiary of Black Mountain Energy, in the *Broome Advertiser* and *The West Australian* on 15 February 2024, of an application under s5C of the *Rights in Water and Irrigation Act 1914* to take 102,800 kilolitre per annum (kL/annum) of groundwater for the purposes of dust suppression, mining camp purposes, rehabilitation purposes, stock water and water for the maintenance of unconventional gas wells on EP371, and I ask:

- (a) apart from three groundwater extraction licences, GWL179166, GWL179134 and GWL167493, does Bennett Resources Ltd currently hold any other groundwater extraction licences:
 - (i) if yes to (a), for what amounts; and
 - (ii) if yes to (a), from which aquifer or aquifers;
- (b) given that the three groundwater licences held by Bennett Resources (GWL179166 – to take 39,400kL/annum, GWL179134 – to take 33,400kL/annum, and GWL 167493 – to take 30,000kL/annum) were initially licensed to Buru Energy in 2015 for the purpose of its fracking program ‘TGS15’, why is Bennett Resources’ new application for 102,800kL/annum, which is the combined volume of the three previous fracking-related licences, when there is no fracking taking place or imminent;
- (c) from which aquifer, or aquifers, does Bennett Resources propose to take water under this new licence application;
- (d) for each of the five purposes specified in the advertisement, what amount of groundwater has Bennett Resources taken in each of the previous three financial years;
- (e) for each of the five purposes specified in the advertisement, from which bore, or bores, has groundwater been extracted over the previous three financial years;
- (f) in relation to (e), what quantity of water has been taken from each of those bores for those specified purposes over the previous three financial years;
- (g) from which bore, or bores, does Bennett Resources propose to extract water under this new application, and in what annual amount at each bore;
- (h) what studies or analyses has the Department of Water and Environmental Regulation conducted to determine that the amount specified in the application is required for the purposes specified;
- (i) does Bennett Resources have any monitoring in place at each of the proposed extraction bores:
 - (i) if yes to (i), please describe the monitoring capability and reporting mechanism;
- (j) have any hydrological studies been undertaken to support this application:
 - (i) if yes to (j), please table copies of these studies; and
- (k) what is the current status and timing of this application?

Hon Matthew Swinbourn replied:

- (a) No.
- (b) Bennett Resources Pty Ltd hold one groundwater licence GWL179134(7). The licence was issued on 24 April 2024 and combined the groundwater allocations associated with GWL179166, GWL179134 and GWL167493. Activities authorised by a licence are not published in accordance with the Rights in Water and Irrigation Act 1914.
- (c) The unconfined Canning–Kimberley, Canning – Liveringa aquifer.
- (d) Zero kilolitres was abstracted between 1 July 2020 and 30 June 2023.
- (e) Not Applicable.
- (f) Not Applicable.
- (g) The annual water entitlement can be taken from three authorised drawpoints as shown on the Department of Water and Environmental Regulation’s (DWER) Water Register.

- (h) DWER considers the usage and volume requested when assessing an application, as well as the potential impacts of taking the groundwater.
- (i) Yes.
 - (i) Monitoring details are contained in the licence conditions and these conditions are not published in accordance with the Rights in Water and Irrigation Act 1914.
- (j) No, in accordance with DWER's Operational Policy 5.12 Hydrogeological reporting associated with a groundwater well licence.
- (k) The application has been finalised.

ENVIRONMENT — DENMARK HERITAGE RAILWAY PRECINCT LEASE

2026. Hon Dr Steve Thomas to the Parliamentary Secretary to the Minister for Environment:

I refer to my question on notice 1667, answered on 15 November 2023, and I ask:

- (a) did the Department of Water and Environmental Regulation (DWER) receive additional information in relation to the site of the Denmark Heritage Railway Precinct lease since that question was answered:
 - (i) if yes to (a), did that information relate to potential contamination of the site;
- (b) is DWER currently looking into potential contamination of the site:
 - (i) if no to (b), is DWER planning to investigate the site in the future;
- (c) has DWER reviewed the potential contamination of the site, or any other issues on the site, since the answer to question on notice 1667 was given;
- (d) if yes to (a), what investigations have been, or will be, undertaken; and
- (e) in reference to (d), what was the result of those investigations?

Hon Darren West replied:

- (a) Yes.
 - (i) Yes.
- (b) No.
 - (i) No.
- (c) Yes.
- (d) An asbestos-containing material survey was carried out in March 2021 to review existing structures at the site and the report was submitted to the Department of Water and Environmental Regulation. The Department has not been made aware that any future contamination investigations are planned.
- (e) Not applicable.

HEALTH — RENAL DIALYSIS — COLLIE

2027. Hon Dr Steve Thomas to the Parliamentary Secretary to the Minister for Health:

I refer to dialysis patients in Collie, and I ask:

- (a) what is the demand for renal dialysis for patients residing in the Shire of Collie;
- (b) what work has been done to determine whether a local Collie dialysis service could be provided;
- (c) in reference to (b), what was the result of that work;
- (d) how many patients from Collie would make a local Collie renal dialysis service feasible;
- (e) what is the medium-term plan for Collie renal dialysis patients; and
- (f) what is the long-term plan for Collie renal dialysis patients?

Hon Pierre Yang replied:

- (a)–(f) There are currently less than 10 residents of the Shire of Collie receiving renal dialysis treatment. Patients from the Collie area who require dialysis may access renal dialysis treatment via home dialysis if clinically appropriate or in Bunbury or Busselton where necessary. Where travel is required, patients may be eligible for the Patient Assisted Travel Scheme.

WA Health and Western Australian Country Health Service (WACHS) continues to monitor the need for dialysis treatment across regional Western Australia. However, as dialysis units generally serve surrounding communities and dialysis can be undertaken at home where clinically appropriate, there isn't a specific number of Collie patients for feasibility.

WESTERN POWER — PLANNED OUTAGES — NANNUP

2028. Hon Dr Steve Thomas to the Parliamentary Secretary to the Minister for Energy:

I refer to the planned power outages in Nannup due to Western Power works, and I ask:

- (a) are notices of the outages given properly in advance of the works;
- (b) how far in advance of the planned outages are text messages being sent to residents;
- (c) are outage and reconnection text messages being sent at the same, or a similar, time;
- (d) what compensation is available for residents and businesses who are not adequately notified of impending outages, or whose notification comes too late to manage well; and
- (e) will the Minister commit to better communications from Western Power to Nannup locals in regard to outages?

Hon Darren West replied:

Western Power is constantly delivering upgrades and maintenance works to support the safety and reliability of the network. Western Power endeavours to carry out works without needing to switch off power to customers. In some circumstances, it is not possible for works to occur while the network is “live” without posing an unacceptable safety risk to Western Power crews. The planned outage referred to in this question enabled the safe delivery of essential network upgrades which will reduce the risk of unplanned outages in the future.

- (a) Yes.
- (b)–(c) Western Power’s regulatory obligation is to provide a minimum of 72 hours’ notice to customers affected by a planned power outage, but Western Power provides as much advance notice as possible. In this instance, notification was sent nine days prior to the outage, using each customer’s nominated preferred method (SMS, email, print).
- (d) Customers may be eligible for a service standard payment of \$50 should Western Power fail to provide at least 72 hours’ notice of a planned outage. Western Power provided nine days’ notice in this instance.
- (e) The Minister expects Western Power to meet its regulatory obligations.

AGRICULTURE AND FOOD — CATTLE — DEATHS

2029. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment:

I refer to the report of 400 dead cattle at the Kimberley Meat Company abattoir and the Minister for Agriculture and Food’s response to question on notice 1892, and I ask:

- (a) have the piles of carcasses filmed by the *ABC* been removed from the abattoir site;
- (b) if no to (a), why not;
- (c) if yes to (a), when were the piles removed and how were they disposed of;
- (d) if the piles of carcasses have not been removed, will the abattoir owners be directed to remove them;
- (e) if no to (d), why not;
- (f) if yes to (d), how will they be directed to dispose of them;
- (g) will the Minister table all annual reports for the abattoir;
- (h) where and how is the wastewater disposed of;
- (i) has any wastewater entered adjacent waterways, wetlands or groundwater;
- (j) where and how is manure disposed of;
- (k) where are the fellmongering products disposed of;
- (l) has the Department of Water and Environmental Regulation investigation into this matter, to determine whether activities are compliant or non-compliant, been finalised;
- (m) if yes to (l), what did the investigation find;
- (n) if yes to (l), will the Minister table the investigation report; and
- (o) if no to (n), why not?

Hon Darren West replied:

- (a) There is waste stockpile comprised mostly of bone waste from abattoir processing operations, not full cattle carcasses.
- (b) Kimberley Meat Company (KMC) is currently under external administration. The Department of Water and Environmental Regulation (DWER) is currently working with KMC’s external administrators to

determine how this waste can be disposed of lawfully. The environmental risk of delays in the removal and disposal of this waste is considered to be low, given that the waste stockpile is comprised mostly of bone waste from abattoir processing operations, not full cattle carcasses.

- (c) Not applicable.
- (d) DWER is currently in discussions with the Department of Primary Industries and Regional Development and the external administrators about appropriate disposal options for the bone waste.
- (e) Not applicable.
- (f) See response to (d)
- (g) All Annual Audit Compliance Reports (AACRs) and Annual Environmental Reports (AERs) submitted by KMC, since the Licence was granted on 31 October 2016, have been provided for tabling. [See tabled paper no 3218.]
- (h) The facility is currently not operating. The Licence requires all wastewater to pass through a treatment system for disposal off-site to a licensed waste facility.
- (i) No.
- (j)–(k) The facility is currently not operating. The Licence requires all manure and fellmongering waste to be disposed of off-site to a licensed waste facility.
- (l) No.
- (m) Not applicable.
- (n) Not applicable.
- (o) Not applicable.

MINES AND PETROLEUM — INSPECTION REPORT — REY RESOURCES LIMITED

2030. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Mines and Petroleum:

I refer to the inspection report prepared by Department of Mines, Industry Regulation and Safety (DMIRS), now the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS), officers titled *West Kora-1 well site, West Kora tank farm, Point Torment-1 well site, Stokes Bay-1 well site Petroleum and Environmental Compliance Inspection Report*, dated 6 September 2021, which identified approximately 44 potential breaches of petroleum exploration licence conditions by Rey Resources Ltd, or its subsidiary Gulliver Productions, in the King Sound region of the Kimberley, and I also note the Minister's predecessor's answers to question on notice 1374, and I ask:

- (a) has the Minister issued any of the nine recommended direction notices set out in the inspection report to Rey Resources Ltd or Gulliver Productions:
 - (i) if yes to (a), when did this occur; and
 - (ii) if no to (a), why not;
- (b) has any action been taken by the Minister or the Department to ensure the identified breaches or non-compliances set out in the inspection report are rectified by the company:
 - (i) if yes to (b), what action/s; and
 - (ii) if no to (b), why not;
- (c) what is the estimated cost of rectifying the 44 breaches or non-compliances identified in the inspection report;
- (d) does the company have the funds to cover the cost of rectifying these breaches or non-compliances:
 - (i) if no to (d), what will the Government do to ensure the public is not left to cover the cost of rectifying them;
- (e) will the Minister or the Department prosecute the company for its continuing failure to comply with its licence conditions:
 - (i) if no to (e), why not;
- (f) for each of the company's petroleum tenements in the Kimberley (Production Licence L15, Retention Lease R1, EP487, EP104) what are the required annual work commitments;
- (g) for each of the tenements referred to in (f), and for each of the past five years, is Rey Resources Ltd or its subsidiary, Gulliver Productions, compliant with those work commitments;
- (h) if Rey Resources Ltd, or its subsidiary, is not compliant with its annual tenement work commitments, what action has the Department taken in each instance to ensure compliance;

- (i) in reference to (h), if no action has been taken, why not;
- (j) if a company is in breach of licence conditions and work commitments across multiple years and ignores repeated departmental compliance requests or directions, at what point does the Minister use his or her powers to:
 - (i) prosecute the company; and
 - (ii) cancel the company's tenements;
- (k) given that Rey Resources Ltd's ongoing non-compliances and potential financial difficulties follow similar patterns with at least two other onshore petroleum exploration companies in the Kimberley, New Standard Energy and Onshore/Advent Energy, at what point will the Minister accept the advice of the *WA Scientific Inquiry into Hydraulic Fracturing* and establish a pooled industry rehabilitation fund to cover the decommissioning and rehabilitation costs of onshore gas exploration, and protect the public and environment from the costs and impacts of poorly regulated onshore gas companies;
- (l) what is the Department's latest estimate of the cumulative costs in relation to the decommissioning and rehabilitation of the multiple petroleum exploration sites in the Kimberley operated by New Standard Energy, Onshore/Advent Energy and Rey Resources/Gulliver Productions;
- (m) why are companies like Rey Resources, Advent/Onshore Energy and New Standard Energy able to be non-compliant for years without any effective action being taken by the Department that is supposed to regulate the activities of those companies;
- (n) how many of the six recommendations of the recent Auditor General's report (Report 11, 20 December 2022) on DEMIRS' and DWER's regulatory performance have been fully implemented by DEMIRS; and
- (o) in reference to (n), if any have not been fully implemented, why not?

Hon Sue Ellery replied:

- (a) No.
 - (i) Not applicable.
 - (ii) On 6 September 2021, a Notice of Intent to Direct was issued to Gulliver Productions Ltd, the registered title holder. Given uncertainty associated with well liability, together with the title holder's response to the Notice of Intent to Direct, formal Directions were not pursued.
- (b) Yes.
 - (i) The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) required the title holder to submit an independent report detailing well integrity and confirmation of actions taken by the title holder to address the environmental non-compliances on the sites.
 - (ii) Not applicable.
- (c) There is no current available estimate for those costs.
- (d) DEMIRS is unable to determine this as there is no current cost estimate available.
- (e) DEMIRS is still actively considering enforcement options for the remediation of the sites within L 15 and R 1.
- (f) L 15 has no work commitments. Refer to below table for required work commitments for R 1; EP 487; and EP 104.

Work Commitments for R 1

Title Year	Title Year Start	Title Year End	Activity Type	Expenditure
1	3/08/2022	2/08/2023	Geological and Geophysical Studies	\$380,000.00
			Studies	\$0.00
2	3/08/2023	2/08/2024	Production Test	\$2,550,000.00
			Appraisal Well	\$0.00
			Geological and Geophysical Studies	\$0.00
3	3/08/2024	2/08/2025	Commercial Studies	\$250,000.00
4	3/08/2025	2/08/2026	Field Development Studies	\$50,000.00
5	3/08/2026	2/08/2027	Appraisal Well	\$7,000,000.00

Work Commitments for EP 487

Title Year	Title Year Start	Title Year End	Activity Type	Expenditure
1	14/03/2014	13/12/2015	140 km 2D Seismic Reprocessing	\$1,010,000.00
2	14/12/2015	13/12/2024	3D Seismic Survey	\$6,500,000.00
			60 km 2D Seismic Survey	\$0.00
			Studies	\$0.00
3	14/12/2024	13/12/2025	3D Seismic Processing	\$1,000,000.00
4	14/12/2025	13/12/2026	Well Planning	\$1,000,000.00
5	14/12/2026	13/12/2027	One (1) Exploration Well	\$12,500,000.00
6	14/12/2027	13/12/2028	One (1) Exploration Well	\$1,500,000.00

Work Commitments for EP 104

Title Year	Title Year Start	Title Year End	Activity Type	Expenditure
1	05/04/2023	04/04/2024	Seismic Reprocessing	\$250,000
2	05/04/2024	04/04/2025	Geological Studies	\$600,000
3	05/04/2025	04/04/2026	3D Seismic Survey	\$400,000
4	05/04/2026	04/04/2027	3D Seismic Interpretation	\$1,000,000
5	05/04/2027	04/04/2028	Exploration Well	\$18,000,000

- (g) Production Licence L 15 – Not applicable.
R 1 – Compliant with current work commitments.
EP 487 Compliant with current work commitments.
EP 104 – Compliance with current work commitment under assessment.
- (h) Not applicable.
- (i) Not applicable.
- (j) (i) Any decision to prosecute will be guided by the State Government’s Statement of Prosecution Policy and Guidelines.
(ii) Cancellation of a title is considered a last resort. Prioritisation of remediation activities by the relevant parties is preferred.
- (k) DEMIRS is currently considering several options for financial assurance, not excluding establishing a pooled industry rehabilitation fund.
- (l) There is no current available estimate for those costs.
- (m) DEMIRS is progressing available compliance actions.
- (n) Four of the recommendations have been completely implemented.
- (o) One recommendation to be implemented is progressing via the implementation of a new framework for mining environmental approvals. For the other recommendation relating to publicising operator non-compliance DEMIRS is still considering a framework for publicly releasing information on operator non-compliance and will document the outcomes of its consideration in July 2024.

WESTERN POWER — DISTRIBUTION SUBSTATION — 30 LANTANA LANE, BUNBURY

2031. Hon Dr Steve Thomas to the Parliamentary Secretary to the Minister for Energy:

I refer to the Western Power transformer or distribution substation located on Lot 350 or 30 Lantana Lane, Bunbury, and I ask:

- (a) is the boundary of Lot 350 compliant with all legislative and regulatory requirements in regards to the transformer or distribution substation;
- (b) if no to (a), in what way is there non-compliance;
- (c) are all required setbacks on this and the adjoining lots compliant with all legislative and regulatory requirements in regards to the transformer or distribution substation;
- (d) if no to (c), in what way is there non-compliance;
- (e) what actions has Western Power undertaken, or what actions will be undertaken, to ensure compliance;

- (f) will the Parliamentary Secretary confirm that all safety issues in relation to the transformer or distribution substation have been addressed; and
- (g) will the Parliamentary Secretary confirm that all use of Lot 350 (number 30) is compliant with all regulations and the lot is not being used in error?

Hon Darren West replied:

- (a)–(e) The distribution transformer was installed within Western Power’s easement in compliance with the applicable standards, regulations and offsets at a time of the original installation.
- (f)–(g) Western Power has installed bollards within its easement to allow safe access for its ongoing operational requirements and to prevent unauthorised use of the easement.

ENVIRONMENT — NATIVE VEGETATION CLEARING PERMITS

2032. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment:

I refer to native vegetation clearing permits, and I ask:

- (a) how many permits were granted in financial year (FY) 2022–23;
- (b) in relation to (a), how many were refused;
- (c) in relation to (a), how many were appealed;
- (d) does the Department of Water and Environmental Regulation (DWER) and/or the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) maintain a cumulative record of the total numbers of hectares of native vegetation cleared for mining purposes, road building, sewerage and drainage purposes;
- (e) if yes to (d), in FY 2022–23, what were the totals cleared for those purposes;
- (f) does DWER and/or DEMIRS overview the locations of these clearing permits to determine the cumulative impacts of permits within the same catchments;
- (g) if yes to (f), is this a consideration in whether DWER and/or DEMIRS grants the permits;
- (h) if no to (g), why not;
- (i) does DWER and/or DEMIRS have staff with qualifications in botany, hydrology or ecology, whose task is to approve environmental aspects of these permit applications;
- (j) if yes to (i), what levels are these qualifications and how many staff hold them;
- (k) is there any attempt to record the CO₂e emissions from these clearing activities;
- (l) if no to (k), why not; and
- (m) if yes to (k), is there any requirement on companies to offset emissions?

Hon Darren West replied:

- (a) By the Department of Water and Environmental Regulation (DWER): 176
By the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS): 111
- (b) By DWER: 6
By DEMIRS: 0
- (c) Decision made by DWER: 19
Decision made by DEMIRS: 0
- (d) DWER and DEMIRS maintain records of all clearing permit application areas and areas authorised to be cleared. DWER and DEMIRS do not maintain records of the total amounts of clearing actually undertaken, because permit holders may ultimately clear less than they have been authorised to clear and land managers may clear native vegetation without a clearing permit in certain circumstances (for example, when an exemption applies).
- (e) Noting the answer provided to (d), the table below sets out the total amount of clearing authorised under clearing permits (excluding areas authorised through statewide purpose permits) granted in the 2022–23 financial year by both DWER and DEMIRS for the purposes of mining, road building and sewerage and drainage works, rounded to the nearest hectare.

Clearing purpose	Areas approved by DEMIRS in hectares	Areas approved by DWER in hectares
Mining	9,122	18
Road building	0	419
Sewerage and drainage	0	1

- (f) Clearing permit assessments consider cumulative impacts under Clearing Principle (e), as described in DWER's A guide to the assessment of applications to clear native vegetation Under Part V Division 2 of the Environmental Protection Act 1986. This assessment of cumulative impacts may have regard to factors including, but not limited to, any clearing approved under clearing permits within the local area, the native vegetation remaining in the relevant Interim Biogeographic Regionalisation for Australia bioregion and the vegetation cover within the local area.
- (g) Yes, cumulative impacts as outlined in (f) are a consideration in making a clearing permit decision.
- (h) Not applicable.
- (i) All officers assessing clearing permit applications and delegated officers making decisions on clearing permit applications hold a relevant tertiary qualification. Where clearing permit assessments require additional, specialist technical input, formal advice is sought (for example, expert hydrological advice from relevant DWER business areas, expert land degradation advice from the Department of Primary Industries and Regional Development and expert botanical, zoological and ecological advice from the Department of Biodiversity, Conservation and Attractions).
- (j) The table below, accurate as at 17 May 2024, summarises the highest level of education of clearing permit assessment and delegated officers at DWER and DEMIRS (permanent and fixed term contract staff), and indicates their relevant specialisation.

	Qualification level	Field			
		Zoology	NRM	Env. Sci.	Cons. Bio.
DWER	Doctorate	1		2	
	Master's degree			4	2
	Bachelor's degree		1	9	4
	Total	1	1	15	6
DEMIRS	Doctorate				1
	Master's degree				2
	Bachelor's degree			3	1
	Total			3	4

NRM = Natural Resource Management, Env. Sci. = Environmental Science, Cons. Bio. = Conservation Biology

- (k) No.
- (l) Clearing permit applications are assessed against the 10 Clearing Principles set out in Schedule 5 of the Environmental Protection Act 1986. There is no provision for the recording of CO2 emissions from clearing activities in the clearing permit assessment framework.
- (m) Not applicable.

SUMMER OF FREE PUBLIC TRANSPORT — FINES

2033. Hon Dr Brad Pettitt to the minister representing the Minister for Transport:

- (1) Please provide a breakdown of offences, by type, for the 764 children issued with fines during the Summer of Free Public Transport?
- (2) How many children and young people under the age of 18 have been fined for "no valid ticket" during weekdays since the Ride to School Free program was introduced?

Hon Stephen Dawson replied:

Figures are correct as at 7 May 2024:

(1) Summer of Free Public Transport	11	12	13	14	15	16	17
PTA Reg 6(1)(a)	1	0	2	20	154	214	197
PTA Reg 6(1)(b)	0	0	0	5	46	53	46
PTA Reg 6A(2)	0	0	0	0	1	2	0
(2) Ride Free to School	11	12	13	14	15	16	17
PTA Reg 6(1)(a)	0	1	1	23	155	343	459
PTA Reg 6(1)(b)	0	1	0	6	60	150	151
PTA Reg 6A(2)	0	0	0	0	0	0	3

Transperth policy states that ticketing infringements should not be issued to children 14 years and under. However, in a very small number of cases, where the offenders are known to Transit Officers, and have a history of offending on the network, such as disorderly behaviour, Transit Officers may issue an infringement to trigger diversionary options (such as engagement with support agencies) available under the Young Offenders Act.

PUBLIC HOUSING — OCCUPANCY

2034. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to public housing properties managed by the State Government, and I ask, will the Minister table the following data, broken down by region and property type, for the last day of each month from 31 January 2023 to 30 April 2024:

- (a) the occupancy rate of all properties;
- (b) the number of properties deemed to be non-tenantable; and
- (c) in reference to the properties in (b):
 - (i) the number the Government has decided to dispose of;
 - (ii) the number the Government has decided to redevelop;
 - (iii) the number currently under consideration for redevelopment; and
 - (iv) for each of the past 5 calendar or financial years, the median time for redevelopment of a non-tenantable property to be completed?

Hon Jackie Jarvis replied:

- (a)–(b) The Department of Communities (Communities) maintains a significant property portfolio and manages it to best meet the needs of the community and ensure that public housing properties are safe, habitable, and in working order.

Occupancy rate data is always a single point in time number that fluctuates for a range of reasons. Properties may be awaiting acceptance of offers from applicants, undergoing maintenance repairs, or refurbishment prior to new occupants moving in. This also includes properties that have been spot purchased, which may require refurbishment to be brought up to clean, safe and working order.

Levels of occupancy will fluctuate between regions for a range of reasons including areas where there are higher levels of ageing stock or where stock is located in areas of low demand.

There are 36,884 public housing properties within the system and Communities advises that the Member's request for 16 months of data on occupancy rates and 'non-tenantable' properties is not regularly reported on and cannot be gathered without an unreasonable diversion of government resources.

The following data represents total occupied and vacant public housing stock as at 31 January 2023 and 30 April 2024.

Vacant housing stock is categorised between 'returning' and 'not-returning'. Returning properties will undergo maintenance on any necessary repairs to be made available and then relet to an applicant on the wait list. Not-returning properties represent dwellings that have been earmarked for a purpose other than reletting to an applicant on the wait list, such as where the property is being considered for demolition, redevelopment, and asset transfer.

Public Housing State-wide Stock, By Region as at 31 January 2023

Region	Occupied	Returning Voids	Not-Returning Voids
1 North Metro	11,411	346	212
2 South Metro	6,669	259	29
3 East Metro	6,404	169	8
4 Great Southern	1,095	31	4
5 Southwest	2,354	68	40
6 Goldfields	859	118	14
7 Midwest/Gascoyne	1,439	190	41
8 Pilbara	1,246	139	37
A West Kimberley	1,178	40	5
B Wheatbelt	962	49	11
C East Kimberley	576	43	4

Public Housing State-wide Stock, By Region as at 30 April 2024

Region	Occupied	Returning Voids	Not-Returning Voids
1 North Metro	11,678	327	171
2 South Metro	13,480	409	69
4 Great Southern	1,133	28	6
5 Southwest	2,403	84	19
6 Goldfields	841	150	5
7 Midwest/Gascoyne	1,472	177	50
8 Pilbara	1,312	97	39
A West Kimberley	1,194	46	9
B Wheatbelt	966	55	25
C East Kimberley	593	44	2

*Occupied: Includes Occupied and 'Other Use' Properties. 'Other Use' includes externally managed properties and tenancies.

**As at 1 July 2023, the South Metro Region has been updated in corporate reporting to reflect Communities' regional structure. East Metro forms part of the South Metro Region.

- (c) (i)–(iv) Social housing may be removed from stock for a number of reasons.

The State Government remains committed to increasing and maintaining the supply of social housing across Western Australia. In recent years, there have been historical low disposals and sales, many of which were to tenants to support them in their journey into home ownership.

Homes may be considered for redevelopment or demolished for a number of reasons including urban and regional renewal to help revitalise communities; natural hazards such as fire or flooding; intentional or accidental damage, resulting in the property no longer being fit for purpose and or when they are no longer viable to repair.

Communities is unable to predict how many dwellings will be sold or disposed of into the future as social housing may be sold or demolished due to natural events and intentional or accidental damage. Redevelopment timeframes are contingent upon a range of factors including construction, builder availability, and value for money considerations amongst other viability assessments. Between 01 July 2023 and 31 March 2024, a total of 157 social housing dwellings were demolished or sold out of a total of 36,884 properties – representing less than half of one percent of overall stock. Of the 157 dwellings, 93 were demolished as part of urban renewal programs like Subiaco East and North Beach.

EMERGENCY SERVICES — LOCAL GOVERNMENT GRANTS SCHEME

2035. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the local government emergency services grants for the 2023–24 year, and I ask:

- (a) please provide a breakdown of funding by:
- (i) applicant;
 - (ii) funding amount;
 - (iii) scope of works; and
 - (iv) service;
- (b) in relation to capital grant applications, please identify:
- (i) the number and quantum of funding requested;
 - (ii) the number and quantum of funding approved;
 - (iii) the number and quantum of funding that met the criteria but was not approved; and
 - (iv) the number and quantum of funding that did not meet the criteria and was not approved; and
- (c) in relation to operating grant applications, please identify the amount:
- (i) requested by each local government; and
 - (ii) granted to each local government?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

- (a) (i)–(iv) [See tabled paper no [3216](#).]
 (b)

	Number	Amount of Funding \$ million
(i)	148	\$48.782
(ii)	37	\$ 3.861
(iii)	89	\$26,030
(iv)	22	\$18.891

- (c) (i)–(ii) [See tabled paper no [3216](#).]

EDUCATION SUPPORT CENTRES**2036. Hon Donna Faragher to the Leader of the House representing the Minister for Education:**

I refer to Western Australian education support centres operated by the Department of Education, and I ask, for each education support centre, will the Minister provide:

- (a) the number of students currently enrolled; and
 (b) the current total enrolment capacity?

Hon Sue Ellery replied:

School name	Enrolment	Current Capacity
Albany Secondary Education Support Centre	59	80–100
Armadale Education Support Centre	79	80–100
Avonvale Education Support Centre	37	32–40
Beldon Education Support Centre	60	56–70
Belridge Secondary Education Support Centre	114	152–190
Canning Vale Education Support Centre	46	40–50
Cannington Community Education Support Centre	123	104–130
Cassia Education Support Centre	43	48–60
Cloverdale Education Support Centre *	108	104–130
Coolbellup Learning Centre	46	48–60
Creaney Education Support Centre	65	64–80
Cyril Jackson Senior Campus Education Support Centre	37	40–50
Dianella Secondary College Education Support Centre	115	112–140
East Victoria Park Education Support Centre	44	48–60
Eastern Goldfields Education Support Centre *	51	64–80
Endeavour Education Support Centre	67	56–70
Esperance Education Support Centre	14	32–40
Geographe Education Support Centre	53	64–80
Gwynne Park Education Support Centre *	87	96–120
Halls Head College Education Support Centre	60	56–70
John Tonkin College Education Support Centre	22	40–50
Joondalup Education Support Centre	119	128–160
Kalamunda Primary Education Support Centre	67	56–70
Kalamunda Secondary Education Support Centre	50	48–60

Koorana Education Support Centre	58	56–70
Leda Education Support Centre	80	80–100
Leeming Senior High School Education Support Centre	141	128–160
Maddington Education Support Centre *	70	64–80
Manjimup Education Support Centre	28	40–50
Meadow Springs Education Support Centre *	85	88–110
Merriwa Education Support Centre *	86	104–130
Mount Hawthorn Education Support Centre	31	32–40
Newton Moore Education Support Centre *	78	72–90
O'Connor Education Support Centre	51	56–70
Riverside Education Support Centre *	84	88–110
Riverton Education Support Centre *	46	48–60
Rockingham Beach Education Support Centre	53	64–80
Rockingham Senior High School Education Support Centre	76	96–120
Roseworth Education Support Centre	70	72–90
Shenton College Deaf Education Centre	38	40
South Ballajura Education Support Centre	88	72–90
South Bunbury Education Support Centre	64	72–90
Spencer Park Education Support Centre	44	40–50
Warnbro Community High School Education Support Centre	95	96–120
West Coast Secondary Education Support Centre	111	128–160
Westminster Education Support Centre *	82	88–110
Wirrabirra Education Support Centre #	66	48–66

EDUCATION — CURRICULUM AND REENGAGEMENT IN EDUCATION SCHOOLS

2037. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

I refer to Curriculum and Reengagement in Education (CARE) schools in Western Australia, and I ask:

- (a) what was the total amount of funding provided by the State Government to operate CARE schools in the following years:
 - (i) 2022;
 - (ii) 2023; and
 - (iii) 2024; and
- (b) for those years referred to in (a), will the Minister provide a breakdown of the number of students enrolled, as well as the total enrolment capacity, for each CARE school in Western Australia?

Hon Sue Ellery replied:

- | | | | |
|-----|-------|------------------|--------------|
| (a) | (i) | 2022 | \$17,864,566 |
| | (ii) | 2023 | \$19,017,020 |
| | (iii) | 2024 (to 30 May) | \$5,730,228 |

Note:

The annual funding for a CARE school is calculated based on enrolment, student characteristic and attendance data provided on a quarterly basis and can vary during the year.

The 2024 figure (iii) is funding paid year to date and consists of only two quarterly per-student payments. Two further quarterly per-student grant payments and 2 biannual payments made for students with disabilities are still to be paid in 2024.

- (b) [See tabled paper no 3215.] – ‘2022–2024 Enrolments in CARE Schools’

EARLY CHILDHOOD EDUCATION — CHILD AND PARENT CENTRES

2038. Hon Donna Faragher to the minister representing the Minister for Early Childhood Education:

I refer to Child and Parent Centres in Western Australia, and I ask:

- (a) for each Child and Parent Centre, will the Minister provide a list of programmes that were offered to children and/or parents in 2023; and
- (b) for each centre and programme referred to in (a), what was the total number of children and/or parents who participated?

Hon Jackie Jarvis replied:

The Department of Education advises:

- (a) In 2023, 514 programs and services were delivered at and through the 22 Child and Parent Centres in Western Australia. [See tabled paper no 3217.]

Table 1 provides the number of programs and services delivered by program type.

Table 2 provides a list of examples of programs and services delivered at and through the Child and Parent Centres.

- (b) There were 80,024 child and 72,492 adult attendances in Child and Parent Centre programs and services [See tabled paper no 3217.], table 3 which provides breakdown by centre.

SCHOOLS — ENROLMENTS — EAST METROPOLITAN REGION

2039. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

- (1) Will the Minister advise the total number of students currently enrolled at the following schools:

- (a) Burbridge School;
- (b) Carson Street School;
- (c) Castlereagh School;
- (d) College Row School;
- (e) Durham Road School;
- (f) Gladys Newton School;
- (g) Holland Street School;
- (h) Kensington Secondary School;
- (i) Kenwick School;
- (j) Malibu School;
- (k) Mosman Park School for Deaf Children; and
- (l) Sir David Brand School?

- (2) For each school referred to in (1), what is the current total enrolment capacity?

Hon Sue Ellery replied:

- (1)–(2)

School	Enrolment	Capacity
Burbridge School	62	60–80
Carson Street School	88	84–112
Castlereagh School	69	66–88
College Row School	55	42–56
Durham Road School	245	186–248
Gladys Newton School	153	114–152
Holland Street School	74	60–80
Kensington Secondary School	76	78–104
Kenwick School	85	90–120
Malibu School	126	102–136

Mosman Park School for the Deaf	26	30
Sir David Brand School	60	54–72
Total	1,119	

Please note that an additional transportable classroom is due to arrive at Gladys Newton School in Semester 2, 2024.

MENTAL HEALTH — PERINATAL MENTAL HEALTH SERVICES

2040. Hon Donna Faragher to the Parliamentary Secretary to the Minister for Mental Health:

I refer to perinatal mental health services in Western Australia, and I ask:

- (a) will the Minister provide a breakdown of perinatal mental health services that are currently contracted out by the State Government to non-government service providers; and
- (b) for each contracted service referenced in (a), please indicate:
 - (i) the non-government service provider delivering the service;
 - (ii) the duration of the contract, including its expiration date; and
 - (iii) the total amount of funding provided by the State Government?

Hon Pierre Yang replied:

- (a)–(b) The State Government funds the provision of perinatal mental health services via the following organisations. Fremantle Women’s Health Centre currently holds two contracts for the provision of perinatal mental health services and is listed twice.

Organisation	Agreement duration	Funding amount (GST exclusive)
Fremantle Women’s Health Centre	1 July 2013–30 June 2027	\$566,838
Fremantle Women’s Health Centre	1 July 2021–30 June 2024	\$225,000
Midland Women’s Health Care Place	1 July 2013–30 June 2027	\$1,204,589
South Coastal Health and Community Services	1 July 2013–30 June 2027	\$720,297
Women’s Health & Wellbeing Services	1 July 2013–30 June 2027	\$1,167,360
Women’s Healthcare Association t/a Luma	1 July 2013–30 June 2027	\$1,120,707
Radiance Network South West	1 July 2021–30 June 2027	\$1,017,339

Note: Estimated Non-Government Human Services Sector indexation has been applied.

ENERGY — DEVELOPMENT SITES — POWER SUPPLY APPROVALS

2041. Hon Dr Steve Thomas to the Parliamentary Secretary to the Minister for Energy:

I refer to the Government’s announcement of a refined pre-Design Conformance Review (DCR) clearance process, on 14 February 2024, which was supposed to speed up approvals and the supply of power to development sites, and I ask:

- (a) for development applications in the ‘C2–Anytime Energy (Business) Bi-directional Service’ category, what is the average and maximum times taken for each of the following stages:
 - (i) validation (after an application has been received);
 - (ii) the calling for and issuing of a tender;
 - (iii) the receipt of a design proposal from the successful tenderer;
 - (iv) the Western Power quality assurance (QA) phase; and
 - (v) the delivery of approval where the project is approved;
- (b) for development applications in the ‘C3–Time of Use (Residential) Bi-directional Service’ category, what is the average and maximum times taken for each of the following stages:
 - (i) validation (after an application has been received);
 - (ii) the calling for and issuing of a tender;
 - (iii) the receipt of a design proposal from the successful tenderer;

- (iv) the Western Power QA phase; and
- (v) the delivery of approval where the project is approved; and
- (c) for development applications in the ‘C4–Time of Use (Business) Bi-directional Service’ and ‘C5–High Voltage Metered Demand Bi-directional Service’ categories, what is the average and maximum times taken for each of the following stages:
 - (i) validation (after an application has been received);
 - (ii) the calling for and issuing of a tender;
 - (iii) the receipt of a design proposal from the successful tenderer;
 - (iv) the Western Power QA phase; and
 - (v) the delivery of approval where the project is approved?

Hon Darren West replied:

- (a) Western Power does not have a category of customer connection projects called “C2–Anytime Energy (Business) Bi-directional Service”.
 - (b) Western Power does not have a category of customer connection projects called “C3–Time of Use (Residential) Bi-directional Service”.
 - (c) Western Power does not have categories of customer connection projects called “C4–Time of Use (Business) Bi-directional Service” or “C5–High Voltage Metered Demand Bi-directional Service”.
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