Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
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2018

LEGISLATIVE COUNCIL

Tuesday, 12 June 2018

Legislative Council

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

CHAMBER SEATING PLAN

Statement by President

THE PRESIDENT (Hon Kate Doust): I have received a request from the Leader of the House for a seating change. This arises as a result of the appointment of Hon Laurie Graham as deputy government Whip. I have approved that seating change.

Several members interjected.

The PRESIDENT: I can feel the love in the room!

LEGISLATIVE COUNCIL AND PARLIAMENTARY SERVICES DEPARTMENT SURVEYS

Statement by President

THE PRESIDENT (Hon Kate Doust): Members, today you will find on your desks hardcopy versions of surveys of the Legislative Council and the Parliamentary Services Department, which you should also have received electronically yesterday afternoon. These surveys give members the opportunity to comment on the services provided by the Department of the Legislative Council and the Parliamentary Services Department. I encourage members to fill them out and return them to chamber staff or complete the online versions via the link provided in the emails you will have received. The results of the surveys will be published in the annual report and the feedback that members give will be used to improve the services that you receive wherever possible.

PAY-ROLL TAX ASSESSMENT AMENDMENT (EXEMPTION FOR TRAINEES) BILL 2018

Assent

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

SHIRE OF ESPERANCE — MAJOR PROJECTS

Petition

HON LAURIE GRAHAM (Agricultural) [2.03 pm]: I present a petition containing 130 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned are opposed to the manner in which the Shire of Esperance is handling the three major projects outlined in our Community Strategic Plan, namely the Esperance Tanker Jetty, The New Waste Facility and the Royalties for Regions funded Indoor Sports Stadium. There are serious issues with these three major projects which have cost the ratepayers millions of dollars in wasted funds, highlighting major issues with the management approach at the Shire of Esperance.
>
> We therefore ask the Legislative Council to immediately conduct an inquiry into the underlying issues behind the failures of these three major projects.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 1409.]

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT REVIEW — GOVERNMENT DEPARTMENT SUBMISSIONS

Statement by Minister for Regional Development

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [2.05 pm]: During the Committee of the Whole consideration of the Workers' Compensation and Injury Management Amendment Bill 2017, Hon Nick Goiran asked whether the government is prepared to release and table in the house submissions from state government departments listed in appendix 4 of WorkCover WA's "Review of the Workers' Compensation and Injury Management Act 1981: Final Report". All submissions given to WorkCover WA in the course of its legislative review in 2013–14 were obtained in circumstances of confidence. This confidentiality undertaking cannot be breached by WorkCover WA or the government. I raised this matter with Minister Bill Johnston and he has agreed to request consideration of the public release of submissions from the government departments directly. I am advised that WorkCover WA has written to each of the government departments seeking their express consent to publicly release the submissions. The decision whether or not to release the submissions ultimately rests with the submitting department. If approval is given, the submissions will be made available to Hon Nick Goiran, MLC, through the Minister for Commerce and Industrial Relations.

PERTH CHILDREN'S HOSPITAL — OPENING

Statement by Parliamentary Secretary

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [2.06 pm]: I rise to inform the house that the new Perth Children's Hospital is now open for business. It took a big effort to get this hospital back on track, but Western Australian kids can finally see the benefits of the world-class facility.

On Sunday, we safely moved 91 of WA's sickest kids from Princess Margaret Hospital for Children to the new Perth Children's Hospital. This included 15 babies from the neonatal intensive care unit and seven intensive care patients. It was the biggest move of young patients in WA history, and this incredible achievement was executed safely and with military precision by 650 staff and emergency personnel. It was a complex, logistical operation involving staff from PMH, PCH, Main Roads, the WA Police Force and a convoy of ambulances.

Staff at the newly opened emergency department saw 185 young patients during the first day and night of operation, with 21 children being admitted to hospital overnight. During the first night, five emergency surgeries were completed in the hospital's state-of-the-art theatre complex, with 16 more surgeries conducted on Monday.

The Premier and the Minister for Health were both at the hospital early Sunday morning to greet the first of those arrivals, young Darius, who has bone cancer. He said that his new ward was colourful and his private room had everything he needed to get well. He could not have been happier. He liked the new rooms, the better bathrooms and that his mum can stay with him in the same room. Best of all, Darius is a huge Fremantle Dockers supporter!

It was an emotional day for the staff and patients saying goodbye to PMH, a hospital that has been a part of this state's history, but also an exciting one as we enter a new era of paediatric care in WA. It is sometimes easy in the midst of such a big project and so many headlines to lose focus on the reasons this hospital was built and the difference it will make in so many young lives. This hospital was built for our kids, and that is why we fought so hard to get it open.

Hon Roger Cook, MLA, Minister for Health; Mental Health, attested that opening the hospital has been not only one of his greatest challenges as Minister for Health, but also one of the most rewarding. We fixed the water issues plaguing Perth Children's Hospital and we got it open! The McGowan government was committed to opening Perth Children's Hospital safely and to the highest standards, and that is exactly what we have done. We are proud to have delivered this great facility for WA kids and their families. Perth Children's Hospital is now open for business.

PAPERS TABLED

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

PAYROLL TAX

Amendment to Notice of Motion

Hon Robin Scott gave notice, pursuant to standing order 62(a), of an amended form of motion 4, Tax Incentives for Regional Businesses, as follows —

> That as an incentive for Western Australians to start and operate businesses in the Mining and Pastoral Region, the Agricultural Region and the South West Region, this house calls upon the government of Western Australia to —
>
> (a) halve payroll taxes from 5.5 per cent to 2.75 per cent for businesses with fewer than 25 employees 100 kilometres from Perth; and
>
> (b) eliminate payroll tax for businesses with fewer than 25 employees 1 000 kilometres from Perth.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 17 May on the following motion moved by Hon Stephen Dawson (Minister for Environment) —

> That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 1340A–D (budget papers 2018–19) laid upon the table of the house on Thursday, 10 May 2018.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.14 pm]: It gives me a great deal of pleasure to stand and make some comments on this year's budget papers. I say at the outset that Hon Dr Steve Thomas gave a very comprehensive coverage of the opposition's views on the budget and I will not be stepping on any of the information that he has provided. As I said, it was very comprehensive and forensic and a very accurate appraisal of the budget. However, I will make some general comments about the budget papers. I will then talk about an issue that I think is a growing concern not just for the government, but for a cohort of Western Australians who have for years been marginalised and are gradually making it into the mainstream but are suffering enormously under the National Disability Insurance Scheme. I will then respond to a couple of issues with the Langoulant inquiry and some standards that I have some concerns with.

To start with, I draw members' attention to a newspaper article in *The Weekend Australian* of 10 March this year titled, typically, "Blame Barnett for debt pain, says McGowan". It is a reflection of 12 months in office and it refers to where the Premier sees the government after 12 months. It states in part —

> … he said he took particular pride in fixing issues the former government had been unable to, including signing up to the NDIS, negotiating a deal for WA's AFL clubs to play at Optus Stadium and finding the source of lead at the yet-to-open Perth Children's Hospital.

After 12 months, they are the three biggest things that the government can hang its hat on. We had already signed up to the NDIS. I assure members that today I will provide this house with some very compelling and disturbing problems with the implementation of the NDIS. It is causing real issues out there. I am sorry that the minister is away on urgent parliamentary business. Is he coming back? It does not matter; I am sure he will. I will have a chat to him behind the Chair as well, but I have some real concerns with the NDIS. The government's next biggest achievements after 12 months were the deal for WA's AFL clubs to play at Optus Stadium and finding the source of lead at the yet-to-open Perth Children's Hospital. You have to be joking! Those three things are what the government can hang its hat on as being its greatest achievements in one year! Let me make it quite clear to members that the children's hospital, which was not included in the ministerial statement that we have just heard, was built by the previous government. We paid for it and we built it.

Hon Simon O'Brien: So how many things could he claim—two or three achievements?

Hon PETER COLLIER: There were three things. The government signed up to the NDIS, which is falling apart at the moment. It did the AFL contract.

Hon Simon O'Brien: That was going to happen anyway.

Hon PETER COLLIER: That was going to happen anyway. It also opened the children's hospital.

Let me make it quite clear. Right up to the last election, the now government went on and on about the debt levels that were created by the previous government. I do not see one thing about reduced debt levels in any of those accolades that Mr McGowan has bestowed upon himself and his government. It is not mentioned at all. I will remind members of what we are looking at in the 2018–19 budget and reflect upon what was promised prior to the election. There was the McGowan plan for jobs, the $5 billion worth of unfunded election commitments—most notably, infrastructure for Metronet—and the promises of no new taxes, no increases to existing taxes, no privatisation of assets except the TAB, and that debt would be paid down slowly like a mortgage. Those issues were first and foremost in the minds of members of the public when they went to cast their vote at the ballot box on 11 March 2017. I do not remember this stuff about the NDIS, WA's AFL clubs or Perth Children's Hospital. I did not see them featured anywhere.

The budget does not deliver any sensible or meaningful structural reform. I make that quite clear. It manages simply to tread water thanks mainly to significant additional revenue, the transfer of state expenditure to the commonwealth government, the substitution of consolidated account funding with royalties for regions funding, and the failure to fund the vast majority of WA's capital election promises. The real truth of the McGowan government's financial plan is that it is based entirely on hope—hope that there will be further revenue windfalls from either additional goods and services tax payments and commonwealth funding or higher royalty income. It fails to deliver real full-time jobs or to stimulate economic growth to drive Western Australia forward, and it highlights that the plan for jobs that now Premier McGowan waved at every day for 18 months has no substance; it was just hollow words. This budget has a lot of smoke and mirrors.

Let us look at a couple of figures. I have said that Hon Dr Steve Thomas went through this quite fastidiously during his budget contribution. Western Australia's net debt will peak at $40.8 billion, according to this budget, in 2019–20, before falling slightly to $40.4 billion in 2020–21, and $39.7 billion in 2021–22. Although the net debt appears to stabilise, overall it will be $8 billion higher than the $32 billion the McGowan government inherited when it came to office in 2017. Interestingly, the budget papers highlight that WA Labor has already spent $4 billion in its first year since the election, and is forecast to add a further $3 billion to debt over the next 12 months. After adding $7 billion in the first two years of government, these budget papers claim that the McGowan government will add only a further $1 billion in the following year before debt starts to fall. That simply does not make rational sense, especially given what is not contained in the budget. To a degree, I want to focus on that today.

The government made a very big deal about the federal funding and signing an agreement to match it with state funding, but the McGowan government has not budgeted its contribution for any of the following Metronet projects, all of which will add to state debt when undertaken. Not in the budget are $500 million for the Ellenbrook rail line, $82 million for the Midland train station and $240 million for the Byford rail extension. Further, there is $1.2 billion in expenditure for new railcars—a key election commitment that will produce thousands of local jobs that also sits outside the forward estimates. Looking at the non-metro projects, the budget also fails to provide the following matched state funding: $252 million for the Tonkin Highway stage 3 extension; $145 million for the Tonkin Highway gap; $183 million for the Tonkin Highway–Hale Road, Welshpool Road East and Kelvin Road

interchanges; $107 million for the Mitchell Freeway extension from Hester Avenue to Romeo Road; $26 million for the Welshpool Road–Leach Highway interchange; and $36 million for the Roe Highway–Great Eastern Highway bypass interchange. All of the above amount to $2.8 billion in expenditure that is not held against the debt figures contained in this budget. That is compelling. I repeat: that is $2.8 billion in expenditure that is not contained in this budget. If it were added to the budget figures, the true reflection of net debt would in fact be closer to $42.5 billion. More importantly, there would be no apparent peak and then fall in debt.

When Hon Pierre Yang brought an extraordinary motion to this chamber about condemning the federal government for lack of investment after it had just contributed $3.8 billion, I raised that with the Premier. That having been said, none of those funds appear in this budget. We focused on that and asked the Treasurer about it. His response in the other place was —

> I can confirm that when we increase spend, whether it be on Metronet, roads or anything else, it will increase net debt.

When the Treasurer was asked why the funding was not provided for other projects that were part of the federal agreement, his response was —

> The member will not find a contribution to a lot of those roads that were announced as part of the commonwealth budget because work is still being done. I think that both I and the Premier have said in this place that a range of work is still being done on a lot of those roads.

When questioned on the provision for Metronet, he said —

> It is because we are committed to Metronet. We do not know when we are committed to a lot of those other roads. That work on Metronet in particular is continuing and is on track, as per the comments made by Mr Yeaman in commonwealth estimates this week. The business-case work is going well and we expect construction to start as per our commitment. That is now obviously the global figure. I suspect that, in due course, once the business cases are done, it will be cashflowed accordingly and the state contribution will become clear.

The Treasurer and the Premier have agreed that for Metronet and other infrastructure projects—for which there is a combined agreement with the federal government—the federal government's contribution is in the budget, but the state's contribution is not. Those projects will significantly increase state debt. I have said there is a lot of smoke and mirrors around this budget.

Revenue is of course very fluid. Having been in government for almost nine years, I am very conscious of that. But the budget highlights that this government has had a revenue windfall compared with previous budgets, with revenue forecast to increase an average of 3.6 per cent over the next four years due to a combination of factors. First, the state government has seen an increase in the GST relativities from 34 cents in the dollar in 2017–18 to 65 cents in the dollar in 2021–22. This increase alone will deliver additional revenue of $8.4 billion over the next four years. Second, the state government has been the recipient of significant commonwealth infrastructure funding of $3.2 billion in the federal budget, which I earlier referred to, or $5.4 billion over the past two years. As the funding has flowed to the state as a revenue source—the large majority of it is provided in 2017–18—the McGowan government has been able to slash in half the deficit in that year from $2.6 billion at the time of the midyear review to an estimated $1.3 billion. Third, and most painfully for households, are the cost-of-living increases. On average, the cost of electricity, water and other utilities has increased over $700 a year per household since the election. This will swell the government's coffers by an additional $2.8 billion over four years, with further increases forecast. The current increases include charges such as the seven per cent increase in residential electricity tariffs, a 40 per cent increase in water charges for metropolitan residential customers who consume more than 500 kilolitres of water per annum, and a 15 per cent increase for country residential water customers that consume more than 300 kilolitres of water per annum in country south and 500 kilolitres of water in country north. The emergency services levy will increase by 10.1 per cent in 2018–19, and there will be increases to a number of fees administered by the Department of Justice, including court and tribunal fee increases of 7.5 per cent in 2018–19. Collectively, they will amount to around $700 a household per annum as a result of increases in the budget. Fourth, royalties will increase by $1.65 billion over the period from 2020–2021, mostly due to higher royalties from lithium, gold and other commodities, and higher North West Shelf grants. Finally, tax revenue is set to grow an average of about 4.8 per cent every year, or $4.8 billion over four years. This will include new and increased taxes on payroll, gambling, mining tenement rent fees, Uber rides, foreign property investment and a revised statewide fee structure for marine facilities that will see fees increase by 10 per cent, plus the consumer price index, in each of the years over a maximum of 10 years to increase the rate of cost recovery.

As to the integrity of those figures, there are of course a number of assumptions embedded within the budget. Interestingly, in the budget papers a number of those assumptions underpin what the government refers to as the "new green shoots of the economy". The following quote sums that up quite nicely —

> The State's household sector remains subdued by historical standards, with **household consumption** growing by just 1.3% in 2017 … However, a recent rebound in consumer sentiment and a moderate

> increase in population growth, together with the recent pick-up in employment, is expected to support a lift in consumption growth to 1.75% in 2017–18. A recovery in both household income and wealth … underpins a further expected increase in growth to 2.25% in 2018–19.

That statement obviously deserves little attention because it assumes a number of things. First of all, household consumption is expected to take over as the major driver of economic growth over the coming four years. This is a very generous assumption, given wages growth has remained flat or negative for years. Household discretionary expenditure is already tight or non-existent for many Western Australian households. The government has slugged them with an additional $700 a year in cost-of-living increases. Furthermore, the number of households under mortgage stress has reached 121 000 and the number of homes with negative or no equity is an eye watering 71 000 households. As I said, that assumption is watery at best. Second, the number of unemployed Western Australians hit a record 98 500 in March—the highest rate of unemployment since January 2002. If unemployment is currently increasing or is around the highest rate in 16 years, it does not quite fit the aforementioned rhetoric that there has been a recent pick-up in employment. Third, the impact of the slowing in WA's population growth since the end of the construction phase of the resources boom is starkly apparent and is highlighted by the fact that there have been 12 straight monthly declines in building approvals.

Looking at the notion of a growing population, an economic note released by Bankwest on 6 June 2018 highlights that population growth will remain an issue for the budget going forward; namely, an early and vigorous acceleration in population growth will more than do its bit to underpin a cyclical recovery and although it is always possible, it is not always that likely. Finally, the ABS statistics that were released on 6 June 2018 show that Western Australia's state final demand is 1.1 per cent for the March quarter, seasonally adjusted, making WA the worst performing state in the country. The result was underpinned partly by a fall in household expenditure. Although the budget is telling us one thing, the evidence presented is telling us another. As I said, those assumptions are fluid at best.

Let us look at the royalties for regions program. There is no other way to put this: the royalties for regions program has been absolutely gutted by this government. By the end of this term of government, 58 per cent of the $1 billion a year of royalties for regions funding will be used to fund services either previously funded by consolidated revenue or to fund priorities that are the core business of government. That is in direct contrast to the intent of royalties for regions and the rhetoric of the Premier and members of the government. The Premier and the Minister for Water have constantly defended the massive overcharging of metropolitan water users, on the basis that the revenue was used to fund vital services, including subsidising regional water users. This budget shows that these statements are simply untrue. The McGowan government is now funding regional water subsidies from royalties for regions. By the end of this term, royalties for regions will be wearing most of the cost of that subsidy to the tune of $320 million a year. In addition, subsidies for regional TAFEs will now be funded by royalties for regions, totalling $45 million a year. Remote and essential services to the tune of $56 million a year are now being funded from royalties for regions. In addition, core health and education services are now being funded by royalties for regions; plus the emergency and acute workforce, $4 million over four years; digital innovation, transport and access to care, $24.3 million over four years; the Find Cancer Early campaign, $1.6 million over four years; a meet and greet service, $1.9 million over four years; Aboriginal and Islander education officers, $13.3 million over four years; improving teacher quality, $7.7 million over four years; independent learning coordinators, $5.9 million over four years; mental health support, $3.2 million over four years; education assistants, $31.4 million over four years; and science in primary schools, $1.3 million over four years. That was not the intent of royalties for regions. As I said, this is actually cost shifting as opposed to sound financial management. But of course it did not even register on the Premier's top three achievements after 12 months. There was nothing at all about financial management. That was his top three.

One area I would like to spend a bit of time on is an area that is dear to my heart and concerns a group of people in our community who for generations have been marginalised. That is people with a disability. We did an enormous amount as a government, at the education level in particular and then in an overall sense, for people with a disability, particularly with regard to the National Disability Insurance Scheme. I would like to make a few comments on the budget. I am delighted that the Minister for Disability Services is here because I think he is genuine about his endeavour relating to the implementation of the NDIS. I will make a few comments on the budget and the NDIS and then I want to make a comment about my concerns with the rollout of the NDIS. We have a festering problem that is causing an enormous amount of grief for one of the most marginalised groups in our community and we must do something about it. The reason I am mentioning this is that this has not been a consideration of the government, with it going down the federal line instead of the state line.

The 2018–19 budget has cemented the McGowan government's decision to move WA to the federally run National Disability Insurance Scheme, a step that appears to have been taken solely on the decision to save the state budget more than $1 billion in administration costs over the next decade. That is a fact: it will save the government that amount of money over the next decade. This is in addition to the expenditure savings mentioned previously that would see the state reduce expenditure by $3.5 billion over 2021–22. The budget also does not

outline which disability services will be impacted as part of this process. The budget indicates that the McGowan government has committed $20.3 million to support the disability sector in the transition, including for system adaptations and building workforce capacity. I am quite happy with the actual figure. I am delighted that the minister adhered to every other jurisdiction, which has a transition amount to the NDIS. If we nut it out, we can see how generous it was. As highlighted during estimates committee hearings in the other place, the funding is to assist the sector to upskill and prepare for what will be seen as a big increase in demand and areas that may require retraining. These are highlighted by the comments of the director general of the Department of Communities, Mr Grahame Searle, when he said, in answer to a question from the parliamentary secretary, Reece Whitby —

> I thank the parliamentary secretary. The intention of the fund is to try to help all service providers in Western Australia transition from one management and accounting set of arrangements to another. The reporting requirements for the National Disability Insurance Agency are different from the state system; the way it operates is different from the state system. We are trying to help all service providers make that transition with this sum of money. Obviously, that will take a fair bit of negotiation with the sector, and we are setting up a process with National Disability Services and some other key providers to work through what those transition issues are and how best to address them.

The parliamentary secretary, Reece Whitby, said —

> The department and the minister determined that that was a reasonable amount of money—with a proviso that I will mention later—in the cost of compliance and the other issues that were investigated in the transition. We have made an approach to the federal minister to seek some additional funding from the commonwealth. Given that other states have sought and received that funding, we believe that we have a good case to bolster that figure. It is an amount that we have determined at the moment that is reasonable, and we hope that if we can bolster it, obviously we will be able to achieve more.

Let us put this into context. A list of registered NDIS providers in Western Australia indicates that there are 2 628 service providers in Western Australia. To assist all those providers would equate to each of them receiving around $7 700 for training staff, compliance costs and changing management and accounting requirements as well as any other costs and requirements that might arise. I am sure that many members would agree that with only $7 700 to transition to the federal system, many of these providers will be left behind. This will occur at a crucial time when the sector is required to grow to deal with the anticipated 39 097 clients who are expected to join the scheme by 30 June 2020.

Staffing will also be another issue that the McGowan government seems to have simply glossed over in its rush to save money and to make decisions that do not serve the best interests of Western Australians. A sum of $14.5 million has been provided through the budget to facilitate the transition of the existing workforce, including transfer payments to up to 200 employees, who are expected to permanently transfer to the NDIA. That is another 200 frontline public servants who will be made redundant under this government. All this leads us to ask why a government would be so quick or so keen to sign an agreement to hand the commonwealth a system that in other parts of the nation has seen the scheme emerge as a highly centralised impersonal Centrelink-type scheme.

There are key differences in the way that the NDIS will be implemented. The national scheme works with planners and local area coordinators, who are two separate people, whereas the WA system currently operates with a single local area coordinator. There are also ongoing issues with the future funding requirements of this state. Mr Searle said also in the estimates committee hearings in the other place —

> The budget is structured in such a way that we are still trying to work through with Treasury what the size of that will be in 2021, which is when we think it will kick in. It is still a work in progress. The numbers will become more readily defined as we go through the transition process —

Mr Searle said also with regard to the time lines —

> We are currently working with the National Disability Insurance Agency to understand the transition time lines. Its current time line to transition people across is 2020. We think that is very ambitious given the task in front of the agency.

If I were to take this at face value, the cynic in me would say that the reason the state government has decided to move to the federal system is to save money. Under the federal system, a local coordinator will no longer be assigned to each person with disability to consult with that person and their family to identify their needs, and to tailor an individualised package of care to ensure they receive the right mix of services to meet their needs. The federal system will not enable people with disability to establish an ongoing relationship with a single person to plan for their current and future needs. The federal system ignores Western Australia's size and diversity and the decisions it makes will be nationally based. The federal system will not enable the individual needs of Western Australians with disability to be addressed no matter where they live, because it is run through an impersonal telephone and internet system from Geelong, Victoria.

I have given members the background of the NDIS from a financial perspective. I would now like to put a human touch to it. I do this reluctantly. As the Minister for Disability Services would know, I have been at pains not to make this a political issue, and I will not make it a political issue. However, I have been absolutely inundated with heart-wrenching stories from people with disability, and disability groups and advocates, about their difficulties with the NDIS. Therefore, I now feel duty-bound to express those concerns. The founding fathers of this great Federation of Australia decided in their wisdom that the service industries would be best dealt with at the local level. That is why the Australian Constitution is uniquely ambiguous about the responsibility of the states for service delivery. However, that had led to an almighty bunfight over many generations between the federal government and the state governments about service delivery. As a result, all the money that is provided by the federal government for service delivery is in the form of a tied grant, with strings attached. Regardless of the political persuasion of the federal government and the state governments, that situation has been forever the same. It has been acknowledged across this nation that services are best delivered at the local level by people who live in the local area. In Western Australia, education is best delivered through the Western Australian Department of Education; health is best delivered by the Western Australian Department of Health; and disability services are best delivered by the people who deal intimately with individuals with incapacity or disability. That has been the case for many years for marginalised people in our community. For the past 200 years, Aboriginal people have fought for recognition and acknowledgement of their needs. The needs of an Aboriginal child in the Kimberley are very different from the needs of an Aboriginal child in Balga. I am not saying their needs are any more or less significant; I am saying their needs are different. That is why the disability sector needs to be dealt with at the local level.

I said 12 months ago that if this state does not implement the NDIS properly, the NDIS could turn out to be this state's Pink Batts problem. The aims of the NDIS are laudable. I am totally supportive of the NDIS. The NDIS is in theory a wonderful program. We need to ensure that people with disability, who face many barriers in their lives and who have been marginalised for generations, are mainstreamed, their needs are acknowledged, and they are funded accordingly. I did not mean to be alarmist when I said that. The problem with the Pink Batts program was that its implementation was rushed, and the result was chaos. The minister needs to take hold of the NDIS program in Western Australia. The simple fact of the matter is that the lives of many people with disability is deteriorating as a direct result of the implementation and rollout of the NDIS in Western Australia. That is a great shame. I applaud Julia Gillard for having the courage and conviction to acknowledge the need for a national disability system to ensure that service delivery in one state is not diminished in comparison with service delivery in another state.

A perfect example of what I am talking about is the implementation of the national education curriculum. Many people were strongly opposed to a national curriculum. However, they understood the merits of it for a transient population. I was the Minister for Education at the time and I chaired the national committee at which this state finally agreed to adopt the national curriculum. However, I insisted that Western Australia be given the capacity to adapt the national curriculum. That is what the former Liberal–National government was trying to achieve with the NDIS. We agreed with the philosophy of the NDIS. However, we wanted it to be implemented at the local level.

Several months ago, some concerns were raised with me about the NDIS. On 8 May this year, I asked the Minister for Disability Services question without notice 289. My question was, in part —

> Is the minister aware of any issues or problems that exist with the implementation of the NDIS in Western Australia; and, if so, what are those problems?

The minister's response was —

> I thank the Leader of the Opposition for his interest in the NDIS. The rollout has begun in Western Australia. We are very proud to be part of the national scheme. As we have seen in other states, there have been teething problems in relation to the rollout across the country. One of the positive things of going late is that many of those issues have been dealt with. My view is that we are in it warts and all. I have worked together closely with my agency, but also with the sector—people with disability service providers—to make sure that this transformative reform works. Although from time to time small issues do arise, we work to address those issues as quickly as possible to make sure —

I then asked the minister what those issues were, and the minister continued —

> If the member wants detail on a range of things—or anything in detail—obviously he should put the question on notice. My office and indeed my agency have been working very closely with all of those who have an interest in the NDIS, particularly people with disability and service providers, to address any issues as they arise.

I need to be honest. That statement offended a lot of people in the disability sector—first, that it was teething problems; and, second, that the problems have been sorted out, because they have not. I say constantly that I get on well with Hon Stephen Dawson. However, if he is not careful, that flippant attitude towards the implementation and rollout of the NDIS will cause him grief.

I remember when I was shadow Minister for Education during the time of the last Labor government and it introduced what it called outcomes-based education. I was inundated with complaints about OBE. I would have asked 50 or 60 questions on outcomes-based education. I moved motion after motion and spoke to the relevant minister behind the Chair, who said, "No; it's not an issue. We're rolling it out whether you like it or not." I would be on secure ground, I think, to say that that issue probably cost that minister her job because, without a doubt, she did not listen. I do not think that Hon Stephen Dawson is not listening, but I am asking him to take heed that the issues that I will speak about now are serious, consistent and intense and, quite frankly, deal with a sector in our community that deserves better.

I remind members of the intent of the National Disability Insurance Scheme. This came about as a result of the Productivity Commission report of August 2011. That report found, first, the current disability support system is underfunded, unfair, fragmented, and inefficient; second, it provides people living with disability, families and carers with little choice; third, it provides no certainty of access to appropriate levels of support; and fourth, it lacks portability of funding across the nation. That is a stark recognition of the quality of service delivery for people with disability in our nation. As I said, to her credit, Julia Gillard took it upon herself to implement the NDIS across the nation. With that, we took a softly, softly approach in Western Australia. It was Hon Donna Faragher who finally made the determination to go down the state path, and I applaud her for that. I think it was the right decision, whereby service delivery for people with a disability was to be dealt with where it should be dealt with—at the local level.

However, we signed up to a system at the national level that was already causing problems. On day one, the information and communications technology network collapsed. Do not rely on my comments here; let us look at the Productivity Commission's report of October 2017, seven or eight months ago. I will read it in part because it goes on and on. It states —

- The scale, pace and nature of the changes that the NDIS is driving are unprecedented in Australia. To reach the estimated 475 000 participants in the scheme by 2019–20, the NDIA needs to approve hundreds of plans a day and review hundreds more. The reality is that the current timetable for participant intake will not be met. Governments and the NDIA need to start planning now for a changed timetable, including working through the financial implications.

It states further on —

- In the transition phase, the NDIA has focused too much on quantity (meeting participant intake estimates) and not enough on quality (planning processes), supporting infrastructure and market development. For the scheme to achieve its objectives, the NDIA must find a better balance between participant intake, the quality of plans, participant outcomes, and financial sustainability.
  - Greater emphasis is needed on pre-planning, in-depth planning conversations, plan quality reporting, and more specialised training for planners.
- A significant challenge in the transition phase is developing the supply of disability services and growing the disability care workforce. It is estimated that 1 in 5 new jobs over the next few years will need to be in disability care, but workforce growth remains way too slow.
  - Emerging shortages should be addressed by independent price monitoring and regulation, more effective coordination among governments to develop markets (including intervening in thin markets), a targeted approach to skilled migration, and equipping participants to exercise choice.
- The interface between the NDIS and other disability and mainstream services is critical for participant outcomes and the financial sustainability of the scheme. Some disability supports are not being provided because of unclear boundaries about the responsibilities of the different levels of government. Governments must set clearer boundaries at the operational level around 'who supplies what' to people with disability, and only withdraw services when continuity of service is assured.
- NDIS funding arrangements should better reflect the insurance principles of the scheme. Governments need to allow flexibility around the NDIA's operational budget and commit to establishing a pool of reserves.

According to the Productivity Commission, we are dealing with problems of haste, the quality of plans that are being delivered, a qualified workforce that is seriously undermanned and will get worse, relationships with other services throughout the state and portability from one state to another. These are massive issues and they do exist. This is not me making a political point; this Productivity Commission report was handed down and identified these issues. This is the system we signed up to. This is the system that the current government decided was better placed to deal with people with a disability than the system the Liberal–National government had in place to be dealt with at the local level.

The biggest issues consistently raised by people who have come to see me concern funding and pricing. I am quite sincere about this. I am not talking about one or two, but dozens of people who have seen me or written to me,

either represented or as individuals. It has been heart-wrenching. The federal government asked McKinsey and Company to do an independent pricing review based upon issues that have arisen from the NDIA. The government's own review is compelling but it does not go nearly far enough. I have highlighted what I intended to read but it is extensive so I will read bits and pieces. I strongly recommend anyone interested in the sector look at the McKinsey report "Independent Pricing Review: National Disability Insurance Agency" handed down in February 2018. I refer to the recommendations. The report states —

> Ultimately, the test of whether the price caps set by the NDIA are adequate is whether participants can access the quality supports and services required to achieve their goals. While there is not yet evidence of widespread supply gaps occurring, the Scheme is in a state of transition and rapid growth, and the situation could change quickly. Further, the absence of supply gaps does not diminish the fact that the current price caps are challenging, and many providers are unable to operate profitably within those price caps. Providers and participants have raised concerns that where providers are unable to supply services at a given price level, new supply will not be made available quickly enough to ensure that participants have access to an adequate level of support.
>
> To proactively manage the key risk of supply gaps, the IPR team proposes three steps for the NDIA to undertake. Firstly, the NDIA should collect and analyse a broader set of indicators of market development and participant outcomes to both better monitor the risk of supply gaps and build institutional capacity to avert supply challenges through market intervention.
>
> Secondly, the NDIA should implement appropriate amendments to price loadings and policies, to improve the economics of efficient providers and reduce the risk of supply shortages in high-risk markets particularly rural and remote, and highly complex participants. These include —

It goes through a raft of them. It continues —

> Finally, the NDIA should assess the implementation of a temporary price supplement to the attendant care price cap to address short-term issues with provider economics.

It states further on —

> Longer term, the development of a competitive marketplace should enable changes to the Scheme's current pricing model of price caps and fee-for-service.
>
> …
>
> Deregulation of pricing remains an appropriate goal, but there is not yet a clear path towards reaching it. To better prepare the market and the NDIS for deregulation, the IPR team proposes strengthening and monitoring provider and participant readiness, including investing in key infrastructure, such as an e-market. Trialling price deregulation in one geography or support type market will also help the NDIA collect more detailed information on the impact of deregulation on market development and participant outcomes.

I have identified a number of issues with pricing. Providers are out there who simply do not have the financial capacity to deliver the same services as they did prior to the implementation of the NDIS. Ideally, I would like to read the whole report but I will not or I would be here all day, even though I have unlimited time. However, as I said, I strongly encourage members to read this McKinsey report.

With that in mind, as I said, a number of providers and individuals have come to see me to express their dismay at the implementation of the NDIS in Western Australia based on the fact that we have moved to the national scheme. I have compiled a number of issues, but the list is not exhaustive; it is the tip of the iceberg. I will go through a few of the issues that have been raised with me. Pricing is one of the single most significant issues; indeed, if we go back to original Productivity Commission report, one of the biggest issues was that the scheme was unfunded. We certainly do not want to move to a system in which the funding is worse, and it would appear from both the McKinsey report and what I am about to read that in a lot of instances that is the case. In a lot of individual cases, providers will not be able to deliver the same quality of services for people with disability as they delivered prior to the system being implemented. According to a number of people I spoke with, pricing remains the single most important factor in establishing a sustainable disability sector in which people with disabilities will be able to exercise choice and receive quality supports. The McKinsey report acknowledges that those in regional and remote areas and those with complex disabilities are the groups most at risk under the scheme. However, the report noted that commentary from service providers was that generally they are struggling to make their business models work under current pricing levels. On page 11 of the report, McKinsey notes —

> … a lack of appropriate data, the IPR made several assumptions to inform estimates of costs, leading to wide ranges in estimates presented in this report.

This is particularly alarming when one considers the terms of reference and the importance of the report in ensuring that the NDIS can deliver.

The independent pricing review team estimates the cost of the recommendations would be in the order of $250 million and $420 million over the next 12 to 24 months and would alleviate some of the financial pressure currently placed on some providers. This should be viewed in the context that last financial year, 2016–17, the National Disability Insurance Agency retained a surplus of unspent package costs in the order of $600 million. At the end of December 2017, the NDIA had spent only 50 per cent of its budget of $10 billion. That leaves approximately $5 billion in unspent funds, which is unlikely to be fully expended by 30 June 2018. The current estimate is that up to $2 billion in cash will be remaining at the end of the financial year; therefore, the amount proposed to fund the estimates is inadequate and fails to acknowledge the significant financial contribution being made to the implementation of the National Disability Insurance Scheme from the balance sheets of the not-for-profit sector. A further concern is this assumption made by McKinsey —

> … as the Scheme matures, the NDIA should be able to offset any financial impact of these recommendations by appropriately assessing their effectiveness and efficiency. For example, as evidence develops which interventions are most effective in reducing costs associated with complexity, it should be possible to reduce the number of complex participants and provider costs and prices.

Those who work with people with complex disability would be aware that reductions in complexity require significant investment and take a long time to transpire. For many with complexity, there is often no improvement in their disability and many tend to experience a decline in health and functional capacity due to either age or the disability or both acting in combination. The IPR is a summary and description of these observations combined with some opinions. It does not present an analysis of costs in the various service areas and the reasons and implications of the costs. I might add that only 45 organisations nationally were surveyed. There is no breakdown in the report of which organisations were surveyed, their size, service capacity, service type or geographic location, all of which are conditions that in one way or another impact on pricing and service sustainability under current arrangements. Without knowing the nature and types of services of those surveyed, it makes it difficult to take any of the findings seriously. By way of example, a detailed pricing analysis of attendant care organisations of the IPR team surveyed only 22 organisations, of which it reports that some are struggling to make an adequate return and some are making a profit. Of concern is that sampling only 22 organisations across the nation lacks any analytical credibility.

Another issue raised is that the report acknowledges that the participant characteristics can also influence provider economics, citing that margins were more compressed or negative for providers serving participants with complex needs or those in rural and remote areas. This is an obvious fact given that people with disability are not a homogenous group and therefore require differing service and support structures, which in turn will drive the operational costs and structures of the service providers. To make any recommendation that a one-size-fits-all approach be taken to funding this sector is negligent of the impact it will have more on the complex end of the disability spectrum and those in regional and remote areas. The IPR relies on unproven ideological position that the market will eventually solve all the issues of the disability sector through the application of market forces. Market forces can act in a random manner and cause major upheaval in the sector. There is little consideration of the impact on people, particularly those people with disabilities, their families and carers. The report recommends that the NDIA conduct a number of further analyses into the future. In a number of places the report recommends that different departments within the NDIA need to keep each other informed and work together in a more coordinated manner, which in itself is a concerning insight into the management of the NDIA.

I will not go into the summary of the submissions and consultations, suffice to say that there are a number of issues. I will raise one, which is the wage assumption of the report; that is, the NDIA assumes that the disability support worker will be employed at level 2.3 under the Social, Community, Home Care and Disabilities Services Industry Award. Many providers believe that the assumption is too low and does not allow for career progression. Others noted that they pay higher wages as a result of enterprise bargaining agreements. This is particularly the case in Western Australia. Just quickly on the utilisation assumption, the NDIA assumes a utilisation level of 95 per cent for disability support workers with many service providers noting that that is difficult to achieve and unrealistic. Some providers reported to the IPR that a utilisation rate of between 80 per cent and 85 per cent is more typical of the sector currently. The IPR noted that by contrast, some providers are achieving 95 per cent and 100 per cent utilisation. These figures will depend on the types of services being delivered.

The McKinsey report does not alleviate a number of key risks of the disability sector and, importantly, people with disabilities and their families who will bear the full impact of an inefficient and dysfunctional NDIS. The following outlines some of the key risks of the sector as a result of inadequate analysis and assessment by the report. In fact, the IPR team noted that the sample of providers was not comprehensive or representative of the market and the information providers were able to provide was limited. In this case, the NDIA had a responsibility to ensure adequate and representative sample was used across the nation. The risks include—I will mention just a few that were provided to me—first, a material risk of gaps emerging over the next 12 months as providers will be unable to provide services at the current pricing levels. Second, additional funding being offered is based on an already low base and it will not fix the fundamental issues of an inadequate hourly rate and the cost of doing business with the NDIS. The report notes from provider feedback that the cost of transition to the NDIS is in the order of

1.5 per cent of total annual expenditure. In the Nulsen Haven situation, this would approximate to $750 000 per annum. In WA, unlike Victoria and New South Wales, the state government has made some transition costs, which is welcomed, although whether it is adequate is yet to be seen. Organisations are drawing down on working capital to adjust to the NDIS and the hourly rate for individual supports has not been addressed nor adjusted and there is no recommendation to do so. There is no clear definition of "complex disability" and there is a risk that the categories to access the additional 10 per cent will be high. It goes on and on.

Overall, a number of issues in the report have been raised with me. If we do not stem the tide, that tsunami of issues will continue to grow. The general commentary from around the nation is that the report lacks rigour and research and the IPR has relied on unproven ideological positions, such as the market will eventually solve all the issues of the disability sector through the application of market forces. Market forces can act in a random manner and cause major upheaval in the sector. There is little consideration on the impact on people, particularly those with disabilities and their families and carers. There are more than 12 500 service providers across the country but only 22 organisations were surveyed and no data has been provided on the representative nature of those organisations. Therefore, the number surveyed and a lack of profiling information about those organisations brings into question the validity of the research. Having said that, the report itself identified issues, but, as has been presented to me by numerous providers, those issues are much more complex than has been presented.

I will not go through all the issues that have been raised in the media, but I am sure that the minister will be aware of them. I do not think this is sensationalising it. I am dealing with specific instances. I am sure that the minister has seen them. There are literally dozens of cases.

Hon Stephen Dawson: Member, we don't disagree on much of this stuff.

Hon PETER COLLIER: I know we do not, and that is why I am being temperate in my comments. As I said, I do not think the minister is intentionally doing the wrong thing. We have an issue that we have to deal with. It is heart wrenching when people come to see me. I cannot imagine the barriers that they have faced in life to this point. I feel for them because they honestly felt that at last they would have a system that would provide certainty for them and that is now under challenge.

I will not read all of this story because it would take far too long, but it is from a simple warrior. I am not sure whether the minister has read it. It is headed "Dear NDIS". I will read part of it because it is quite worthwhile. It is a blog from a person with a disability.

Hon Stephen Dawson: From WA?

Hon PETER COLLIER: No, I do not think so. It refers to the system, and I am talking about the system generally because that is the system we have joined. It states —

> Dear NDIS,
>
> Why are you pushing all of your therapy providers away?
>
> We started this new exciting story with you in 2013 with hope in our hearts for a better future for people with disabilities in Australia. We wanted to be a part of that story.
>
> We brought our many, many years of skills and experiences of working in the disability sector. We knew the old system wasn't working. We knew the length of the waiting lists. We knew that some people were going without.
>
> We so hoped that the NDIS would mean an end to all of that.
>
> Many of us had originally fallen into the sector by accident—and found our passion and satisfaction for supporting people to reach their potential regardless of the challenges they faced.
>
> And so we stayed.
>
> We attended thousands of hours of training and development. We read hundreds of research articles and went along to conferences. We endeavoured to know about the best, latest techniques and equipment. We learned to be person and family-centred. We learned about the International Classification of Function and Disability which encouraged us to move away from a medical model to an inclusive, participation model which saw us leave our clinics and target practical solutions where people actually live, work, study and play.
>
> We celebrated successes with the people we supported. We became frustrated with ourselves when we couldn't find the answers.
>
> We cried at the funerals of those we lost along the way.
>
> We launched ourselves into the NDIS with a nervous but enthusiastic energy. We wanted to take our learning and experiences into the new world. We wanted to see the people we support achieve their goals. We wanted to stay.

> NDIS started out with such promise. Hopes, dreams and aspirations for Participants. Well funded Plans meant plenty of work for everyone. This new environment looked filled with promise for everyone. Job creation, new businesses, choice for Participants.
>
> It didn't take long for the wheels to start to wobble.
>
> Our colleagues in government positions were in a two and a half year limbo waiting to find out what would happen to their jobs. Many of them stayed.
>
> Our non-government colleagues entered a world of billable hours and interventions dictated by a strictly budgeted number of hours. Their managers frantically tried to make the numbers work. Often they couldn't. But many of them stayed.
>
> NDIS budgets were tightened. The funding bucket is not bottomless. We got that. We worked together with Participants and families to make it work. We stayed.
>
> The rules changed. All the time. Without notice. Often we found out about the changes by tripping over them on the website or happened to be talking to another provider. We adjusted. They still change. All the time. We keep adjusting. We stay.
>
> The payment Portal crashed. You blamed our inability to use it properly. We survived months without pay by taking lines of credit, maxing out our credit cards and re-mortgaging our homes to pay our staff. We looked after each other. We got through it and we stayed.
>
> Your representatives insult and disregard our professional opinions. They tell our clients that we are greedy and that they should find a student to deliver their services instead. They don't take the time to ask us for more information or clarify our reports. In spite of this, many of us have stayed.
>
> It became impossible to have questions answered. Our enquiries go off to Planet Escalation never to be seen again. Hours are spent on the phone and email. We created our own online communities to access information from each other. This has helped many of us to stay.

It goes on to refer to the issues with the rollout, but, again, it is quite compelling.

One group that I met with was Deafblind West Australians, and it does not mind if I identify it. I note that the minister is familiar with Deafblind WA. It is a wonderful group of people, led by Eddie Szczepanik.

Hon Stephen Dawson: I know Eddie very well.

Hon PETER COLLIER: He is a wonderful man. I said to Eddie that I would read in part of his letter. These are some of the issues that Deafblind WA has with the NDIS. He states —

1. Lack of accessible information about the NDIS for Australians with deafblindness. Many Australians with deafblindness use Auslan (sign language used by the Australian Deaf community). Auslan is a signed spatial language with no written form, so written English is a second language for an Auslan user. Communication breakdowns occur frequently for people with deafblindness so the best means of learning new information is through face to face interaction to allow for repetition and clarification of terms.

   People with deafblindness who already experience considerable isolation are at risk of increased isolation through not being able to engage with the NDIS processes to ensure their needs are met.

2. Lack of understanding of the needs of people with deafblindness of NDIA staff at all levels.

   It is taking considerable time and effort to explain to NDIA staff the complexities associated with a combined vision and hearing loss. While there is large variation between people with deafblindness, ALL experience challenges in face to face and tele communication, and access to information and the physical and social environment. Many people with deafblindness do not have any cognitive or physical disabilities (more commonly understood disabilities) and NDIA staff are repeatedly not acknowledging the complexities of adequately and appropriately meeting the needs of a person with dual sensory impairment. For example:

   – Putting therapy hours in a plan with no hours for interpreting to access this therapy

   – Increasing hours of support coordination (which will not be utilised due to support coordinator not having an understanding of deafblindness) but providing no hours of specialist support coordination which would address the complex communication needs of the individual.

   – Reducing funding of specialist support coordination from one plan to the next despite the level of complexity and need remaining exactly the same if not increasing.

– Insisting on an Occupational Therapy assessment before purchasing equipment, even though no Occupational Therapist with experience in deafblindness is available, while staff with skills and experience in assistive technology specifically for people with deafblindness are ineligible to provide this service.

3. The need to prove Deafness again, to another government agency, is redundant. Many clients have accessed multiple government departments their entire lives and how haven been given the opportunity to access an NDIS package as asking, why do I have to get an audiogram again??? Why do I have to show another government department I have a disability?? It beggars belief, and it comes across as overly bureaucratic. It also places additional burden on what is an often marginalised group within the community, both in access and communication and in being able to access medical systems. It also places an added burden on our medical system to provide a report when invariable there is already in systems evidence to provide that participants are Deaf.

He goes on to make some requests. I indicated to Deafblind WA that I would read that in the chamber. As I said, it adds to the litany of issues that currently exist with the implementation.

I will finish off on the National Disability Insurance Scheme with a personal perspective from Mark Bagshaw. This article, published on 11 March, is definitely worth a read. I will read a couple of paragraphs, but I will seek leave to table a copy of the article in case anyone is interested in reading it. It reads in part —

> Well, the National Disability Insurance Scheme has finally achieved what dealing with the daily challenges of living with a high-level disability (quadriplegia) for 45 years could not. I now hate my disability.
>
> Some might think it strange that living most of my life with no movement or sensation below my armpits, not being able to play the piano, or pick up a hammer, or climb a mountain, or do so many other things I used to love doing, hasn't made me hate my disability from the day I was injured. Others may ask how not being able to get into the vast majority of homes, shops, cafés and restaurants, or waiting for hours for accessible public transport often to find there is none, or being told I can't travel with JetStar, Virgin, Tiger and most international airlines because of the weight of my power wheelchair or their unwillingness to assist with transfers, or of arriving at a theoretically accessible hotel room to find it is anything but accessible, or being told by a shopkeeper or restaurant owner that "there is not enough room for your wheelchair", hasn't exacerbated that hatred beyond breaking point.
>
> I don't know quite what to say to those who ask with incredulous voice, "how could this be so?" I respond that I'm not sure why I have for the most part regarded my disability as a challenge, the conquering of which has resulted in me leading a very full and active life, and has even engendered a sense of pride. I do know that being born with the combined DNA of two very determined parents, the love and support of my family, great support from the Commonwealth Rehabilitation Service in the early days, and a healthy dose of good luck, have all played their part.
>
> But all that has now evaporated and I'm feeling that I am sick of living with the disability.
>
> I have never felt so powerless, so angry, so hemmed in, so sickened by the injustice I and so many others with disability are facing. I have never felt so disabled.
>
> And it is all because of the NDIS.
>
> …
>
> Memo to NDIA: I actually don't hate my disability. I just hate the way you are implementing the NDIS. I'm down, yes. I'm feeling very, very bruised.
>
> But I'm not out. Nowhere near it.

I recommend that members read the rest of that compelling article. I seek leave to table that document.

Leave granted. [See paper 1410.]

Hon PETER COLLIER: To conclude on the National Disability Insurance Scheme, before I move to my next topic, I started by saying I want this thing to work, and I know the minister wants this thing to work. But the issues the sector is facing at the moment are not teething issues or minuscule. They are profound, complex and heart-wrenching. We must listen to the concerns of the sector. I do not want to make political gain out of this. I earlier mentioned the outcomes-based education system. When I was last in opposition, I wanted a good education system. I did not want a bad education system. That is what the OBE was delivering. In that way, I do not want a bad service delivery system for people with a disability; I want a good and improved system of service delivery, as promised when the NDIS was announced in 2012. Unfortunately, at this stage all the issues that we raised in opposition and looked at as a government are bearing fruit. I really hope the minister looks at these issues, acknowledges that they are not teething problems and does all he possibly can to work with the disability sector to overcome those problems.

I would like to move on to a political area—the Langoulant report. I have mentioned on numerous occasions that this government has an almost infatuation with the previous government. It has focused tirelessly on the previous government. I keep on saying that I am flattered with the attention, but unfortunately the people of Western Australia are the recipients of that obsession. This government is not governing effectively, which is what it should be doing. I earlier said in my contribution that there has been very, very little in the way of overcoming debt in the two budgets of this government. After two budgets, of course, it is halfway through and gets only two more chances: one next May, and then the last one, of course, is the sweetener to try to get re-elected.

The government went on a witch-hunt with the special inquiry into government programs and projects, headed by John Langoulant. I have great respect for John Langoulant; I have no problem with that. There would have been no issues if the government was just using that to actually try to improve government processes, but it was not. It was a witch-hunt. It cost $3 million, not $1.5 million, as I keep saying. If members want proof of that, they should look at question without notice 544, which I asked on 7 September, because the government did not mention in all of its glossies and media statements the public servants who were also included. Of course 17 were taken from the Departments of Mines, Industry Regulation and Safety; Biodiversity, Conservation and Attractions; Water and Environmental Regulation; and Treasury. Collectively, it cost well over $1.5 million for their services; that expenditure was taken away. The government spent $3 million on this thing. I have said, pretty much—it went hand in hand—the common theme in the responses to questions, media statements, ministerial statements, whatever you like, was focused entirely on the previous government.

I would like to have a look at this, because of course the proof is in the pudding. Was it genuinely an endeavour to improve governance in this state? Let us have a look at the recommendations of the special inquiry. I will not go through all of them because it will take forever—mind you, I have unlimited time. I will just refer to a few, the first of which is to —

- introduce a Parliamentary Budget Office to cost election commitments and review major project business cases;

I wish we had that before the last election, so that the opposition would have had to put through its Local Projects, Local Jobs commitment. I would love to have seen that go through. That will not happen. I can almost guarantee members that the government will not do that. It will cherrypick a few of the recommendations, but it will not go for the ones it thinks will hurt it. The next is to —

- provide information about major projects in an accessible and transparent way to the public;

That is not happening. I have here examples of dozens and dozens of projects that we have asked questions about with regard to businesses cases et cetera; the answers were not forthcoming. They include: the Armadale Road upgrade; the Wanneroo Road upgrade; the Joondalup Drive–Flynn Drive dual carriageway; the High Street upgrade project; the Kalgoorlie–Boulder road upgrade; the Lord Street upgrade; the Broome port upgrades; all the Metronet projects—I cannot wait to get them; Karnup station; level crossing removals; the traffic interchange at Wanneroo and Ocean Reef Roads; the Stephenson highway extension; the upgrade of South Coast Highway; stages 2 and 3 of the Bunbury Outer Ring Road; and, the widening of the Coolgardie–Esperance Highway. They go on and on and on. There is also the development of the Nambeelup, Kemerton and Shotts industrial parks, the establishment of rail at Kemerton industrial park, the Ocean Reef marina transformation, and the Albany wave energy project—I will talk about that in a moment. We have asked questions about all those things. We are told, it is becoming increasingly prevalent from this government, to put it on notice, or that there is confidentiality around it—whatever it might be; any way to avoid telling the truth. So the government gets a fail on that recommendation of Mr Langoulant.

The next recommendation is to —

- centralise the leadership of major projects and public works management;

That will not happen. The next is to —

- simplify and strengthen procurement practices;

It has not yet happened; I would love to see it happen. The next is to —

- increase Government's oversight of contract development and contract management;

I would love to see that happen with the wave project. They go on and on and on. Another two are —

- refreshing Budget and Mid-Year Review policy and protocols; and
- establishing clear Expenditure Review Committee protocols.

I am not quite sure, Mr Deputy President, you having been there for a while, what was actually wrong with those protocols, but anyway. The recommendations go on and on. It is all well and good to have these. The government held a media conference and it smashed the opposition yet again. We would think that the government might start to govern after a while but it is still infatuated with us. This will come back to bite the government because it will have to adhere to these standards.

I would like to pick out a couple of things that came out in this project that directly impacted on me. I am sure that the government was hoping that something clandestine—something with criminal intent—would occur that would focus the attention of the CCC. Without a doubt, that is what it hoped. Apparently, there were some background deals, which never happened. Let us look at two things. The first is the Muja power station. I have no problems with it at all. I have problems with the fact that it did not achieve what it hoped to achieve. It was under my jurisdiction. I did not like that at all. Let me give members a bit of background so they know what happened. We ran out of electricity in 2008 when the processing plant at Varanus Island blew up. We had no gas. Considering that two-thirds of the greater metropolitan area's fuel source is gas, that was a problem. The solution for the then Carpenter government was to ask households to turn off their stoves and have short showers and for industry to close down for a couple of days. I am not blaming the then government for that in its entirety because previous governments had not done anything about it. As energy minister, we have since put in a gas storage plant. The then government recommissioned Muja. That was up and running and it helped get us through because it was a coal-fired power station. It did not rely on gas. As members may remember, we had a change of government right in the middle of that Varanus Island episode. As a result, we took office and I became energy minister. Verve Energy, which had control of Muja AB, was doing work for the previous Labor minister on resurrecting Muja. I was advised by Verve and the then Office of Energy—I had the support of the Premier, the Treasurer and Treasury—to go ahead with that project. Vinalco provided 50 per cent of the capital and we provided the plant. That was the original intent. I will not go through the whole thing; I want to deal with the issue itself. Suffice to say, the boilers blew up in 2012. The end product was that it cost a lot more. Inalco vacated the space. Collectively, it was called Vinalco. It cost the state a lot more money than was ever intended. It was extraordinary. In the special inquirer's assessment of this project, he stated —

> When Verve Energy sought approval from the Minister for Energy to enter into the joint venture, the Minister for Energy consulted the then Department of Treasury and Finance prior to responding to Verve Energy's request. It was only at this point that the Department of Treasury and Finance was made aware of the financial guarantee that Verve Energy had negotiated with Inalco Energy.
>
> Due to the lack of available documentation, it is unclear whether the Department of Treasury and Finance approved the transaction. It is also unclear as to what advice was provided to the Minister for Energy or the Treasurer, whose concurrence is required for section 68 approvals.

I can assure the special inquirer that Treasury most definitely did provide approval for that project. I honestly do not know where that would have come from. I was not asked to appear before the special inquirer. I would have. I had nothing to hide. That goes hand in hand with the Office of the Auditor General, which also gave approval for this project. In response to a question from Hon John Kobelke, MLA, chairman of the Public Accounts Committee, the Auditor General said —

> Dear Mr Kobelke
>
> **MUJA A/B REFURBISHMENT—JOINT VENTURE ARRANGEMENT BETWEEN VERVE ENERGY AND INALCO ENERGY PTY LTD**
>
> As per your request of 23 June, my Office has undertaken a preliminary review of this joint venture arrangement with a focus on the apportionment of risk and financial returns.
>
> My preliminary view indicates that Verve could benefit substantially from the joint venture and I have seen no evidence to suggest that this benefit is disproportionate to that of its joint venture partner. I have also seen no evidence to suggest that the joint venture arrangements assign a disproportionate share of risk to Verve.
>
> Attached is some analysis to support this view.

That letter is from the Auditor General. The Auditor General approves. As to Treasury not giving its approval, I draw members' attention to an email from Treasury to the Office of Energy, which is the coordinating body with Verve Energy. It was sent on Friday, 9 July 2010. I have removed the officers' names. It is from an officer of the Department of Finance to an officer in the Office of Energy and cc-ed to three other officers in the Office of Energy. It states —

> Hi ...
>
> In accordance with the agreed section 68 process, the Department of Treasury and Finance (DTF) has been formally liaising with the Office of Energy regarding Verve Energy's request to enter into a Joint Venture partnership with Innovative Aluminium Company (Inalco) to implement the Muja power Station Stages A/B refurbishment project.
>
> The Joint Venture partnership includes the following key contract terms:
>
> - Inalco contributing capital funding of approximately $145 million to refurbish and upgrade Muja AB, including the installation of pollution abatement equipment. Project funding will be 100 percent debt funded.

- Verve contributing market knowledge, plant operation and the existing plant, equipment and licences. Verve will also contribute half ($11.55 million), of both the Independent Market Operator (IMO) certification and operating bonds;
- Verve providing Inalco's finance's with a financial guarantee for Inalco's debt until all capital and financing costs have been recovered.
- Inalco securing a 10-year off-take agreement with Perth Energy for the purchase of all capacity credits and 35% of the total possible plant energy production which will provide a guarantee revenue stream; and
- Muja AB returning to operation in time for the 2012/13 capacity year with an intended operational life of 15 years, which would provide additional revenues beyond the 10 year off-take agreement term;

DTF note both the risks and benefits to the State's financial position associated with this Joint Venture partnership. Specifically, DTF view that the financial guarantee is the largest risk in this transaction. However, we also view that the risks is mitigated substantially given the financial disincentives, the short timeframe for debt repayment, the reputation and financial health of the joint venture partner, and the profitability of the venture.

Consequently, the DTF concurs with Verve Energy's request to enter into a Joint Venture partnership with Inalco subject to Verve receiving approval to exceed the 3000MW capacity cap from the Minister for Energy. The DTF also recommends that Verve continue to ensure that any and all risks are fully mitigated to minimise potential impacts on the States net debt position. Should any adverse net debt impacts be experienced we would expect that Verve take all actions available to them, i.e. sell Inalco's share to a third party or use guaranteed project revenues to retire the debt as quickly as possible.

I note that in compiling this concurrence, I have obtained approval from … A/Executive Director of Infrastructure and Finance, on the basis that the treatment of the guarantee will not cause adverse impacts on the State's finances.

Kind Regards,

... *A/Assistant Director*

Energy Team, Infrastructure

Department of Treasury & Finance

That statement by the special inquirer is wrong. There was approval from Treasury for that contract. I am just surprised by the special inquirer. I do not know whether he did not ask the Treasurer, the former Office of Energy or me.

The second issue—this shows why this thing is political—relates to the Woodlands transmission line. For those people who do not understand this, the Woodlands transmission line, logically enough, is in Woodlands. It is pretty much along Scarborough Beach Road. Members have to imagine a bit of vacant land at the back of a row of houses. Western Power went out and put in half a dozen transmission lines. I am not talking about electricity poles; I am talking about transmission lines at the back doors of these homes. Any Minister for Energy would say that is unacceptable. Why Western Power did not put those lines underground—which is what it should have done in the first place—is beyond anyone's guess. Western Power did that without any consultation. I looked at those transmission lines, and I made the decision that Western Power should take out those transmission lines and put them underground, at a cost of $2.7 million. I thought that decision was eminently logical. I was then told that that was mentioned in the special inquirer's report. I will tell members why that was mentioned in the report. In one of the Treasurer's diatribes in the other place, he spoke about the Woodlands powerline and said, "Does anyone know what electorate the Woodlands powerline is in?" He went on to say it is in the electorate of the current Deputy Leader of the Liberal Party, the member for Scarborough. He then went on to talk about the policy failures under my watch and said —

> Again, one that I did not know a lot about—perhaps because the size meant that it was not one that captured the imagination—is the Woodlands transmission line, which I know the member for Scarborough has some interest in.

There we have it! He continued —

> For those members who are interested in these things, we all have members of our constituency who would like to see powerlines undergrounded, do we not? We would love to be able to do it everywhere but, unfortunately, we do not get the right to say to Western Power, "Can you underground that for us? Can you wear the cost of undergrounding this?", unlike the member for Scarborough, who had access to that sort of power, apparently. Hon Peter Collier and the member for Scarborough, on 17 December 2012—

what happened three months after that? There was a state election, of course. Mr Langoulant goes on to state —

> On 17 December 2012, Western Power's Acting Chief Executive Officer, in the presence of the Minister for Energy and the Member for Scarborough, announced to the community that the transmission line would be placed underground. The Special Inquirer can find no evidence that this decision was based on a business case, thorough options analysis or value for money assessment. This contention is reinforced by the fact that the business case was not produced by Western Power until 1 June 2014.

The Treasurer went on to say —

> That is some two years later. What did that business case find? It found that the option pursued by the member for Scarborough and the then Minister for Energy, Hon Peter Collier, was the most expensive option possible—to the tune of $300 000 per constituent who was benefited by it. Yes, in the scheme of things, $2.5 million may or may not be small, but we do not get the right to say to Western Power, "I have a constituent problem; can you fix this for us? Can you use the revenue of Western Power to do so?"

Those comments from the Treasurer highlight what this is all about. It is all about politics. Why on earth would the special inquirer waste his time on that? Treasurer, we are not talking about powerlines. We are talking about transmission lines. If the Treasurer wants to know why Western Power made that decision, he should listen to the words of the former chief executive officer of Western Power, Mr Paul Italiano, who said, and I quote —

> "I'll tell you exactly what happened … we had not done customer consultation and we had built three, 18-metre high transmission towers within two metres of people's back fences." …

That is what it was about. It had nothing to do with politics. The Treasurer has got to be joking. I challenge anyone in this place to come home one day and find three 50-metre transmission lines just outside their back fence and say that is acceptable. The only reason it was expensive is that Western Power had taken the cheap option of putting up those transmission lines in the first place. I can imagine the board of Western Power saying, "If we put them underground, it will cost a lot more, so, it doesn't matter, we'll put them behind people's back fences." I went to look at those transmission lines. It was disgraceful. Western Power had made a stupid decision, and I made the right decision to tell Western Power to rectify it. It had nothing to do with whether it was in the electorate of Hon Liza Harvey. Why not ask the people of Armadale what they think about the new design and technology room at Armadale Senior High School, or the people of Fremantle what they think about their new high school? Are those people bastions of conservative electorates? Of course not. Members opposite may not believe this, but most of the time, we make decisions for the right reasons. For the Treasurer to play politics with this is testament to exactly what I am saying—that this was just a witch-hunt.

I still have a way to go, but I will finish on this. We hear all this stuff from this government about how it will accept all the recommendations of the special inquirer about the need for transparency, accountability and good governance. I want to draw members' attention to a pearler—the Carnegie wave farm. I have taken great interest in and have made a number of speeches on this project, because I had something to do with the original project. What this government has done with this project is disgraceful. If ever members opposite needed to have a good look in the mirror and ask whether they are being transparent and adhering to the rolled-gold governance that they have espoused, this is it, and I can tell members this saga has a long way to go.

I have asked a number of questions in this place and we have asked a number of questions in the other place about the Carnegie wave farm, and we have been knocked from pillar to post in trying to get answers. On 29 March, I asked Hon Alannah MacTiernan, the Minister for Regional Development, question without notice 197 about the sale into the grid of electricity that is exported from the Carnegie Albany wave project. I wanted to know whether the state would get any value from the money the government was spending on this project. The minister gave the usual tirade that she gives when she gets defensive and said, in part —

> This is extraordinary given that the former minister put out press release after press release about his support for Carnegie Clean Energy and wave energy back in 2009 and 2010 and seemed to understand the purpose of co-investment by the state was to drive a new technology. That is what happened when the previous government continued the funding, which I must say started under Labor, and continued to co-invest with CETO 5. Of course we know that the technology has to move on. It started in Fremantle. It then moved to Garden Island.

I want to make one thing perfectly clear. My issue is not with Carnegie and it is not with the wave energy project. I am a firm supporter of Carnegie. When I was Minister for Energy, our government gave Carnegie $12.5 million for the Garden Island project. My issue is transparency and procurement. On 23 February 2017, in the lead-up to the state election, after the Labor Party had made a commitment to Carnegie, Carnegie made an ASX announcement. This was not a general statement; it was an ASX announcement, and we know that is big beans.

At that time, the Liberal Party was still in government. The announcement is headed "$19.5 million commitment to Albany Wave Farm", and it states, in part —

> **Carnegie Clean Energy Limited … owner and developer of the CETO wave energy technology, is pleased to advise that the Western Australian State Labor party has committed $19.5 million to fund a Wave Project and Centre of Excellence in Albany, Western Australia, should they be elected on 11 March.**
>
> The Project will be the first commercial scale wave farm in Australia and will demonstrate the potential for WA and Australia to tap into a highly consistent renewable resource; delivering 24/7 clean power into the electrical grid at a time where recognition of the importance of reliable, clean energy in Australia has never been higher. The Project, to be delivered in stages, will involve an initial 1MW unit followed by a 20MW wave farm resulting in over $100m of local investment. Successful demonstration of the 20MW farm could in turn lead to a 100MW expansion.

From the way it was talking there, it is almost as though Carnegie Clean Energy already had a contract. Carnegie knew everything about what had happened, yet we were still in government. It goes on to state —

> Carnegie has been working on plans for a wave farm in Albany for nearly a decade and has spent over $1 million on studies, surveys and designs for the region including research mapping, licensing and site design.
>
> Carnegie has a site licence for a proposed Albany wave farm offshore from Torbay and Sand Patch.
>
> The project will move through a structured design and development processes, including full consideration for environment, native title and planning.

It appears therefore that Carnegie already had the project. That was on 23 February. On 13 March, following the election of the McGowan government, Carnegie made another announcement to the ASX confirming the commitment of $19.5 million to its Albany wave farm—not "an" Albany wave farm. There was enough of a nudge, nudge, wink, wink in the first ASX announcement to suggest it was there. This government worked fast; ministers had not even been sworn in, yet it made decisions, because on 13 March, the Monday after the election, Carnegie put out another ASX announcement, headed "$19.5m grant for Albany Wave Energy Project progresses with a newly elected WA Government", stating —

> Carnegie Clean Energy Limited … developer of utility scale wave, solar and battery storage projects, is pleased to note the election of a new Government of Western Australia … confirming the commitment of $19.5 million in funding for its Albany Wave Energy Project.

It is not "an" Albany wave farm; it is for "its" Albany wave farm. Carnegie told the ASX that the money was going to it. It put that announcement out to the ASX two days after. We all resigned on Saturday night and the McGowan government was sworn in on the Sunday. It then went through the procurement processes and Carnegie was given the contract on the Monday or it has misled the ASX, because it is not its project. It is not. The announcement states —

> Carnegie's Managing Director, Dr Michael Ottaviano, commented:
>
> "We're delighted to be working with the newly elected Government of Western Australia to deliver on the potential of wave energy at Albany. Wave energy justifiably demands the sort of investment that other power technologies, whether fossil fuel or renewable, have benefited from and the Government's $19.5 million commitment is a strong step towards this."

That announcement contains a photograph with the managing director, the then shadow energy minister, Bill Johnston; the then opposition leader, Mark McGowan; and a yet-to-be-elected member for North Metropolitan Region, not even shadow energy minister. Their photographs were in that ASX announcement. Clearly, Carnegie was under the impression it already had the contract. As a result of that, Carnegie Clean Energy's shares jumped from 6c at the close of business the previous Friday, 10 March, to 7.4c at the close of business on Monday, 13 March. That is an increase of 23.3 per cent. Evidently, there was a view out there that Carnegie would get this contract. It already had it according to its ASX announcement; therefore, its share price went up by 23.3 per cent.

That is what Carnegie said in its announcement. In the other place, just after Parliament resumed on 16 May 2017, we asked the Treasurer whether it had been decided that Carnegie Clean Energy would get the project. He stated, in part —

> The member is right: We made a number of commitments about the wave farm. I have not met with Carnegie Clean Energy. I have received a letter from Carnegie Wave Energy—I think it is called—and I will no doubt respond to that piece of correspondence in due course. I have not received any business case, but the member will note that our election commitment was not specific to Carnegie Clean Energy.

There is a problem with that because there is inconsistency between what Carnegie told the ASX and what the Treasurer told this Parliament.

Hon Sue Ellery: That's Carnegie's problem.

Hon PETER COLLIER: It is to do with Carnegie. You guys have signed an agreement with it. Companies like Carnegie take their reporting to the ASX very, very seriously. As I said, I am a fan of Carnegie; I have no problem with it at all, but we cannot have it both ways. We cannot have the Treasurer saying there is no contract and Carnegie saying its project has been funded. That is what it said in its ASX announcement on 13 March. Either Carnegie misled the ASX or the Treasurer misled Parliament.

Let us look at the second issue, the project itself. Carnegie Clean Energy will deliver a technology known as CETO6. We have found out that it is exactly the same project as the CETO6 project at Garden Island.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: No. Why we are providing Carnegie with $15.7 million of taxpayers' money for a project that is being delivered is beyond me. For the record, we provided $12.5 million to Carnegie for wave energy in Albany and, contrary to what the Labor Party said prior to the election, we did not change that location. I draw members' attention to the following —

> WA LABOR: Plan for Albany And the Shire of Jerramungup
>
> **A Fresh Approach for WA**
>
> WA Labor Policy …
>
> **Wave Power for Albany**
>
> …
>
> - **A McGowan Labor Government will support the establishment of a wave energy farm in Albany.**
>
> In 2008 the WA Labor Government negotiated a trial of wave generated electricity to Albany. On coming to office in late 2008, the Liberal Government changed the location of the trial to Garden Island.

As I have said before, we did not; that is an outright lie. We did not change the location. I have said that in this place before, so members can look at my past comments on this. Hon Donna Faragher, as environment minister, and I received correspondence from Carnegie Clean Energy asking us to change the location from Albany to Garden Island. Carnegie thought we could just do that, but it did not understand that we could not operate that way. We had to go through the whole process again to ensure that the project met its obligations, and we did. We finally agreed to it and about six months later, I launched it in, I think, January 2012. But that statement by the now Premier is wrong. It might suit his case but it is wrong.

We did that, but it was a decade ago. Wave energy was new, emerging technology, but it is not now. It is like wind and solar for that matter. It is pretty much commonplace now. Why has the government provided $15.7 million of taxpayers' funds to Carnegie Clean Energy for technology already at its commercial stage? It is not a start-up. On 19 November 2016, Carnegie received financial approval from the Commonwealth Bank for this project. I repeat: on 19 November 2016, Carnegie received financial approval from the Commonwealth Bank for this project in Albany. A similar project by Carnegie was already underway; it is commercial and it is financed. The amount of $15.7 million of taxpayers' money is being spent on a one-megawatt power station—one megawatt—with enough capacity for 200 homes for one year. The total cost of the project is $65 million. The money is going to a company that is already demonstrating the exact technology without any state government funding—CETO6 at Garden Island. We are providing $15.7 million to a company that is at the commercialisation stage. This is a monumental waste of taxpayers' money. The government has the audacity to cast aspersions on us. The one at Woodlands got my back up. I do not know how members opposite could have bothered with that nonsense. Not only that, this project has real implications.

The other issue—I will finish with this—is the involvement of the Minister for Regional Development. I have mentioned this on numerous occasions. I wish the government would just come clean and say things rather than get all offensive when I mention this sort of stuff. If it has no problems, there are no issues, but what I say is accurate. I want to make some things perfectly clear. As I mentioned before, at the time of the ASX announcement on 13 March, two days after those guys opposite took office, what role did Hon Alannah MacTiernan have? She had none. She has a great interest in Albany now. Everyone calls her jet "*The Albany*" because it goes down to Albany so often. However, she appears on the front page of this ASX announcement with the Premier and Hon Bill Johnston. I can understand the Premier, Hon Bill Johnston and the CEO of Carnegie Clean Energy being there, but why is Hon Alannah MacTiernan there? She has nothing to do with it, has she? She is a member for North Metropolitan Region; she can go wherever she likes. That in itself is not an issue, but it is an issue because on 11 May 2011, Hon Alannah MacTiernan joined the board of Energy Made Clean. The then CEO of the company, Mr Davidson, said —

> "Alannah, as a former long serving Minister for Planning and Infrastructure, brings a wealth of experience and a reputation for getting difficult jobs done and we are extremely pleased that she has agreed to take on this role …

The CEO of the company said those glowing things about Hon Alannah MacTiernan going on to the board of Energy Made Clean. That would be the same John Davidson who was appointed executive director of Carnegie on 16 February 2017. The CEO of Energy Made Clean who appointed Hon Alannah MacTiernan to its board and who was with her on that board for more than three years is now the executive director of Carnegie. Not only that; Carnegie bought Energy Made Clean. Again, in itself, we could say, "Well, so what? It's no biggie." But it is a biggie, guys, because there is a clear, evident conflict of interest. We are talking about a government contract on a company that does not need it because it is already at the commercialisation stage. There is a clear conflict of interest. Therefore, in my usual fashion, I asked a number of questions. On 16 May 2017, I asked the Premier —

(1) Have any ministers … declared any conflicts of interest?

(2) If any ministers … have made declarations, what is the nature of the conflicts?

Guess what answer I got. Yes, it was —

> It is not possible to provide the information in the time required. I, therefore, ask the honourable member to place this question on notice.

What happened to transparency? I do not know what Amber-Jade Sanderson does as Parliamentary Secretary to the Cabinet, but surely, unless there is a plethora of conflicts of interest every week, she must have a list. I know that we did. She must have a list, surely, but she could not tell me the answer. I had to put the question on notice. That question was asked in May, so I would not get an answer until after the winter break, which would be three months later. The government had $3 million for this thing to be open and transparent. I did not get a response after the winter break, so I asked another question, which was —

(1) Has any minister declared a conflict of interest or a perceived conflict of interest in Carnegie Clean Energy Limited?

Do members know what the answer was? I had an answer to this one. It was —

(1) No.

There is no conflict of interest or even a perceived conflict of interest. That is quite correct. The now minister does not have a conflict of interest because she divested herself of the shares. That is fair enough, but does she have a perceived conflict of interest? I thought, "Okay; let's have a look at what a perceived conflict of interest is." A person does not need a PhD for this one. Goodness, gracious; if a person goes out for dinner with someone, they have a perceived conflict of interest. We had to sit there and watch those guys opposite try to hang, draw and quarter Hon Donna Faragher because her husband worked at Woodside and the former Leader of the House in Hon Norman Moore because his wife had shares in a superannuation fund, yet the now Minister for Regional Development was on the board and appointed by the now chief executive director of Carnegie and there is no perceived conflict of interest.

Let us see whether the standards are different and what the standards are for those guys opposite. I asked the Premier a question. I am going to talk about this. I can tell members that we are going to keep rolling with this thing. I am going to talk more about this in a few days. I referred to the Ministerial Code of Conduct and asked —

(1) What is the distinction between actual and perceived conflict of interest?

The Premier replied —

(1) I refer the honourable member to the Integrity Coordinating Group paper in relation to conflicts of interest, a copy of which I now table. Further to that, the Integrity Coordinating Group website elaborates as follows —

> An **actual** conflict of interest may arise when an employee is asked to make a decision as a public officer that directly affects or impacts their personal or private interests.
>
> Importantly, some conflicts may only be perceived—an employee's decision could be questioned based on a personal or private interest that may not actually have impacted any decision.

When I go through and look at this, I cannot for the life of me understand how the government could not perceive that Hon Alannah MacTiernan did not have a perceived conflict of interest. I will read from the paper that was referred to. It states —

What is a conflict of interest?	A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests. Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future. Perception of a conflict of interest is important to consider because public confidence in the integrity of an organisation is vital.

I will repeat that —

> Perception of a conflict of interest is important to consider because public confidence in the integrity of an organisation is vital.

We are asked to consider "The 6 Ps". I will read a couple of them. It states —

> Public duty versus private interests

This is what a person has to consider —

	Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
	…
Perception	Remember, perception is important. How will my involvement in the decision/action be viewed by others?
	…
Presence of mind	What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?

Let us look at the Ministerial Code of Conduct that Hon Alannah MacTiernan had to read and sign. If not, the government's standards mean nothing. The code states —

> **5. Conflicts of Interest**
>
> Public duties must be carried out objectively and without consideration of personal or financial gain. Circumstances which could give rise to a serious conflict of interest are not necessarily restricted to those where an immediate advantage will be gained. They may instead take the form of a promise of future benefit, such as a promise of post-parliamentary employment. Any conflict between a Minister's private interest and their public duty which arises must be resolved promptly in favour of the public interest. The same is as true for a perceived conflict of interest as an actual conflict.

I remind members yet again of what we have here. We have a current minister who clearly has close connections with a company that got a government contract for $15.7 million. As I said, a person does not need a PhD for this. This is politics 101. For goodness sake, when Carnegie was raised, all that Hon Alannah MacTiernan had to do was say, "Actually, I need to leave the room. I have a perceived conflict of interest." Our ministers used to do it all the time. They might have had shares or their wife might have had shares; they did it all the time. With that, how can it not be a perceived conflict of interest? Not only that; we are dealing with a company that two days after the election told the ASX that it already had the contract. In addition, as I said, Hon Alannah MacTiernan was on the board of a company that was consumed by Carnegie, and the executive director who appointed her to that board is now the executive director of Carnegie.

Carnegie really does not need this nonsense. It does not need any clouding of its reputation. Do you know what, Mr Acting President? All this could have been avoided if the minister who usually sits over there, Hon Alannah MacTiernan, had done what she should have done and said, "I have clearly got a perceived conflict of interest. I'll leave the room." If she had done that, I would not be talking about this matter now, the opposition would not be talking about it in the other place and we would not be continuing to pursue it. It is the mindset of some members opposite, who think they are above this chamber and above government. That is what concerns us. It is our job to scrutinise the government. On the last sitting day, we sat here and watched Hon Alannah MacTiernan rolling her eyes and shaking her head after sitting in the committee chair for only 30 minutes. That typifies the attitude of some members opposite, who think they are above Parliament. They are not. They can come out with self-righteous indignation and deliver this sort of stuff and say that it is not a witch-hunt—"We're going to do better than you"—but at the first opportunity, they baulk. They baulked before they were elected and they baulked two days after the election when they had not even been sworn in. That is my issue. They can continue to carry on and give us subtle little digs in their quite frankly embarrassing ministerial statements and they can do political posturing in their responses to questions, but when it comes down to it—I will talk about this more in a few days, next week or whenever it might be—I assure them that they are simply not above Parliament. We do not want to make life difficult for the government, but when it does stuff like that, it makes it very, very hard. When I think about the hours that we used to spend in here when we were in government, I say to the new members on the other side that we make them look like rank amateurs in the hours that the Labor opposition used to keep us in those chairs—hours upon hours upon hours. The government can say that we are being obstructionist or difficult, but I promise members that we are rank amateurs. Let us look at the second reading contribution of the Labor opposition on the Perth Market Authority bill. It was seven hours and 23 minutes, with another three hours and 48 minutes spent in committee. Sorry, it was five hours and 58 minutes for the Perth markets, which is a total of more than 14 hours on that bill. During debate on the Criminal Code bill, we spent five hours and 52 minutes on referral to committee, and 12 hours and 23 minutes on the bill itself, which brings the total to 19 hours. On one occasion, I sat in the committee chair from one o'clock in the morning to half past nine in the morning on a bill that Labor supported! That is what we had to put up with.

Hon Stephen Dawson interjected.

Hon PETER COLLIER: Yes, the duties bill.

Hon Stephen Dawson: Not the Perth Market Authority bill?

Hon PETER COLLIER: No, that was the duties bill. I can keep going. There are heaps of them. We had all-nighters twice, and that is what I am saying—it frustrates us at times that the government has a self-righteous attitude that we are making life difficult for it. As I said, we are not. We have met the government's demands when it has wanted to get legislation through, but we will not allow things such as conflicts of interest to go unabated. We will not allow things such as the quality of standards in this chamber to go unabated; we simply will not.

To conclude, the government has spent pretty much the last 12 months obsessed with us. It has shown us that. That is fine; that is its call. We can treat life as a series of events or as a series of opportunities. At the moment, the government is treating it as a series of events. It has a great opportunity in front of it, but it is wasting it. It is quite evident that its plan to reduce debt in the same way that people pay off a house is not working. There has been no reduction in debt. The government has not included any of the Metronet projects or the infrastructure projects on which it has combined with the feds. If we consider them, debt has not reduced. The budget is full of smoke and mirrors. The government purports to be paying down debt but it does not include the state contribution. There is increasing evidence that the National Disability Insurance Scheme is a real problem and I hope the minister will work to help overcome those problems. The rolled-gold standard that the government talks about is a cliché and has no substance whatsoever. With that, we will not be obstructionist and we will not give the government a hard time, but at the same time, although the government can treat us with contempt because it is water off a duck's back, it should not treat this chamber with contempt.

HON NICK GOIRAN (South Metropolitan) [4.14 pm]: I rise to contribute to the motion that seeks to note the budget papers for the coming financial year. It ought to be implied that the noting of the budget papers should be done after the budget has been scrutinised. In that respect, I find it a perplexing characteristic of this chamber's custom and practice that, first, we debate the motion to note the budget papers before we have the customary dedicated week to scrutinise the papers courtesy of the Standing Committee on Estimates and Financial Operations, and, second, the estimates week, which is run by the Standing Committee on Estimates and Financial Operations, has only select agencies appear before it, thereby leaving significant portions of the papers unscrutinised. With respect to the first perplexing characteristic, I note that standing order 69(1) states —

> Upon the tabling of the Budget Papers, a motion that the papers be noted shall be moved.

That is the first limb of standing order 69. The second one is —

> A motion moved under (1) shall —
>
> (a) have precedence over other orders of the day on —
>
> (i) the first sitting day of the next sitting week following the day on which the papers were tabled; and
>
> (ii) each of the 9 succeeding sitting days, unless the question is resolved sooner; and
>
> (b) lapse if not resolved at the conclusion of the period under (a)(ii).

I note that the standing orders dictate the precedence of the debate in the sitting days that follow the tabling of the budget papers. I also note that in a sense our custom and practice in this place is consistent with second reading speeches taking place prior to debate in the Committee of the Whole House. However, on occasions bills are referred to a committee for scrutiny before the second reading debate is concluded, and perhaps that might be a superior analogy for the noting of the budget papers. In fairness, in the three weeks that remain before the house rises for the winter recess, the first and third weeks will see debate on this motion while the second week has been set aside for the important work of the Standing Committee on Estimates and Financial Operations. Perhaps this is a quaint compromise. I am mindful that those of us who contribute prior to the estimates week next week, such as Hon Peter Collier and me, always have the opportunity to make a second reading contribution after the winter recess when the actual budget bills are debated, and I foreshadow that this may indeed be necessary in my case for the reasons I will outline shortly.

On the second perplexing characteristic—I have said this before and each time with reticence; however, credit should be acknowledged when credit is due—the estimates process in the other place is in my view superior to that in this place. I can see no good reason why a Legislative Council process could not be established enabling all agencies to be called. For example, the Standing Committee on Estimates and Financial Operations could form two subcommittees and those committees could use two main Legislative Council committee hearing rooms for a week, much like the Legislative Assembly's process. In any case, I return to my opening point: noting of the budget papers ought to be done with scrutiny. The serious question that needs to be asked by the chamber when we are considering this motion is: how can we fulfil our function of scrutiny and review when the current government shows such disdain for a basic principle like transparency? Indeed, the supplementary question that members ought to ask is: if the government is evasive on minor matters, what confidence can we have in the

government's transparency on serious matters? I have said before that there can be no authentic accountability in the absence of transparency. In the limited time that I have this afternoon, I intend to highlight a few examples of this government's evasive techniques on some matters for which the stakes are low and then move to some distressing matters for which the stakes are high. It is clear to me that this government has a systemic culture of evasion. When I have seen this in minor matters, I think that that culture is pathetic and it speaks volumes to the lack of character and integrity by the individuals concerned. However, when I have seen this in serious matters, I have found that culture to be a disgrace and one that I am fully committed to eradicating with prejudice.

I begin with an example of this government's specialisation in evasion on a few minor matters. The first exhibit that I bring to members' attention is the first report of the Auditor General titled "Opinions on Ministerial Notifications" from February 2018. For members who are not familiar with this, the genesis of this report was a question on notice that I asked the Minister for Education and Training on 5 September last year. It was a very innocuous question. The question I asked the Minister for Education and Training was —

> I refer to the email from the Minister's office, dated 31 August 2017, and I ask:
>
> (a) for what period of time was the Minister in the South Metropolitan Region;
>
> (b) further to (a):
>
> (i) how many meetings, events, functions or similar did the Minister attend;
>
> (ii) who attended each of the meetings, events, functions or similar with the Minister; and
>
> (iii) did the Minister receive or create any documents during or in preparation for the meetings, events, functions or similar;
>
> (c) if yes to (b)(iii), what were those documents;
>
> (d) further to (c), will the Minister table those documents;
>
> (e) if yes to (d), when; and
>
> (f) if no to (d), why not?

That was the question that I asked the Minister for Education and Training, the Leader of the Government in the Legislative Council, on 5 September last year. The Minister for Education and Training's refusal to provide information to the Legislative Council of the Parliament of Western Australia was the genesis of this report by the Auditor General. The outcome of that report is helpfully found on page 5. The opinion of the Auditor General of Western Australia was —

> The decisions by the Minister for Education and Training not to provide Parliament with information were not reasonable and therefore not appropriate as a significant amount of the information was already publicly available.

The Minister for Education and Training is the Leader of the Government in this house and ought to be setting an example for the rest of the ministers. The first report that the Auditor General had to do this year dealt with this minister's evasive techniques on providing simple information to Parliament. This is, of course, the same minister who is also one of those confirmed double dippers, but this is, if I am charitable, the only minister in this government who has bothered to improve the process as a result of this report. I give credit where credit is due. Hon Sue Ellery is the only minister who has done that.

Other members might also receive meaningless emails that government ministers send to all of us—certainly I have received a lot of them—telling us that they are coming to visit us in our electorate. I received an email from Hon Sue Ellery telling me that she was coming to the South Metropolitan Region, and that is why I asked the question—to find out what she was going to do in the South Metropolitan Region: "Thank you so much for telling me this." Yet the systemic culture of secrecy and evasion had the outcome of this minister refusing to provide information to Parliament. The Auditor General of Western Australia had to waste his time investigating this minister's secrecy techniques and then table a report in February 2018. As I say, I give credit where credit is due. She is the only minister to have changed her system since. I no longer ask these questions of Hon Sue Ellery. Why? It is because when I receive her emails, she tells me what she is doing. She will say that she is coming to the South Metropolitan Region to visit X, Y and Z schools, so I think, "That is fine", and I park that away. But all the other ministers send these ridiculous emails telling me that they are coming to my electorate. They are utterly pointless. None of them has learned the lesson from Hon Sue Ellery. However, there is one minister—again, I give credit where credit is due—to whom this criticism does not apply and that is Hon Ben Wyatt, the Treasurer. He was the first minister to receive one of my questions on 5 September last year. Unlike Hon Sue Ellery, who wanted to hide information from Parliament, Hon Ben Wyatt simply responded and tabled the documents. He was coming to an event in the South Metropolitan Region, he was there for one hour, the minister's senior media adviser accompanied him and so on. He tabled the documents. Intelligently, this particular minister indicated to the house that personal contact details, such as names and phone numbers, of public servants had been redacted, and he tabled some redacted documents. That was the gold standard provided by Minister Wyatt. Minister Ellery chose not to apply the gold standard, but, to give credit where credit is due, she has fixed her techniques and is no longer

continuing with this systemic evasion. They are the only two ministers who do so. All the rest continue with this pathetic game of evasion. Clearly, they need lessons from Hon Ben Wyatt and maybe from Hon Sue Ellery, because Hon Sue Ellery will be able to tell her colleagues that Hon Nick Goiran in the upper house will continue to ask questions about these things and the Auditor General will be bombarded with these requests for opinions on notifications by ministers.

Of course, the leader of the pack is the member for Rockingham. How does he handle these matters? This guy is clearly a specialist in evasion. He has a standard response to these questions that I ask. I will select as an example one from 13 March this year. I asked him about the email that he decided to send me. He told his office to send me an email at 5.01 pm on 8 March 2018, so I asked a few simple questions. For the benefit of *Hansard*, his response to question on notice 660 was —

> For the Member's information, the Premier's public engagement on the 9th of March was for a media event at the Cauarina Prison which lasted for approximately an hour, plus travel time.
>
> For the benefit of the honourable member, that email contained contact details if he required further detail.
>
> Emails of this nature are sent as a courtesy. If the member finds them to be nuisance, he can reply asking to be removed from future correspondence.

How pathetic! What makes it worse is that the Premier, who is the leader of the evasion team, still has not notified the Auditor General about his refusal to provide the documents that I asked for on 13 March 2018.

Hon Michael Mischin: He sets the standard, doesn't he?

Hon NICK GOIRAN: He sets the standard. He needs to take lessons from Hon Ben Wyatt or Hon Sue Ellery, because either one of them get the gold or silver medal in this case. All the rest of them deserve to be sacked.

The PRESIDENT: Member, I am going to ask you to hold that thought. I am going to interrupt the debate today for the taking of questions.

Debate interrupted, pursuant to standing orders.

[Continued on page 3112.]

QUESTIONS WITHOUT NOTICE

PREMIER — CHINA VISIT

420. Hon PETER COLLIER to the minister representing the Minister for Tourism:

I refer the minister to the response to question without notice 379, asked on Wednesday, 16 May 2018.

(1) Will the minister provide a list of all tourism operators asked to join the delegation to China; and, if not, why not?

(2) Which criteria were used to select the tourism operators who joined the delegation?

(3) Who selected the tourism operators who joined the delegation?

This will be good.

Hon DARREN WEST replied:

On behalf of the Minister for Regional Development, I have just got a note here to say that that answer will be provided later in question time, and I will read it to the Leader of the Opposition then.

[See page 3111.]

POLICE — MUNDIJONG POLICE STATION

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

I refer to the changes to the policing model.

(1) How many police were based at Mundijong Police Station prior to the introduction of the new policing model?

(2) Has there been a reduction in the number of police based at Mundijong Police Station following the introduction of the new policing model?

(3) Will there be a reduction in the number of police at Mundijong Police Station as a result of the reduction in full-time equivalent staff in the police force as identified on page 336 of budget paper No 2?

(4) If yes to (3), what is the reduction in the number of police at Mundijong Police Station?

(5) Which suburbs are serviced by Mundijong Police Station?

Hon STEPHEN DAWSON replied:

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

(1)–(5) District superintendents are responsible for deploying their allocated resources to deliver the best possible policing service for their local community. Specific information relating to staffing levels at individual police stations is not publicly released. In April 2018, the Commissioner of Police announced details of a significant operational restructure of the Western Australia Police Force. Under the operational restructure, officers in local policing teams and response teams will be amalgamated into one stream as patrol/inquiry officers. These teams of officers will work from police stations supporting other officers assigned in the district. Mundijong Police Station will be located within the new Armadale police district. Mundijong Police Station will be responsible for the following suburbs: Byford, Cardup, Darling Downs, Hopeland, Jarrahdale, Karrakup, Keysbrook, Mardella, Mundijong, Oakford, Oldbury, Serpentine and Whitby. As a result of these changes, the people of Mundijong and surrounding areas should get a quicker, more responsive and localised policing service.

GENE GIBSON — EX GRATIA AWARD

422. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:

I refer to the answer of 8 May 2018 to my question without notice 310 regarding an ex gratia payment of $1.5 million to Gene Gibson, wherein the Attorney General said —

> The state's decision to make the award reflected acknowledgement and recognition of the wrongs identified in the judgement of the Court of Appeal in Gibson v State of Western Australia …

Given that the judgement reveals that Mr Gibson's conviction for manslaughter resulted from an offer to the prosecution to plead guilty, while legally represented, before an experienced Supreme Court judge familiar with all the circumstances of his contested admissions to police, on the basis of an agreed set of facts submitted by his lawyer, and that Gibson did not appeal his conviction for two years and that the Court of Appeal attributed no blame to the prosecution or state for his conviction, will the Attorney General —

(a) identify, by reference to paragraph numbers, precisely which passages of the judgement identify failings or wrongs on the part of the state that led to Mr Gibson 's conviction;

(b) confirm that advice from the State Solicitor's Office will have recommended against an ex gratia payment, as there are no identifiable failings on the part of the state or prosecution authorities responsible for Mr Gibson's conviction;

(c) set out the basis upon which the award of $1.5 million was calculated; and

(d) confirm that the government will also pay compensation to all other accused who are acquitted on appeal; and, if not, why not?

The PRESIDENT: I am not sure whether that fits the concise element of question time, shadow minister.

Hon SUE ELLERY replied:

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

(a) The Court of Appeal in Gibson v the State of Western Australia [2017] WASCA 141 concluded that all the proceedings upon the indictment charging Mr Gibson with manslaughter constituted such a serious miscarriage of justice as to warrant, in the judgement of the Court of Appeal, the vacation of the conviction on Mr Gibson's plea of guilty and its substitution with a verdict of acquittal. The "failings or wrongs" upon which the court based its conclusion are that the conviction of Mr Gibson for manslaughter upon his own plea of guilty constituted such a serious miscarriage of justice to warrant the verdict of acquittal. These are set out by the Court of Appeal in paragraphs 158 through to 203 inclusive, which are to be found between pages 79 and 90 of the published judgement. This serious miscarriage of justice, in respect of which Mr Gibson was blameless, resulted in Mr Gibson being sentenced to seven years and six months, of which he served four years and eight months.

(b) I do not confirm that —

> … that advice from the State Solicitor's Office will have recommended against an ex gratia payment, …

(c) The basis upon which the award of $1.5 million was calculated was that a cabinet decision was made to compensate him $1.3 million for the time he had spent in prison as a result of a serious miscarriage of justice, in respect of which he bore no responsibility, together with a further $200 000 being the sum that the Public Trustee identified as the fees payable to external providers for managing the estate.

(d) No.

CAMP SCHOOLS — LEASING

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

I refer to the request for registration of interest to lease and operate six Department of Education camp schools and Landsdale Farm School, which closed on 27 April 2018.

(1) For each of the camp schools and Landsdale Farm School —

(a) how many submissions were received;

(b) were any submissions received from government departments and/or agencies; and

(c) if yes to (b), will the minister list the departments and/or agencies?

(2) Has the department invited any additional organisations to register interest?

(3) If yes to (2), how many additional organisations have been invited, and for which site or sites?

Hon SUE ELLERY replied:

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

(1) (a) There were 15. A number of the submissions expressed a potential interest in multiple sites.

(b) No.

(c) Not applicable.

(2) No.

(3) Not applicable.

OUT-OF-HOME CARE REFORM

424. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the answers provided by the Department of Communities to the additional questions following the 2017–18 budget estimates hearings regarding the six-month delay to the out-of-home care reform.·

(1) What are the unique opportunities that the machinery-of-government changes provide?

(2) How will the Department of Communities facilitate further refinement of the costing and service models?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I note that this question was lodged on 6 December 2017 but I have a note advising that the answer is still current. The Department of Communities advises the following.

(1) The machinery-of-government changes have provided the department with the opportunity to develop and refine processes that support more effective and integrated co-management of children in out-of-home care—for example, with children with disability, improved interactions between the Child Protection and Family Support and Disability Services divisions. This will enable the department to undertake joint planning and allocate resources to minimise duplication, while addressing the needs of the child. Further, the merging of CPFS and Housing has also allowed the department to allocate housing resources and examine processes for ongoing maintenance of these, so that the appropriate properties are available to implement the OOHC reforms and minimise maintenance costs.

(2) Further refinement of the system costings and service models involved considering a whole-of-Communities approach. Costings have been modelled and refined to minimise duplication between the Disability Services and Child Protection and Family Support divisions in the allocation of resources and funding. Analysis of the cohort data has occurred to improve costing accuracy to best meet the needs of children in out-of-home care. Service models have been refined to support the needs of children in care, and include processes developed to facilitate sharing of resources and co-management of children.

DISABILITY SERVICES — TRAINING

425. Hon JACQUI BOYDELL to the Minister for Education and Training:

I refer to the impending skills shortage in the disability sector based on the transition to the National Disability Insurance Scheme.

(1) Will the minister waive TAFE fees for disability service courses to ensure skills shortages can be filled?

(2) Will the minister incentivise regional training to ensure regional people have the opportunity to fill vacancies in their communities?

Hon SUE ELLERY replied:

I thank the member for this question. This is a really good question. I am glad she gave me the opportunity to talk to the house about what we have been doing.

(1)–(2) Two pieces of work have been undertaken. First, the Minister for Disability Services and I hosted a round table with representatives of the disability sector, including disability service providers, people with disabilities and the training sector, to identify and see whether we could map out a plan to tackle what is a looming issue. We will certainly need more skilled people. Work is continuing between our respective agencies and the relevant stakeholders arising out of that round table. That was probably two months ago. In addition, the State Training Board led a piece of work specifically on identifying mapping out skill requirements in the personal care service, disability service, aged care and I think health as well. I am waiting for that report; I expect to get it by the end of June. I am assuming that that piece of work will give me some recommendations about how to go forward.

I cannot give a commitment—the member would appreciate this—with respect to lifting TAFE fees. I cannot give her a commitment with respect to what particular incentive arrangements might be put in place to take account of workforce needs for people with disability in regional areas. There is not a shadow of a doubt that if it will be difficult in metropolitan Perth to meet the workforce needs, it will be even more difficult in regional Western Australia. That is at front of mind for both those pieces of work in how we go forward. I am sure that both my colleague the Minister for Disability Services and I will have more to say about this in the future.

DEPARTMENT OF THE PREMIER AND CABINET — FREEDOM OF INFORMATION UNIT

426. Hon RICK MAZZA to the Leader of the House representing the Premier:

I refer to the Department of the Premier and Cabinet's freedom of information unit.

(1) Are applicants under the Freedom of Information Act advised that their application will be dealt with as soon as practicable and within the time specified in the FOI act—45 days after a valid application is received?

(2) In how many instances have applications not been processed more than 25 days past the specified 45 days; and, if so, how many applications are outstanding by 25 days, 35 days and 45 days or more?

(3) Which government ministerial offices have applications that are overdue by 25 days, 35 days and 45 days or more?

(4) Are there any instances in which the Department of the Premier and Cabinet FOI unit is unable to provide any estimation of when overdue applications might be finalised and how many?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. Given the nature of the question and the resources required to provide this information, I request that the member place the question on notice.

BARBAGALLO RACEWAY — MINISTERIAL MEETINGS

427. Hon AARON STONEHOUSE to the Leader of the House representing the Premier:

I refer to a letter dated 14 May 2018 from the director general of the Department of the Premier and Cabinet to Mr Kevin McWilliams of Barbagallo's "We Need Our Track Back" campaign, which summarises the findings of his department's investigation into a formal complaint lodged against Minister Murray, as originally laid out in Mr McWilliams' correspondence of 27 March. I note that 17 people were present at the meeting during which the incident at the heart of Mr McWilliams' complaint is said to have occurred. Given that fact, can the Premier tell me who was interviewed as part of the department's investigation into the minister's alleged behaviour, on what dates and by whom?

Hon SUE ELLERY replied:

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

As stated in the correspondence signed by the director general on 14 May 2018, it was acknowledged that the minister became frustrated in the meeting and his resulting behaviour was not what he would normally accept. The Premier has advised the minister of his obligations as set out in the Ministerial Code of Conduct.

PUBLIC TRANSPORT AUTHORITY — OPERATING SUBSIDY

428. Hon COLIN TINCKNELL to the minister representing the Treasurer:

With the state government currently supplementing Perth's public transport system to the tune of around $900 million a year, by how much is this supplemented expenditure expected to rise to in 2018–19, 2019–20, 2010–21, 2021–22, 2022–23, 2023–24 and when Metronet is fully completed? The reason I ask for six years' worth of data is due to the government's plan to roll out the entire Metronet within six years.

Hon STEPHEN DAWSON replied:

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

As per the 2018–19 budget, the operating subsidy for the Public Transport Authority is estimated at $834 million in 2018–19, $878 million in 2019–20 and $905 million in 2020–21. A public transport subsidy of $938 million is forecast for 2021–22, including $80 million for regional school bus services. Estimates of the recurrent funding to be provided by the general government sector to the PTA for the period beyond 2021–22 are not currently available and will depend on population growth and various other economic parameters and policy settings to be determined through future budget processes. The full operating costs of Metronet projects will be considered by government upon the completion of business cases and project definition plans, and will be disclosed in future budgets.

COMMONWEALTH REDRESS SCHEME

429. Hon ALISON XAMON to the Leader of the House representing the Attorney General:

I refer to the commonwealth redress scheme for child sex abuse survivors.

(1) Have the outstanding issues preventing WA from opting into the scheme now been resolved?

(2) If no to (1), which issues remain outstanding?

(3) If yes to (1), has WA now officially signed up to the scheme?

(4) If no to (3), why not?

(5) If no to (3), when is it anticipated that WA will sign up?

Hon SUE ELLERY replied:

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

(1)–(2) Western Australia has been working cooperatively with the commonwealth to arrive at a scheme that is in the best interests of WA survivors, and there has been significant progress on threshold issues such as the eligibility of incarcerated survivors and the responsibility for child migrants.

(3)–(5) On 31 May 2018, the Premier stated that it is our intention to sign up to the national redress scheme after ensuring that all issues have been covered and the proper approval processes have been followed.

CITY OF MELVILLE — INQUIRY

430. Hon SIMON O'BRIEN to the Leader of the House representing the Minister for Local Government:

I refer to the Department of Local Government, Sport and Cultural Industries inquiry into the City of Melville.

(1) Has the report of the inquiry been completed; and, if so, when?

(2) Has the minister received the report; and, if so, when?

(3) When will the report of the inquiry be made public?

Hon SUE ELLERY replied:

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

(1) The City of Melville–authorised inquiry report is not yet finalised. However, the Department of Local Government, Sport and Cultural Industries is endeavouring to complete the report as soon as possible.

(2)–(3) Not applicable.

BUNBURY OUTER RING ROAD ROUTE

431. Hon COLIN HOLT to the minister representing the Minister for Transport:

I refer to the Bunbury Outer Ring Road. Main Roads has recently proposed changing the long-agreed route to a corridor further east of that previously considered.

(1) What are the reasons for changing the long-held view of the route?

(2) What is the plan to consult with local government, landholders and the community?

(3) How many extra kilometres will the new route add to the outer ring road?

(4) How many extra bridges will be required on the new route?

(5) What extra costs will be associated with the new route?

Hon STEPHEN DAWSON replied:

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

(1) Desktop planning assessments identified that an additional eastern corridor within the Bunbury Outer Ring Road north section would provide a number of network, safety and efficiency benefits in comparison with the previous BORR north concept. Based on current transport and land use planning, the new alignment will also provide a number of broader strategic benefits.

(2) Various consultation occurred between November 2017 and May 2018 to inform the alignment selection process. Targeted consultation with potentially impacted landholders has been undertaken, providing valuable information with a large number of effective and productive interactions informing the planning process. The local government authorities of Harvey, Dardanup, Bunbury and Capel have also been consulted.

(3) It will be approximately two kilometres. The precise difference will depend on the detailed alignment definition.

(4) Further analysis is required but it is anticipated that the new alignment will require fewer bridges.

(5) Nil.

KALGOORLIE HEALTH CAMPUS — SONOGRAPHY AND NUCLEAR MEDICINE

432. Hon ROBIN SCOTT to the parliamentary secretary representing the Minister for Health:

I refer to question without notice 343 of 10 May 2018.

(1) Noting the minister's response that, on average, the total cost of flying four sonographers from Perth to Kalgoorlie each week is $3 830 inclusive of accommodation and meals, what is the total weekly cost of flying four sonographer contractors from Perth to Kalgoorlie inclusive of airfares, accommodation, meals, transfers and contract rates?

(2) Is it correct that a local Kalgoorlie–Boulder sonographer did submit an application and went through the Department of Health process and there was negotiation about conditions?

(3) Is it correct that a representative of the health department then asked the local sonographer to withdraw the application and the health department then proceeded with the much more expensive current fragmented model?

Hon ALANNA CLOHESY replied:

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

Providing the information in the time required is not possible; however, I will endeavour to provide the answer as soon as possible.

CITY OF SWAN — MIDLAND OVAL REDEVELOPMENT

433. Hon TIM CLIFFORD to the minister representing the Minister for Local Government:

(1) Is the minister aware that the City of Swan has spent $32.5 million on land acquisition for the Midland Oval redevelopment project and that the City of Swan completed the business plan after the land had been purchased?

(2) Is it the minister's view that this contravenes part 3, division 3, section 3.59 of the Local Government Act, which sets out the requirement for local governments to complete a business plan prior to entering into major land transactions?

(3) (a) If yes to (2), will the government commit to seek an assurance from the City of Swan that it will cease works; and will the minister launch an inquiry into potential breaches by the City of Swan of the Local Government Act?

(b) If no to (2), can the minister please provide an explanation of why a business plan was not advertised and distributed, as is required under the Local Government Act?

Hon SUE ELLERY replied:

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

(1)–(3) The Midland Oval redevelopment project is a matter for the City of Swan. The Department of Local Government, Sport and Cultural Industries is reviewing the city's process to ensure that there has been no breach of the Local Government Act 1995.

RECREATIONAL FISHERS — SHARK INTERACTIONS — NINGALOO

434. Hon KEN BASTON to the minister representing the Minister for Fisheries:

I refer to the answer to question without notice 394 of 16 May 2018 about interactions between recreational fishers and sharks in the Exmouth region. Will the minister please table the data collected about the ratio of fish successfully caught to hooked fish lost to sharks in the Ningaloo region?

Hon DARREN WEST replied:

On behalf of the Minister for Regional Development, I thank the honourable member for some notice of the question. The Minister for Fisheries has provided the following answer.

The Department of Primary Industries and Regional Development has worked in collaboration with the University of Western Australia to collect data on shark interactions in the Ningaloo region. The research has been published as a scientific report. The report was made publicly available in February 2018. I table the attached report.

[See paper 1411.]

ELECTORAL DISTRICT OF DARLING RANGE — BY-ELECTION

435. Hon MARTIN ALDRIDGE to the minister representing the Minister for Electoral Affairs:

I refer to the Darling Range by-election.

(1) What is the estimated cost of the by-election?

(2) Does the minister intend to make an additional appropriation to the Western Australian Electoral Commission to cover this cost?

(3) Does the minister agree that this by-election will be a litmus test of the McGowan Labor government's performance and policies over the last 15 months?

Hon DARREN WEST replied:

On behalf of the Minister for Regional Development, I thank the honourable member for some notice of the question. The Minister for Electoral Affairs has provided the following answer.

(1) The estimated cost is $250 000 to $300 000.

(2) In accordance with normal practice, the Western Australian Electoral Commission will seek additional funding to cover the cost of the by-election.

(3) I refer the honourable member to standing order 105(1)(b) regarding seeking an opinion.

PREMIER — CHINA VISIT — AUSTRALIA–CHINA RELATIONS

436. Hon CHARLES SMITH to the Leader of the House representing the Premier:

I refer to recent media reports about the Premier's visit to China, in which the Premier was quoted as saying —

> "The Australian Government's language needs to be more friendly, more engaged, more respectful and certainly there needs to be more visits by senior Australian political figures to China."

I refer also to a recent federal report indicating that the Chinese government has attempted to influence Australia's political system for over a decade.

(1) Is it the state government's view that Canberra should remain silent and not act against such interference in order to avoid upsetting Beijing?

(2) Has the Premier or any state government minister sought further information from the commonwealth government on the extent of Chinese interference in Australia's political system, including in Western Australia?

Hon SUE ELLERY replied:

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

(1) It is the state government's view that a strong relationship with China is not mutually exclusive from maintaining our sovereignty. As the Premier has said in the media, we want to see a continued strong relationship with China for the economic benefit of the people of Western Australia. As the member would be aware, many thousands of local jobs are underpinned by our trade relationship. The Premier is keen for governments at all levels in Australia to foster close relationships with China.

(2) The Western Australian government is in contact with national security agencies as and when required.

GREENPATCH DEVELOPMENT — CHROMIUM-6 — DALYELLUP

437. Hon DIANE EVERS to the Minister for Environment:

I refer to the proposed Dalyellup Greenpatch subdivision.

(1) Will the minister please table the report titled "Preliminary Site Investigation, Lots 8019, 9104 and 9076" as referred to in the minister's answer to question without notice 84 of 20 March 2018 asked by Hon Robin Chapple, MLC?

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

(3) Will the minister please table the final "Environmental Management Plan for Lot 9077", GHD, June 2015?

(4) If no to (3), why not?

The PRESIDENT: I give the call to the Minister for Environment and I hope he does not want that incorporated into *Hansard*!

Hon STEPHEN DAWSON replied:

No, Madam President!

I thank the honourable member for some notice of the question. I am delighted to provide an answer this afternoon.

(1) Yes. I table the "Preliminary Site Investigation, Lots 8019, 9105 and 9076, Dalyellup, Greenpatch Development", RPS, November 2016.

(2) Not applicable.

(3) Yes. I table "Cristal Pigments Australia Ltd, Environmental Management Plan, Lot 9077 on Deposited Plan 60716, Dalyellup", GHD, June 2015. The Department of Water and Environmental Regulation has advised that the 2015 environmental management plan has been superseded by a January 2018 site management plan that is currently being reviewed by the Department of Health, the Radiological Council of Western Australia and the Department of Water and Environmental Regulation.

(4) Not applicable.

[See paper 1412.]

GINGIN BROOK CATCHMENT SYSTEM

438. Hon JIM CHOWN to the minister representing the Minister for Water:

Will the minister please outline this government's policy for management of the environmental, commercial and social water supply needs of the Gingin Brook catchment system?

Hon DARREN WEST replied:

On behalf of the Minister for Regional Development, I thank the honourable member for some notice of this question. The Minister for Water has provided the following answer.

Water in the Gingin Brook catchment system is currently managed under the Gingin groundwater allocation plan 2015 and the Gingin surface water allocation plan 2011. Both water allocation plans are publicly available on the Department of Water and Environmental Regulation's website. I table the attached reports.

[See paper 1413.]

DAMPIER ARCHIPELAGO AND BURRUP PENINSULA — WORLD HERITAGE LISTING

439. Hon ROBIN CHAPPLE to the Minister for Environment:

As members know, unfortunately I have been away because I was not particularly well, but I am back!

I refer to the government's commitment for World Heritage listing, with Dampier Archipelago and the Burrup non-industrial lands to be nominated to the World Heritage List. I refer also to the recent decision by the board of the Murujuga Aboriginal Corporation to pursue World Heritage listing.

(1) When will the state government advise the federal government of its desire to have this area placed on the World Heritage List?

(2) Given that nominations need to be received by the World Heritage Committee Secretariat at the headquarters of the United Nations Educational, Scientific and Cultural Organization in Paris by 1 February each year for consideration by the committee in the following year, will the government advise the federal government in a timely manner to ensure assessment by the World Heritage Committee in time for deliberation and acceptance by February 2020?

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

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I note that this question was asked on 8 May, but the answer is still current.

(1) The government has been working closely with the Murujuga Aboriginal Corporation to progress the World Heritage listing of the Burrup. The MAC board has agreed to progress World Heritage listing and is currently consulting with its membership to confirm this position. MAC has advised the government that it will write to the state government to request that World Heritage listing of the Burrup is progressed once the support of its members and the circle of elders is confirmed. The government will advise the federal government of its desire to have the Burrup placed on the World Heritage List when confirmation from MAC is received.

(2) The timing of the nomination for World Heritage listing is dependent upon confirmation by MAC of its support for World Heritage listing.

(3) Not applicable.

GRANDCARERS ASSISTANCE PROGRAM

440. Hon TJORN SIBMA to the Leader of the House representing the Minister for Community Services:

I refer to the government's decision to axe the grandcarers assistance respite program from 30 June.

(1) How is it that the Department of Communities, which will receive a total appropriation of $1 723 685 000 for the 2018–19 financial year could not find $125 000 to continue the respite program for another 12 months?

(2) Was any effort undertaken to continue the respite program within the department's funding allocation; and, if not, why not? It may have been superseded.

(3) On which Local Projects, Local Jobs projects was $1.77 million of controlled grants and subsidies money spent in 2017–18?

Hon SUE ELLERY replied:

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

(1) The Department of Communities funds a number of services within the grandcarers program area, including services that provide respite, with an annual spend of $1 023 087 in 2017–18. The department will extend the grandcarers assistance program for one year to allow the current supports to continue during the period of the grandcarers review and to align all the grandcarers funding arrangements.

(2) The department funds a number of services in the grandcarers program area that expire on 30 June 2019. Planning has recently commenced to review the overall program area, which will inform and provide direction on how to best support grandcarers into the future. The grandcarers assistance program will be extended for a period of one year to allow the current supports to continue and to align all the grandcarers funding arrangements.

(3) I table the attached list of Local Projects, Local Jobs grants paid in 2017–18. Actual grants paid is less than was estimated following engagement with recipients on actual amounts required.

[See paper 1414.]

SENIORS HOUSING STRATEGY

441. Hon PETER COLLIER to the minister representing the Minister for Housing:

I refer the minister to his response to question without notice 830 asked on Thursday, 9 November 2017.

(1) Has the seniors housing strategy been completed?

(2) If yes, when will it be released; and, if not, when will it be completed and released?

Hon STEPHEN DAWSON replied:

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

(1)–(2) No. However, it is close to finalisation and will be released later this year.

AUSTRALIND — REVIEW

442. Hon COLIN HOLT to the minister representing the Minister for Transport:

I refer to the answers provided by the minister representing the Minister for Transport in response to my question without notice 907 about the Transwa *Australind* service asked on Thursday, 30 November 2017.

(1) Will the minister please now table the Transwa *Australind* service review that was due for completion in February 2018?

(2) If not, why not?

Hon STEPHEN DAWSON replied:

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

(1)–(2) The submission for commonwealth support to investigate infrastructure requirements to improve the Perth–Bunbury rail corridor was unsuccessful. The Public Transport Authority is currently examining alternative options. When the review is complete, the finding will be announced.

YOUTH JUSTICE SERVICES

443. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:

(1) Does the minister still intend to split custodial youth justice services from community youth justice services?

(2) If yes to (1), why?

(3) If yes to (1), when?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The answer provided by the Minister for Corrective Services is as follows.

(1)–(3) Please refer to Legislative Council question without notice 365 answered on 15 May 2018.

NON-GOVERNMENT HUMAN SERVICES SECTOR — INDEXATION POLICY

Question without Notice 411 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.05 pm]: I have an answer to Hon Alison Xamon's question without notice 411 asked at the last sitting on 17 May, which I understand has been provided directly to the member. I therefore seek leave to have the answer officially incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

(1) The rationale for changing the calculation for indexation of service agreements under the Western Australian Government Indexation Policy for the Non-Government Human Services Sector was to provided consistency of the rate of indexation with public sector wages policy and commercial contracting practice.

(2) No.

(3) Not applicable.

(4) The State Government values the contribution that the community services sector makes to employing Western Australians providing support for vulnerable individuals and families, however, current financial circumstances do not permit a change in policy.

PREMIER — CHINA VISIT

Question without Notice 420 — Answer Advice

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.05 pm]: I have the answer to the question asked by Hon Peter Collier of the minister representing the Minister for Tourism, which is as follows.

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

(1) I seek leave to have the following information incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

List of Tourism Operators Invitees:

First Name	Last Name	Position	Company
Adam	Barnard	Managing Director	Adams Coachlines
Andrew	Lane	Chief Executive Officer	Captian Cook Cruises & Sealink
Barry	Felstead	Chief Executive Officer	Crown
Bradley	Woods	Chief Executive Officer	Australian Hotels Association
Evan	Hall	Chief Executive Officer	Tourism Council WA
Jeromy	Cotterill	Chairman	Australian Tourism Export Council - WA branch
Kevin	Brown	Chief Executive Officer	Perth Airport
Michael	Scott	General Manager	Perth Arena

Mike	McKenna	Chief Executive Officer	Perth Stadium
Nathan	Harding	Chairman	Tourism WA
Nigel	Keen	Chief Executive Officer	Perth Convention and Exhibition Centre
Paul	Beeson	Chief Executive Officer	Perth Convention Bureau
Scott	Bailey	Director	Pinky's Eco Retreat - Rottnest
David	Thorne	Owner	Caversham Wildlife Park
Ian	Thubron	Founder and Chairman	Asia Strategies
Inbound Tourism Organisations			
Bright	Li	Chairman	Easy Going
Edwin	Kwan	Executive Director	Well-Travel Australia
Meng	Wong	Managing Director	Blue Travel Ltd
Regional Tourism Organisations			
Catrin	Alsop	Chief Executive Officer	Australia's South West Inc
David	O'Malley	Chief Executive Officer	Australias Coral Coast
Glen	Chidlow	Chief Executive Officer	Australias North West
Marcus	Falconer	Chief Executive Officer	Australias Golden Outback
Noeleen	Pearson	Chief Executive Officer	Experience Perth
WA Ingenious Tourism Operators Council			
Robert	Taylor	Chief Executive Officer	Western Australian Indigenous Tourism Operators Council

(2) Recommendations were made to the Premier's office by the Department of Jobs, Tourism, Science and Innovation based on businesses being active in these markets and their past participation in trade missions to these markets.

(3) Tourism operators were invited to attend and those who replied favourably joined the delegation.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from an earlier stage of the sitting.

HON NICK GOIRAN (South Metropolitan) [5.06 pm]: Before the interruption for questions without notice, we were considering the budget papers of 2018–19. I was looking at the report by the Auditor General of February 2018, which is very embarrassing for the Minister for Education and Training because, of course, the Auditor General found that the decisions by the Minister for Education and Training to not provide Parliament with information were not reasonable and therefore not appropriate. I was highlighting to the house that as bad as that was by the Minister for Education and Training, the Leader of the Government in this place, I have to give credit where credit is due and recognise that her approach has changed for the better since that time and only she and Hon Ben Wyatt have anything to be proud about in this space. That is quite unlike the Premier of Western Australia, the member for Rockingham, who has been appalling. In fact, he has been pathetic in this area. I was quoting from a response he provided to question on notice 660 I asked on 13 March this year.

It was not the only indiscretion and breach of the law by the Premier of Western Australia on 13 March. I can also confirm for the benefit of members that further breaches of the law occurred by Hon Mark McGowan, the law-breaking Premier, in December 2017 on two occasions, with questions on notice 523 and 524; on 7 November2017, when I asked question on notice 499; on 31 October 2017, with questions on notice 471, 464 and 445; and the one that kicked it off on 10 October 2017, when I asked him question on notice 391. In every single one of those circumstances, this Premier has chosen to use the most pathetic of evasive techniques and refused to table before Parliament any of the information requested. I note that this is contrary to the law of Western Australia. I draw to members' attention section 82(1) of the Financial Management Act 2006, which reads, and I quote —

> If the minister decides that it is reasonable and appropriate not to provide to Parliament certain information concerning any conduct or operation of an agency, then within 14 days after making the decision the minister is to cause written notice of the decision —
>
> (a) to be laid before each House of Parliament or dealt with under section 83; and
>
> (b) to be given to the Auditor General.

The Premier has not done that once. He has breached the law on eight occasions, from his answer on 28 November 2017 to his answer on 10 April 2018. That is eight breaches of the law—eight breaches of section 82. This is the leader of the government. His disdain for transparency is worsened by his disregard for the law of Western Australia. This is the man who also falsely told Western Australians in February 2017 that there would be no new taxes and no increases in taxes and that he would reveal all his revenue-raising initiatives prior to the election. This is the man whose star candidate for Darling Range was none other than serial liar Barry Urban. This is the man whose second choice candidate for Darling Range falsely claimed that she had an MBA and other tertiary qualifications, and that person, I presume, goes by the hashtag "just another Urban". This is also from the man whose third choice candidate for Darling Range has had to march to the tune of these liars and evaders and delete her LinkedIn account. This systemic culture of evasion is pathetic. As I mentioned, if it were not for the fact that some of this stuff was innocuous, we would not bother or worry about it, but serious matters are before this government's feet that need to be addressed, which I will get to in a moment. The government cannot be transparent on something as basic as, "Why were you in the South Metropolitan Region, did you have any briefings and will the government table them in Parliament?" and it takes the approach that the Minister for Education and Training took previously, which was to say, "Sorry; this is confidential. I'm not giving you this information", only to be embarrassed by the Auditor General. That is clearly the approach of this government. The Premier of Western Australia has breached the law on eight occasions. I said just before the interruption for question time that all those ministers should be sacked. There is no chance of that happening—absolutely no chance—because the person who could sack them is the Premier and he is the worst of the culprits. He is the one who says, "Look, if this is a nuisance to you, just ask to be removed." That is his attitude towards a request for the tabling of documents. The Premier is entitled to respond in that pathetic fashion, but he is not entitled to ignore section 82 of the Financial Management Act 2006. The member for Rockingham is as accountable as any other minister under section 82 of the Financial Management Act 2006. It is a piece of accountability that has been implemented by the Parliament of Western Australia for ministers of the Western Australian government. They are the people who have a responsibility under section 82—only them. Unlike the Minister for Education and Training, who did comply with section 82, the Premier of Western Australia has on eight occasions thumbed his nose at the Auditor General. He could not care less that the Auditor General is entitled to inquire into his breaches of the law, and obviously some turkey in his office —

Hon Sue Ellery: Is that parliamentary?

Hon NICK GOIRAN: I am calling him a turkey. Someone in his office is a turkey because they have decided —

Withdrawal of Remark

The ACTING PRESIDENT (Hon Dr Steve Thomas): Honourable member, I do not think the reference to animals is parliamentary, so perhaps you might rephrase that one slightly.

Hon NICK GOIRAN: I withdraw that remark.

Debate Resumed

Hon NICK GOIRAN: I simply indicate that some joker in the Premier's office, who is obviously auditioning for the circus, thinks it is appropriate to thumb his nose at the Auditor General of Western Australia, and these clowns in the Premier's office think they will get away with it. There is no chance of that happening because I guarantee that as soon as the Premier of Western Australia hits 10 breaches of the law, I will be writing to the Auditor General. He has only two more to go and then I will make sure that we send a nice little package to the Auditor General so that he can continue to investigate breaches of the law by the Premier of Western Australia. As I say, these are minor matters, but we cannot get transparency from the Premier of Western Australia even on minor matters. No wonder this government has such a pathetic culture of evasion.

I move to some far more serious matters. Regrettably, this systemic culture of evasion has pervaded to such a degree that it even impacts these serious matters. I start with a recent report by the Auditor General, report 10 from just last month, on 24 May. This is indeed a distressing matter. The genesis of this particular report is questions that I asked the Minister for Health via his long-suffering parliamentary secretary on 11 May last year. The outcome of that—members will have heard me talk about this before—is an opinion by the Auditor General, which states —

> The decision by the Minister for Health, Hon Roger Cook MLA, not to provide Parliament with a copy of the report *Notification of Induced Abortions, 2015–16, Gestation 20 weeks or more* was not reasonable and therefore not appropriate …

As an aside, this minister is yet another one to have got an embarrassing report from the Auditor General, and he is also the Deputy Premier. We have already heard about the pathetic attitude of the Premier of Western Australia. He does not have one of these embarrassing reports about him because he does not comply with the law. At least Hon Sue Ellery had the integrity to comply with section 82, as did Hon Roger Cook, although he needed me to make a speech in Parliament about this last year before, presumably, his long-suffering parliamentary secretary reminded him of his obligation. In fact, I remind members that a question that I asked about this last year indicated

that Hon Roger Cook said that he did not know that he had to comply with section 82. That is the level of incompetence of the Deputy Premier of Western Australia. At least in the end he has complied with the law, unlike the member for Rockingham, who has thumbed his nose at the Auditor General on no fewer than eight occasions. The Deputy Premier of Western Australia has just had an embarrassing report tabled against him by the Auditor General of Western Australia. He is second in command and I note that he is yet another one of these confirmed double dippers in the government. The attitude of ministers in the McGowan cabinet is just incredible. Similar to his boss, the Deputy Premier disregards the law of Western Australia. As I said earlier, on 15 June last year, he refused to table a report, and under section 82 of the Financial Management Act he had to give notice within 14 days. When did he comply? He complied on 27 September 2017, some three months later. Meanwhile, I had started a freedom of information application on 4 July 2017 because I was fed up with the Minister for Health's lack of transparency. On 21 September 2017, I received a pathetic joke from the Minister for Health—or his department, I should say—which was a redacted report. I do not have a copy of that pathetic report with me, but, in effect, I was provided with a stack of black documents—a stack of paper that was black. That was how redacted it was. There was more black than anything else. Anyone would have thought that I had gone to the newsagent and asked for a ream of black paper. That is effectively what I was provided with by the respective clowns who put that together. Of course, the outcome of that was that I applied for an internal review. On 13 October 2017, I received a slightly less redacted report, but it was an equally sick joke by those people in the department, so I applied for an external review. For members who are unaware of this, when a member applies for an external review, it means that they are engaging the Information Commissioner. On 28 February this year, I was provided with the information that the Auditor General said should have been provided to me on 15 June last year. There have been eight months of evasion on steroids by the Minister for Health and his department. As I say, I was provided with that information on 28 February. It is now 12 June and no apology has been delivered to Parliament by the minister through his long-suffering parliamentary secretary and, worse still, the documents still have not been tabled. There was an obligation to provide the documents to Parliament. This minister thinks it is okay to simply provide correspondence to me. The obligation does not lie between the minister and me; the obligation lies between the minister and Parliament. This minister, the Deputy Premier of Western Australia—another law-breaker, but not quite as bad as the Premier—still has not apologised to Parliament and still has not tabled the document. Meanwhile, we have the evasive and unaccountable response from his department to the Auditor General's report. This report by the Auditor General was tabled today by the President of the Legislative Council. If members have an opportunity to get a copy of the report, they will see the response from the Department of Health. And people wonder why I say that there is a systemic culture of evasion and a lack of transparency. The response from the Department of Health states —

> The Department acknowledges the findings of the Auditor General.

How gracious —

> The Department holds a significant volume of very sensitive information and takes very seriously the responsibilities and duties that come with being the repository of that sensitive information.

It is almost like a line straight out of *Yes Minister* —

> In advising the Minister, the Department was conscious of the need to ensure that sensitive information was properly managed and not disclosed without appropriate justification. This was particularly pertinent in this case because of the nature of the clinical information contained in this document, the circumstances of how it was obtained and the potential for its disclosure to cause further distress to the families to whom it relates.

What a load of bulldust —

> The information contained in the document is of a confidential nature —

No, it is not —

> and is not generally known to the public.

That is true —

> Although the Auditor General has noted that the Department relied on its "established position" that the document was confidential, it must also be noted that the Department's "established position" is based upon a clear and thorough understanding of the nature of the information contained in this particular type of report, the circumstances in which that information is collected and the protocols under which it is managed.

Episode 2 of *Yes Minister*. It continues —

> The Department considered that the sensitivity of the information, the potential inconsistency of its disclosure with applicable national health standards and the possible impact of its disclosure warranted the Minister not disclosing the Report. It gave advice, in good faith, to that effect to the Minister and the Minister, in good faith, followed that advice.

Now we get to the really good bit —

> The Department acknowledges and accepts the Auditor General's comments with respect to the possibility of providing a redacted copy of the document being sought such that only the quantitative information remained. The Department will ensure that possibility is fully considered in future matters.

So, after everything that has happened, we have a law-breaking Deputy Premier who does not even understand that he has an obligation under section 82 of the Financial Management Act and a department that is completely smothered with evasive techniques. The department's response in the end was to say, "We will ensure that that possibility is fully considered in future matters." There was no commitment and no acknowledgement of responsibility or acknowledgement of wrong. The Department of Health got it wrong. That is what the Auditor General has determined, but of course the Department of Health knows best. Again, we have some clowns in the back room thinking that they know best: "Do not worry about the Auditor General of Western Australia." It is his responsibility to give an opinion on what should be tabled in Parliament, and he has determined that this should have been tabled when I asked for it on 15 June 2017. It is unacceptable for the Department of Health now to say that it will ensure that that possibility is fully considered in future matters. I have no confidence whatsoever that that will be done. This department is enmeshed and immersed in evasive techniques. It is no wonder that the Deputy Premier received such poor advice from the Department of Health and, worse, he did not even know that he had to comply with the act. Can we be surprised when his leader, the person who has given him the job, does not even comply with the law of Western Australia? The Premier of Western Australia has no regard for section 82 of the Financial Management Act; and, if he did have regard for it, tomorrow he would comply with the act. I have no confidence that that will be done.

As I say, these are significant matters. The stakes are higher on these matters. It is not a matter of "Were you in the South Metropolitan Region and have you had some briefing papers and could you table them in Parliament?" They are innocuous, minor matters. Who really cares? I do not even know why the government sends these stupid emails to members of Parliament to tell them that they are coming to the South Metropolitan Region. I do not care whether they are coming to the South Metropolitan Region. If they are going to tell me that they are going to attend, they can at least tell me why. But they are innocuous, meaningless matters. They are things that we can play little political games over. The matters before the Department of Health are not meaningless, trivial matters. These are sensitive, important matters of public accountability. If we cannot get transparency from this government on innocuous, minor matters, no wonder we cannot get it on serious matters.

I now turn to my third example, which is a matter that members will have heard me raise on an inordinate number of occasions. This matter has to do with the distressing circumstances in Roebourne. The history of this matter that I am raising is the worst of the evasion by this government in the last 12 months, and it never needed to happen in the first place. I will tell members how this came about. I hope that someone in the minister's office is listening, because the responses that have been provided show a callous disregard for the victims of child sexual abuse in Roebourne. Last year I was contacted by an individual who said to me that all was not right in Roebourne. That confidential communication between this source and me led me to ask a question on notice of the Leader of the House representing the Minister for Child Protection. I put the question on notice because, firstly, the information that I was given was sensitive and, secondly, I wanted to make sure that there was some substance behind what had been suggested to me. I asked what should have been a straightforward question on notice of the Leader of the House representing the Minister for Child Protection. My question was —

> I refer to the article "Paedophilia, the curse that stalks Pilbara town of Roebourne" published in *The Australian* on 23 September 2017, which stated that by June 2017 there were 184 victims of child sex offences, and I ask:
>
> (a) how many of the 184 victims are currently:
>
> (i) in the care of the department;
>
> (ii) not in the care of the department, but being monitored by the department; and
>
> (iii) not in the care of the department or being monitored by the department, but known to the department;
>
> (b) of the 184 victims, how many are no longer living in Roebourne as a result of intervention by the department; and
>
> (c) are any of the 184 victims currently residing with a person:
>
> (i) convicted of one or more child sex offences; and
>
> (ii) charged with one of more child sex offences?

The question was put on notice on 1 November 2017. I wanted to ensure that there was some substance to the position that had been put to me. The good thing about questions on notice is that they are dealt with in a very low-profile fashion. Who on earth is spending time reading all the questions on notice and answers put through

this place? They are large in volume. No-one would have the time to do that. The benefit of the question on notice system is that it is a discreet way to deal with a sensitive matter, and then we could have cleared it up and ensured that the victims in Roebourne were not prejudiced by the actions of the department. However, the official response from Hon Sue Ellery as the Leader of the House—who I suspect will have not seen this answer because it is an answer to a question on notice so it most probably does not come to her, even though it will be listed under her name—came out on 5 December 2017 and reads —

> Roebourne is a very small community and providing detailed information as asked by the member could result in the identification of children and young people affected.
>
> The Government is monitoring the current situation in Roebourne and is satisfied the Department of Communities is taking the necessary steps to appropriately protect and support children and families who have been affected.

It is most unfortunate that that answer was probably never sighted by Hon Sue Ellery, because had she seen it before it was passed through the system under her name, she probably would have said to the minister and her advisers, "This guy is not going to be satisfied with that answer. This is going to be a problem."

We then had the extended, very long summer recess. We have still not had an explanation of why the government needed to have such a long summer break. The Legislative Council resumed only in March of this year; obviously, the McGowan government needed to go on a big, long holiday. After we came back, on 13 March I asked a question without notice. I asked it because I knew there was something wrong; otherwise, I would not have had such a pathetic response on a serious matter. Clearly, something was wrong. I then asked a question without notice. On 13 March I asked the Leader of the House representing the Minister for Child Protection question without notice 5, which reads —

> I refer to the answer on 5 December 2017 to my question on notice 486, which was asked on 1 November 2017 about the 184 victims of child sex offences in Roebourne.
>
> (1) Has the minister received a briefing about this matter since 5 December 2017?
>
> (2) If yes, can the minister now confirm that none of the 184 victims are currently residing with a person either charged or convicted with one or more child sex offences?

Hon Sue Ellery replied —

> I thank the honourable member for some notice of the question.
>
> (1) Yes, the minister is receiving regular updates about Roebourne.
>
> (2) The minister is satisfied that the Department of Communities continues to undertake the necessary actions to appropriately protect and support children and families in Roebourne. This is a complex situation and involves detailed and ongoing assessments. As information is received, the Department of Communities will always assess it to make determinations on the appropriate action that needs to be undertaken. Should a circumstance arise in which there were concerns about a child or children living with a particular individual or individuals, action will be taken to assess the safety of children in these circumstances and appropriate protective action will be taken.

Red alert. There was obviously a problem; otherwise, we would not again have had that kind of response. These evasive answers continued week after week, month after month, until last month when I raised a matter of privilege on it. That is how bad it got; the evasive techniques used by the government required me to raise a matter of privilege. The Minister for Child Protection obviously seems to think it is acceptable to provide a response to the Legislative Council of Western Australia, indicating that she has asked the department whether any of the 184 victims are currently residing with such a person. She obviously thinks it is appropriate to respond "yes", because that was the response to question on notice 225. I asked whether the minister had ever asked, and the response was "yes". Lo and behold, the lack of regard that the minister and her staff have for this place is shown by them saying, yes, they have asked the question, but when further probed on this matter the truth of it is that the only way that they ever asked that question was because last year I asked the question, and they pushed a piece of paper from their office to the department. That is what they constitute as having asked this question. A serious matter like this, regarding 184 child victims of sex offences, with serious concerns that one or more of them might currently be residing with a person charged or convicted with one more sex offences, has been dealt with with such disdain. The Minister for Child Protection and her staff think it is okay to play games, to say, "Yes, we have pushed a piece of paper, which you, the shadow minister, asked, to the department, and that is the basis upon which you asked." That was never the intent of the question, and every member here knows that. If a member of Parliament asks a minister whether they have ever asked the department a question, we are talking about that minister verbalising something to the department, not this silly game of someone in her office shuffling a piece of paper with a question from the shadow minister on it to the department. That is a joke; in fact, it is not a joke—I withdraw that. It is not a joke; it is a disgrace. What is a pathetic joke is the silly games that the McGowan

government plays when it sends these silly emails about coming into the South Metropolitan Region. Those are pathetic jokes. It is a distressing disgrace that the McGowan government refuses to have even a modicum of integrity when it comes to the 184 child victims of sex offences in Roebourne. The Minister for Child Protection had the gall to respond on multiple occasions by saying, in effect, "Shadow minister, I have offered you a briefing on this matter." I do not want a briefing from this minister and her department. What a joke that would be. They cannot even answer a basic question in Parliament. What would be the point of turning up to a briefing so we can all be exasperated and waste more time? All we need to see is a modest amount of accountability and transparency to the Parliament of Western Australia. I do not need a briefing. I already have the information; that is why I am asking the questions. I started this whole thing by indicating that a person had given me this information last year. I have been trying to test the veracity of what that person has been telling me. I do not need a briefing to be told something that I already know. The minister continues to evade.

Last month I thought that there was no point in asking questions of the Minister for Child Protection. What a joke that she has that title. No protection is being provided to the children of Roebourne because of the conduct of this minister, and that is apparent from these answers. I thought I would ask her boss what is going on. I have asked the Premier of Western Australia questions about this matter on a couple of occasions. The Premier of Western Australia again provided his typical unaccountable, un-transparent responses to a serious matter such as this. I do not know why I was surprised. He does not comply with something as basic as section 82 of the Financial Management Act. When he comes into the South Metropolitan Region, he does not even want to tell us why he is doing that. He does not want to table notices in Parliament. He does not want to give notice to the Auditor General, so why would he tell the people of Western Australia what is happening in Roebourne? Why would he do that? The matters in Roebourne are far more sensitive and far more serious than any silly political games that we might play about emails and the like. It is apparent and beyond doubt that this government has a systemic culture of evasion. This has moved beyond the realm of being pathetic; this is a disgrace.

I said earlier that a number of ministers had failed to comply with section 82 of the Financial Management Act. Because I have been busy pursuing the far more serious matter of the stress endured by the children of Roebourne with the Minister for Child Protection, I have not had the time or the inclination to pursue the minister. She is not even worthy of that title. I have not bothered to spend time pursuing her about her breaches of section 82 of the Financial Management Act. Since this minister and obviously one or more of the advisers in her office think that it is appropriate to play games with the Parliament on something as serious as the 184 victims of child sex offences, consequently, I have absolutely no problem in now pursuing this minister over some minor innocuous matters. Once again, I do not really care when the Minister for Child Protection wants to come into the South Metropolitan Region, but the minister and her office feel the need to send emails to let us know about these things. That has happened on more than one occasion.

I refer to the answer provided to Parliament on 5 December 2017 to question on notice 446. On that day, the Minister for Child Protection refused to table documents that were requested. I will now be pursuing this matter with the Auditor General. Her representative might be busy texting her right now to let her know that she had better comply with her obligation under section 82 of the Financial Management Act. That is fine. I hope that there is compliance. That would save me the trouble of writing to the Auditor General. If the Minister for Education and Training is busy doing that, she might also alert Minister McGurk to her breach of the law of Western Australia on 28 November 2017 relating to question on notice 386 because that will also be pursued. I trust that the minister and her advisers will soon wake up to the fact that this matter will not go away. Pathetic attempts to offer briefings will not resolve this matter. The minister needs to provide full accountability to the Parliament of Western Australia on exactly what is happening in Roebourne. Is it the case that any of those 184 victims of child sex offences are required to live in the same home as a person who has either been charged with or convicted of one or more child sex offences?

The McGowan government recently brought forward legislation to lift the limitation period for victims of child sexual abuse. That was a good piece of legislation. Members know that it had my full support. We worked constructively as a chamber to ensure that it was improved. The Leader of the House worked constructively with me to ensure that the Attorney General would have some amendments passed by both houses. This government lifted the limitation period so that victims of child sex abuse have an unlimited period in which to claim. That was a good thing that this government did. It would be better if we stopped the abuse from happening in the first place. In what worse situation could we possibly put a child who had already been subjected to such an offence than to put them in the home of someone who is charged with or convicted of such an offence? Are we trying to increase the number of compensation claims that can be made under this new legislation? Are we so proud of the reforms that we made to lift the limitation period that we are delighted by the fact that there will be more claims? Does it suit the McGowan government if all 184 victims of child sex offences in Roebourne are now able to have an unlimited period of time to claim and we would like to have them in a home with another child sex offender so they can have more claims? Is that how proud we are of this legislation? How absurd! I know that is not what members opposite will want or think. I guarantee that that is the same with opposition members. We plead to members opposite to speak to the Minister for Child Protection and the Premier and get an assurance from them

that none of the 184 victims of child sex offences are living with a person who has been charged with or convicted of one or more child sex offences. They should do it for their own sake and for their own conscience. Even if it is the case that for the remainder of this term, this government never reveals that information, members opposite should satisfy themselves by speaking to the Minister for Child Protection or the Premier. They should have a private conversation with them, by all means, and ask for an assurance that this is not happening. At least members opposite would then have that assurance and that comfort. That would mean that something would be achieved out of this situation. It is apparent that the government is refusing to tell the Parliament of Western Australia what the situation is—all it has done is provide the most grotesque of evasive answers to a most serious matter.

As I have said, it is no wonder this is happening. This government is led by an individual who specialises in evasive techniques. I have demonstrated on multiple occasions that the Premier and his ministers have been evasive. There are a few members on the government side who are taking upon themselves a truly gold standard of transparency and accountability. The remaining government members are obviously taking their lead from the Premier of Western Australia, and they should hang their heads in shame.

Debate adjourned, on motion by **Hon Ken Baston**.

BUSINESS OF THE HOUSE

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.51 pm] — without notice: I move —

> That so much of the standing orders be suspended so as to enable the following variations to the order of business for Wednesday, 13 June 2018; Thursday, 14 June 2018; Wednesday, 27 June 2018; and Thursday, 28 June 2018 —
>
> (a) no consideration of committee reports on each Wednesday;
>
> (b) the Council is to commence meeting at 9.00 am on each Thursday;
>
> (c) no private members' business on each Thursday; and
>
> (d) on Wednesday, 27 June 2018, the house is to proceed to orders of the day at the conclusion of motion 1, Independent Rural Fire Service; and
>
> (e) the Council is to sit beyond the normal adjournment time on each Wednesday and Thursday, and shall take members' statements at 7.20 pm on each Wednesday and at 6.20 pm on each Thursday.

I indicate that this motion reflects negotiations behind the Chair over the last several days. I thank members of the house for their cooperation in getting us to this point. This type of motion is not unusual. In fact, I cannot remember a time leading up to a midyear or end-of-year break in which we did not need to come to some arrangement to facilitate the passage of legislation that the government of the day deemed necessary to be passed before the break. The measures we have used include the measures that are sought to be put in place by way of this motion.

I did seek to accommodate the requests from various members about what was and was not more suitable to them. Members would be aware that one of the tools that this house has used from time to time is to dispense with debate on motions on notice. One motion on notice is currently being debated and is very important to a number of members. It was clear that those members did not want to give up time for debate on that motion. Therefore, the government has sought to accommodate that. Other variations to the order of business were also considered to provide the government with additional time to deal with the legislation that we deem necessary to have passed before the house rises. During the course of the discussions, I indicated that those government members who want to make a budget response have agreed to make their speeches when the house returns in August, so that was accommodated as well.

I thank members for their cooperation. I was asked informally whether the house would have a dinner break on the Wednesday night. My view is that I am not looking to build in a dinner break. However, I might ask members for their assistance, because depending on where we are at on the Wednesday with a particular piece of legislation, the members who are engaged in that piece of legislation may need to have a short comfort or meal break. I have canvassed this with a number of members, but I might ask for cooperation to jump over a particular piece of legislation for a short time, depending on where we are at in the proceedings, at about 6.00 pm or 6.30 pm on the Wednesday evening.

Other than that, I appreciate that this means that members will need to adjust their diaries. I appreciate also that for regional members, it will be an additional burden given the travel they need to do. I place on the record my appreciation for the cooperation of members of the house. I am hopeful that we will not need all those hours in the second week of our sitting, but that remains to be seen.

HON MARTIN ALDRIDGE (Agricultural) [5.54 pm]: We do not have a lot of time before the dinner break but I want to make some comments on this motion. We were told by the government that the purpose of this motion is to facilitate the passage of a number of the government's priority bills. As far as I am concerned, there is no guarantee about the passage of any bills. However, the motion will enable the government to pursue its legislative agenda. I note that the first two bills listed on the weekly bulletin for debate today are the Corruption, Crime and Misconduct and Criminal Property Confiscation Bill 2017, which was introduced into this place on 14 September 2017, and the Coroners Amendment Bill 2017, which was introduced into this place on 22 August 2017, among other bills. It is interesting that the Leader of the House presented no substance to this house about the urgency of the consideration and passage of that legislation, particularly given that the first two orders of priority that have been identified by the government in the weekly bulletin have clearly not been priorities for the government since August and September last year.

With respect to the part of the motion that deals with motions on notice, I believe the government has an ulterior motive. Motion 2 on the daily notice paper is a gem. Hon Darren West gave notice of that motion on 13 June 2017. The proposed motion states —

> That this house congratulates the McGowan Labor government for its Local Projects, Local Jobs initiative and for the positive impact this will have on local communities.

I am not sure whether Hon Darren West realised what he was getting himself into when he gave notice of that motion. I therefore suspect the government has an ulterior motive in its eagerness to discharge further debate on motions on notice once we have dealt with the independent rural fire service motion moved by Hon Rick Mazza. I say that particularly after we have had an extensive conversation in this place about how we manage motions on notice. There is obviously a reluctance to move away from the time that is allocated to debate motions on notice. I suspect that the government is not willing to open this can of worms before we go into the winter recess.

I want to make two comments about the proposed extension to sitting hours. These matters have been canvassed by the Leader of the House. The first is the extended time period within which the house will deal with a matter, particularly on a Wednesday afternoon and evening following questions on notice at 4.30 pm until the house potentially rises at 8.00 pm. The second is that the late sitting on a Thursday will obviously have an impact on regional members of Parliament, because many of us travel home to our families on a Thursday evening.

It is interesting that the government came to this view only today. I had received some advice from the government Whip that a plethora of government backbench members were eager to speak on the budget reply. Those members were obviously discharged rapidly at some stage today to facilitate the priority business of the government, which dates back to August and September last year. Nevertheless, I am sure that those members will get their opportunity in August. The other consideration is obviously the impact on members and staff as we enter into an intensive sitting period next week with budget estimates. That will be a long week. I am sure that the Labor Party is also scrambling to ensure that it has a good showing in the Darling Range by-election, which I am sure is also a consideration for the government.

I want to mention another issue that I see on the weekly bulletin, and I am not sure of the reason why, but it might be the availability of ministers and shadow ministers. The proposed order of business for Tuesday and Wednesday reflects the order that the government intends to take on bills. However, on Thursday, the order of bills is completely flipped on its head. I think what will happen is what we saw happen towards the end of last year, when the government flip-flopped with the debate on bills and said it would do 10 minutes here and 10 minutes there and come back to something else next week. I will be surprised if the government is able to deal with any legislation and get it through the house in the next two weeks. With those few remarks, I will rest.

The PRESIDENT: The Leader of the House has moved the motion standing in her name. I will not read it out, but the question is that the motion be agreed to. I give the call to Hon Jacqui Boydell, but, noting the time, I will leave the chair until the ringing of the bells.

Sitting suspended from 6.00 to 7.30 pm

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [7.30 pm]: I will not delay the house on the Leader of the House's motion for too long, but I want to raise a couple of issues from our negotiations over the last few days with members of the house about how to manage sitting hours and the legislation that the government has indicated is a priority. I have had this conversation with many members. I understand that there is a list of priority legislation for the government because it wants to expedite legislative debate on some issues and bills before the house. As members of the house, we are all under time pressure in how we manage and prepare our contributions to debate on priority legislation, which is usually presented to party leaders. We have that conversation with our members in an attempt to have meaningful debate. Although we try to manage that process in the interest of all members to make sure that everyone has an opportunity to raise issues that are important to them on legislation, all members should be able to do that.

The government is asking members of this house to sit longer hours. Taking into consideration all the other responsibilities members of this house have—government and non-government members—the communication

process and how we manage that and our priorities might be slightly different for non-government members from those of government members. I respect all members' positions on those things. I accept that there might be a need for priority legislation to come before the house that requires some adjustment of either the business of the house or order of debate on legislation, particularly for legislation with time constraints attached. I have not been able to determine, despite a couple of attempts, whether time constraints apply to the legislation that the government will put before the house. Personally, I think there could be a couple of bills in this category, but it is not my legislative agenda. I understand that there could be a couple of bills with time constraints, but I certainly have not been able to work that out. In the interest of moving forward on how we manage priority legislation, it would be of benefit to non-government members, certainly within the Nationals, if we could have some indication of what the government considers to be a priority bill due to time constraint or date of effect or some indication apart from a political agenda on why the government seeks agreement for legislation to pass this house in a particular period of time. I know that can be frustrating to government members, but that is the democracy of the house, and it is the right of the house to scrutinise legislation as members see fit.

I think that all members of the house would agree to proceed this way if a time constraint applies, and everyone is open to understanding the potential legal implications or emotional complications when legislation particularly relates to people—for example, the Historical Homosexual Convictions Expungement Bill, which was previously listed as a priority, but is now seemingly no longer a priority. In trying to manage that, I simply want to raise that as a bit of a frustration. When non-government members are trying to work with the government to understand that priority, it would be good if some of that information was forthcoming. We support the motion in the interest of trying to allow members to debate the legislation before the house, but with no rubberstamp that every piece of legislation listed as a priority will pass by the end of the sitting in June, because dealing with all the other issues before the house may make that challenging.

I thank the Leader of the House for listening to concerns raised by the leaders of the other parties on how we manage the time of the house. I know managing that is not easy. I recognise that the Leader of the House had tried to accommodate a lot of those concerns. The National Party will support the motion and I look forward to understanding the constraints around that priority legislation.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [7.37 pm]: I want to make a few comments on this motion and on some of the additional points that have been raised. As the Leader of the House had already expressed, we are at the same point that we are at every time we come to break. I was leader of this place for just over four years and we had exactly the same situation then. That is not unusual and it does not necessarily have to be a time-constrained piece of legislation that the government wants to get through. Very frequently, I would put to the opposition legislation that respective ministers insisted were absolutely vital to get through—we had to get this legislation through—and we would do it through negotiation and consultation with members opposite, whether that was the opposition or the crossbench or whoever it might be, to try to get a conciliatory position arrived at. Having said that, I raise a couple of things that have been raised by members of the Liberal Party. We started very late this year in March. We could not quite work out why we could not start in mid-February, which would have given us another two weeks for legislation. That is true. The budget reply speeches always take precedence over every other piece of legislation, so inevitably most of the government's time was going to be taken up with budget reply speeches in the 10 days following the handing down of the budget. They were issues we had to pre-empt. Having said both of those issues, it does not remove the fact that governments like to get legislation through coming into either the midyear or the end-of-year break. Having been in that position, at the time, I always came to an agreed position with the opposition—the now Leader of the House—and the Greens to make a determination. Sometimes, of course, we did not reach a particular time limit and we sat all night. That happened on two occasions. I need not remind people of that. Having said that, we came to an agreed position. In this instance, in an effort to try to assist the government with its legislative agenda, the Liberal Party will support this motion because it is something that is not unusual; it is something that has been done for as long as I have been in this place, even when I was in the position of Leader of the House. The Liberal Party will support the motion.

HON ALISON XAMON (North Metropolitan) [7.40 pm]: I rise on behalf of the Greens to indicate that we will also support this motion and to indicate we appreciate the spirit in which discussions have occurred behind the Chair to try to reach a broad agreement about how to enable additional hours to be made available. I also wish to make it clear that although the Greens are comfortable with allowing additional hours in order for the legislative agenda to be progressed, we of course will, as we always do, take as much time on each piece of legislation as required but no more. That is always the case and will continue to be the case.

Having said that, I will express the personal view that I hope that workers' compensation legislation is not only able to be passed, but also able to be passed in a timely manner. I am aware that there are families who will be directly affected by the passage of that legislation. In terms of determining what priority legislation we will deal with, it is my personal hope that that will get swift passage.

HON RICK MAZZA (Agricultural) [7.41 pm]: I rise to indicate that the crossbench will also support the motion. We understand that the government desires to get these bills through. As has been said here, obviously debate around those bills needs to be thorough. We look forward to making sure that they are debated at length.

The PRESIDENT: I note that this type of motion requires an absolute majority. Having cast my eye around the chamber and done the headcount, we indeed have an absolute majority and therefore the motion is agreed.

Question put and passed with an absolute majority.

CORRUPTION, CRIME AND MISCONDUCT AND CRIMINAL PROPERTY CONFISCATION AMENDMENT BILL 2017

Second Reading

Resumed from 14 September 2017.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [7.43 pm]: I rise as the opposition's lead speaker on the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 to indicate that the opposition will support the bill. That is not to say that we in any way believe it is going to be an unalloyed success or that there may not be some difficulties with it and some potential shortcomings with what is proposed. It is also not necessarily to give an endorsement that this is the right way to go about what the Attorney General and the government indicate they are trying to achieve. Nevertheless, we will support the proposed legislation although we have a number of points to make regarding it and some things to point out about its history and the manner in which it will operate, and to contrast that with the current system. I also point out that there are differing views, and have been for some time, about the manner in which the state ought to approach the question of confiscation of the proceeds of crime and criminal property, particularly unexplained wealth.

Before I get to that, I will say something about the history of this bill. It was indicated that this is one of the priority bills that the government would like passed before we rise for the winter recess in a couple of weeks' time. It is one of those bills that, among the half-dozen that have been discussed behind the Chair, the government has indicated are important enough to be given priority over all other legislation that is on the notice paper. It had its genesis with a media release on Wednesday, 16 August last year, from the Attorney General, Hon John Quigley, MLA, under the headline "Bill to target unexplained wealth from organised crime". The media release stated —

- Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 introduced into State Parliament

  The McGowan Labor Government will today introduce new legislation which will provide the Corruption and Crime Commission (CCC) with important powers in the fight against corruption and organised crime in Western Australia.

  The Bill also restores the CCC's powers to investigate certain types of misconduct by Members of Parliament, closing a loophole created by the Liberal National Government in 2015.

I will come to that very shortly. Under the heading "Comments attributed to Attorney General John Quigley", the media release states —

> "Before the election, WA Labor made a commitment to the people of WA that in terms of the methamphetamine trade we would attack the head of the snake.

The head of the snake! Continuing —

> "Today, the McGowan Government is honouring the promise we made the community to crackdown on the organised crime syndicates that are poisoning our families with this evil drug.

There is a particular focus for this legislation. It goes on —

> "This legislation unleashes the power of the Corruption and Crime Commission to investigate unexplained wealth that has been gathered by those in the drug trade and other criminal activities.
>
> "It won't be charged criminals that are called before the CCC to explain their ill-gotten gains; it will be individuals who have put themselves beyond the reach of the police and those who have got their profits without getting their hands dirty.

I ask members to mark the fact it will not be charged criminals who will be called before the CCC but others—it appears to be uncharged criminals. I ask them to bear that in mind along with some other elements of this in light of what has been done in the past and proposed in the past in respect of the CCC's function in this area and potential role in dealing with organised crime, as well as some of the implications for the manner in which unexplained wealth and other criminal-derived property matters are dealt with by the state. It may be that what is proposed in this legislation will be ideal and will work effectively and without any difficulties, but they are matters that need to be considered. It is one of the reasons that this sort of legislation has taken some time to develop and there was

no quick fix as far as the previous government was concerned. But I digress and will return to this media release. It goes on —

> "Serious and organised criminals are motivated by money and the illicit drug market is known to be their main source of profit.
>
> "Individuals with assets and a lifestyle way beyond any obvious means of earning that lifestyle will be the target of these laws.
>
> "This legislation sends a clear message to drug traffickers, financiers of large scale drug operations and bikie gangs that they are not untouchable and that the Corruption and Crime Commission stands ready to engage them.
>
> "The second purpose of this Bill is to restore the power of the Corruption and Crime Commission to investigate certain types of misconduct by Members of Parliament.
>
> "This will close a loophole created by the Liberal National Government which protects backbenchers from investigation."

I digress for a moment again to say that that too is something that is of interest given the rather embarrassing and unfortunate events in the other place involving a member of Parliament and the difficulties that it appears are being encountered in the other place in having anything done about that particular backbencher. No doubt this Attorney General will blame us for it in some way because it seems that just about everything that goes wrong in this state, whether we are in government or not, is attributed to the Liberal–National grouping. It also seems odd that with this determination to clear out corruption and lies and dishonesty and other misconduct among members of Parliament, nothing is being done by this government to deal with that particular matter. Members might recall that I have asked on several occasions what action is being taken to deal with that particular person for the false curriculum vitae that he would have submitted as part of his applications, to get not only endorsement to be a member of Parliament, but also jobs with the police and corrective services. The answer is, apparently, nothing in respect of corrective services because he is not a corrective services officer anymore. So much for dealing with backbenchers and the like! Nevertheless, we will come to the history of that. That particular part of the original bill was hived off in order to achieve a particular purpose and I will come to that in a moment.

This was all very heady stuff. Once again it gives the impression of the Attorney General as a man of action, eyes swivelling, striding out into the cesspool of crime wielding the paperknife of justice in order to decapitate indigenous reptilian wildlife—the heads of the snakes that are the criminal organisations in this state. This is heady stuff!

Hon Jim Chown: Does he wear a mask?

Hon MICHAEL MISCHIN: I do not know, but I can remember a photograph in "Inside Cover" of him in his Bali shorts at some conference, so who knows.

This is powerful stuff and it promises a great deal. More was said about this down in the other place indicating the importance and urgency of this bill. The bill was introduced in the other place on 16 August last year, which was the day of the media release. Much was promised about it, and we will get to all that in a moment. By happy coincidence, on the same day Attorney General Dorothy Dix was asked a question by the member for Armadale. He was asked —

> (1) How will this government's anti-corruption legislation introduced today reverse the previous soft approach to organised crime?
>
> (2) How will this legislation reverse the previous Liberal–National government's decision to make MPs untouchable and immune from investigation?

Of course, at that stage he did not know anything about a certain Barry Urban, MLA, sitting within arm's reach of him, but this sparked the first law officer to say —

> The member for Armadale was quite right to characterise the previous government's approach as very soft on organised crime. Not only was it soft on murderers who will not give up the whereabouts of the remains of the deceased —

This is the level that this man goes to. An interjection was swatted down by the Speaker and he continued —

> … having frustrated the no body, no parole bill in the other place, —

That is here —

> why can we justly say that the opposition was this soft on organised crime during its term of government?

He went on and talked about that. He talked about a bill that was introduced in the other place, and I will come to that again shortly as part of the history of this legislation. He continued —

> Then it introduced a bill that it went to sleep on, allowing it to lapse, so it was asleep on organised crime. It did not proceed with its bill. The joint standing committee came back in 2013 and made a recommendation to transfer the unexplained wealth powers to the CCC. The former government did nothing.

He then spruiked how increasing the penalty on drug traffickers to life will be a big step forward and how it will help. He then said —

> I have had a number of discussions with the Corruption and Crime Commissioner, Hon John McKechnie, QC. He has assured me that, in anticipation of this legislation, the CCC is already —

This is back in August last year —

> scoping targets, so there should now be criminals out there worried that the CCC is already scoping them. We will be right on their track and right on their neck so long as those people in the other place —

That is here, members —

> do not do what they have done to the no body, no parole laws and try to hold this up.

Does Hon Aaron Stonehouse not know that he had no legitimate questions to ask about that bill? He was just trying to hold it up, as was every other member who referred that bill to a committee in order to get some clear questions answered about it. It was not after long filibustering but right from the start when it was introduced. We were trying to hold it up! We were trying to stymie the prosecution of criminal justice in this state! He went on —

> The CCC's most important role in our community is to use its coercive powers to attack those people at the head of the syndicates —

I do not know about that. I thought it had a number of roles in this community, among them dealing with official corruption among the police and public figures but not, apparently, certain members of Parliament. But there we go! It is a loophole that has to be fixed. He continued —

> … those people who never get their hands dirty touching ice or other drugs but finance it, organise it and reap the huge wealth from it and then have ostentatious cars, houses and everything else. They will lose the lot so long as the Liberal and National Parties do not go tummy up in the other place and let them off the hook.

Because it is important when considering anything that falls from the mouth of this man, even if it is via the Leader of the House, who represents him as his proxy in this place, I mention that he takes the view that the Liberal Party controls this place. A few weeks ago when dealing with problems with his dangerous sex offender legislation, he said a dangerous sex offender was out loose and doing all sorts of nefarious things and his bill was all held up because of the Liberal-controlled upper house. The last I looked there were 36 members in this place—14 of them Labor, nine of them Liberal, and a whole raft of others. But do the members of the Greens not know that they are really the hand puppets of the Liberal Party? Do the Nationals not know that they are the Liberal Party? Do the crossbenchers not know that we apparently control them? It is comforting to know, though, that his arithmetic is sound. Every Liberal member here—all nine of us—is worth probably one and a half or two Labor members, so I am prepared to accept that as a rule of thumb. The very arrogance of the idea that we somehow held up legislation in this place just to be difficult is an insult. But there we go!

On 6 September this bill next came on for debate in the other place. The Liberal Party and the Nationals indicated their support for the bill and there was some discussion about it. The elements dealing with members of Parliament, which were grafted on to the other bill and were a very distinct and separate matter from the rest of the legislation, he, quite sensibly, eventually agreed to cut off and make it a separate bill. His rationale for doing that, though, was typically dishonest. When it was proposed that that happen because there were issues with the question such as parliamentary privilege and the like and how the government could go about fixing this loophole, as he called it—one that, incidentally, was passed with the concurrence of the then Labor opposition in both places—and which no-one appears to have picked up, he asked whether, if it was hived off, there would be a guarantee of the passage of this bill through the Assembly on that day. The member for Hillarys responded —

> Attorney General, we have some scrutiny. I will try my best; if not today, possibly tomorrow. I do not know; we have some scrutiny. We will do it this week, Attorney General. We will get it through this week.

That was not good enough for him, so he smarmily replied —

> The answer's no, then.

Apparently, scrutiny is not something that this government enjoys. Having seen the history of several of the bills that have been proffered to this place, it is not surprising. Nevertheless, he says more about the question of how important this bill is. At one stage, asked about resources in order to finance the CCC's ability to do what is proposed in this legislation and whether any more money is going there, he responds with —

> You people who protect murderers!

That is the level of maturity of our first law officer, the best of the best lawyers in the Labor Party caucus room—"protect murderers". That is the standard of ministerial conduct for the Labor Party and its maturity. A few other

people spoke on this bill, including the member for Girrawheen. The only bit that I raise that was of any value is when she responded at one stage by saying —

> I have sat here idly while the integrity of the members of the Joint Standing Committee on the Corruption and Crime Commission is imputed.

It was not being imputed, but the fact that she was sitting there idly is probably about right.

Then we get to the importance of this bill again, on 7 September 2017, when at about page 3604 of *Hansard* the Attorney General said —

> It would indeed be a sad thing if the substantive parts of the bill—that is, all the bill other than clause 5(3) —

That is the bit dealing with members of Parliament —

> were held up. I have been informed by the commissioner—this relates to the interplay between the commission and other agencies, especially Western Australia Police, and we have discussed this before—that in anticipation of the early delivery or passage of this bill through this Parliament, people within the organised crime squad have already been scoping targets for the CCC, which was hoping to close in on those targets as soon as possible and get them into the hearing room.

A little later he said —

> … I have concluded that if this would guarantee —

That is, splitting off the MP element —

> the swift passage of the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 without it being bogged down interminably in committees, as I understand it would be —

Ignorance is bliss —

> … I would be prepared to move an amendment to split the bill and take out all the words in lines 1 to 3 of page 4 of the bill.

That is that particular clause.

There we go, this is really important! The bill was duly passed down there. Its passage through the other place was completed, I think, on 7 September 2017. It was introduced in this place on 14 September 2017. This very important bill to allow the Attorney General and the CCC to vanquish organised crime in this state has been sitting on the notice paper in this place for nine months. It is 12 June now, almost nine months to the day. Such is the importance of this legislation that he demanded that we not have the impudence to hold it up. It is only now, on the threshold of a winter recess, that the bill is thought important enough to bring up here, after all the talk of how this place, to wit the Liberals and Nationals, delay things. It is only now that the government has thought fit to bring this bill up for debate. So much for the urgency and priority of vanquishing the Mr Bigs and cutting the heads off wildlife. The man puffs himself up like a blowfish for a newspaper headline and then, having rushed this in, having had to split bits off because they were going to be an impediment and because they had totally different subject matter that appropriately should have been the subject of two bills in the first place, we had to wait around for nine months. It is his own government that has held up the bill. That has some implications for a number of reasons and not only for what has passed for the very lazy policy on drug trafficking—that is, increasing maximum penalties, and one day, perhaps on the 12-month anniversary of that bill being passed, we will see how much of a difference it has made to drug trafficking in this state. This delay will have had an impact on the resources allocated to the CCC, if any, and I will get to that also, in order to give effect to the policy behind this bill.

As I have mentioned, the Liberal opposition supports the bill. The opposition has its reservations about whether it will achieve anything like what the Attorney General has bragged about, but the bill will be useful and it is probably worth a try. But we do have questions. I expect anyone who does have a legitimate question about this bill and its operation will be accused by the Attorney General of having delayed it and encouraging and being friends of organised crime. I am prepared to take that risk. He will be untruthful about it, as he has been in the past and in the history of this bill to date. What I think has happened here is that this is policy on the run. It has been done in order to show that something is being done about organised crime and drug trafficking. But like the no body, no parole promises, the bill may be promising more than it can deliver. This suggests that once again he would rather do something, rather than do something right.

The difficulty with the area of unexplained wealth confiscation, as with criminal property confiscation generally, is how to do it most effectively. The purposes of seizing and forfeiting criminally acquired property are several-fold. They include removing the incentive and reward from criminal activity and to deter engagement in criminal activity. One of the perennial questions is whether it is right and proper that someone have all their property forfeited to the state if they are declared a drug trafficker within the meaning of the Misuse of Drugs Act.

In those cases, not only can any profit that they have obtained from the drug dealing be taken away from them, but also all their property, whenever it has been acquired, is subject to forfeiture. Some say that that is draconian and unjust. Another argument is that it is one of the consequences of gambling in that particular area of misconduct and crime, to make the point to people that if they want to engage in drug trafficking, they are gambling everything, not just what they choose to put on the table. They stand to win an enormous amount if they are lucky, and they may be lucky for a long time, and sometimes they may always be lucky and build up a fortune, but if they happen to fall foul of the law, they lose the lot, so they must prepare to gamble on that basis, and that in itself is meant to be a deterrent. We have had a number of cases, sad stories allegedly, of people saying they were trafficking in drugs, but now the house they had has been taken away from them and their kids will be on the street, and it is all the state's fault and it is a terrible thing. The answer is no, it is not state's fault; it is their fault because they chose to do it and they knew the consequences. That is an argument for another day. Another reason for the forfeiture of criminally acquired property is to meet public expectations that criminals will not profit from their wrongdoing, and that is the purpose of the unexplained wealth extension to the criminal property confiscation regime, because, unfortunately, not all criminal activity can be detected, still less proved, hence, unexplained wealth proceedings are important.

I will not go into the detail of the cost to the community and the like that was talked about in the second reading speech, but I suggest public confidence in the administration of justice requires that there be some means of tackling the crime that is undetected but obvious to all by those who have excessive amounts of wealth that cannot be possibly explained through any discernible legitimate activity. The question, of course, is how to go about the exercise effectively and efficiently, and in deciding that and determining whether this bill achieves what has been promised, I propose to contrast the present situation with what is proposed. It would be of assistance to members perhaps to know the current criminal property confiscation scheme in Western Australia.

The current unexplained wealth scheme in the Criminal Property Confiscation Act 2000 of Western Australia was the first unexplained wealth scheme in Australia. It was pioneering work. It is not surprising that there may be defects in it and it may not be as effective as we would have hoped almost two decades ago, but it was a worthy effort. It allows for an application to the court for an unexplained wealth declaration against a person without the need to show reasonable grounds to suspect that the person has committed an offence. Unexplained wealth orders are to be distinguished from the forfeiture of crime-used or crime-derived property, which can be conviction or non-conviction based. Apart from forfeitures of a declared drug trafficker's property, which was dependent upon a person's conviction and a declaration as a drug trafficker under the Misuse of Drugs Act 1981, the Criminal Property Confiscation Act is a non-conviction based civil confiscation proceeding. The WA police are the primary investigating agency and it refers unexplained wealth matters to the Western Australian Director of Public Prosecutions. At the moment the DPP has primary responsibility for taking action under the Criminal Property Confiscation Act 2000, although it may delegate the performance of any of its functions to an officer referred to in section 30 of the Director of Public Prosecutions Act 1991. The DPP may apply to a court for an unexplained wealth declaration against an individual. The application could be made in conjunction with an application for a freezing order over a property to prevent its disposal, use and dissipation; it can be in conjunction with proceedings for the hearing of an objection to confiscation or at any other time. The court must make an unexplained wealth declaration when it is satisfied on the balance of probabilities that the total value of the respondent's wealth is greater than the value of their lawfully acquired wealth. The burden then shifts to the respondent to produce evidence to establish lawfulness of the property the subject of an application for an unexplained wealth declaration. Any property, service, advantage or benefit that is a constituent of the respondent's wealth is presumed not to have been lawfully acquired, unless the respondent establishes the contrary. The Criminal Property Confiscation Act provides for automatic confiscation of property if the respondent does not object to the seizure and the forfeiture of the property within 28 days of being served with an order restraining property. Those investigation and search powers are contained in part 5 of the Criminal Property Confiscation Act and provide that the DPP may apply to the District Court for an order for the examination of a person, a production order for a property tracking document, a monitoring order, or a suspension order. The court has the power to make such orders on reasonable grounds. When the court makes an unexplained wealth declaration, the respondents are liable to pay to the state the amount specified in the declaration within one month. Money recovered by the Crown under an unexplained wealth order must be paid into the confiscation proceeds account.

Currently, the regime is that the DPP has a very central role in the administration of the Criminal Property Confiscation Act. That includes commencing proceedings for unexplained wealth; criminal benefits and crime-used property substitution declarations; commencing applications for examination of people for the production of documents and so forth; monitoring and suspension orders seeking freezing orders over property on any of the grounds as well as on crime-used and crime-derived grounds; dealing with all the proceedings on objections to the confiscation of frozen property; and managing frozen and confiscated property. WA police also play a critical role. It is able to commence proceedings on crime-used, crime-derived and drug trafficker grounds and the police have extended powers of investigation under the Criminal Property Confiscation Act and conduct investigations for potential confiscation action on all grounds provided for in the act, and then the fruits of those

investigations are referred to the DPP for the institution or continuation of confiscation action. The vast majority of the work done by the DPP's confiscation team within the Office of the Director of Public Prosecutions comes from referrals from the WA police. I have mentioned that it is essentially a non-conviction based civil confiscation scheme with one exception, and that is property of drug traffickers. Generally, although it is largely non-conviction based, in practice, as I understand it, the confiscation of property has tended to be connected with criminal proceedings and dependent on successful criminal proceedings. In the case of unexplained wealth that is rather different, there is no obligation on the DPP to show that a person has engaged in criminal activity at all and there have been a number of cases conducted by the DPP like that. However, I understand that in those cases there is generally an investigation in place or contemplated with a view to laying criminal charges. I raise this because it raises the interesting implication about how it is going to work if the Corruption and Crime Commission has the power to deal with unexplained wealth and there are investigations in train or being contemplated by the police of people who may be the subject of such an order or proceedings, or may be broadly connected with that. Because, if the CCC is getting involved, targeting so-called Mr Bigs and the like, it may compromise investigations that have been conducted covertly by the police. It may very well be the case that certain protocols can be agreed between the various agencies so that does not happen. But it does seem to me that having the power to investigate for the purposes of making unexplained wealth declarations split between two and perhaps three agencies being involved in it may very well lead to the compromise of criminal proceedings and to investigators getting in each other's way, if not compromising each other's operations. But the minister can explain how it is meant to work.

Unexplained wealth cases do in fact fall into two broad categories. One of them is when the respondent has been found in possession of a significant quantity of cash for which he or she does not appear to have a lawful explanation. That would generally occur in the course of a police search in which they have arrested someone, whether or not it is the person who is found with the proceeds. There may not be enough evidence to charge that person with an offence, but they may be found with cash that they cannot explain. The other case is when we consider the financial affairs of the respondent over several years and consideration of those affairs indicates that he or she has unexplained wealth. But both of those sorts of cases, and particularly the latter, requires specialised resources to be available to the investigators and those who are bringing the proceedings. Both require, for example, a financial report from a forensic accountant. It is particularly critical in the second type of case that I mentioned when we are looking at people's financial affairs. In the second class of cases, the investigation process is undertaken before the initiation of confiscation action and it can take an enormous amount of time and can be hampered by the need to keep that investigation covert so that the target of that investigation, the person whose financial affairs are being looked at, is not aware of it. Otherwise they become more careful, they may alter their behaviour, they may destroy records or conceal them, or they may flee the jurisdiction.

As I have mentioned, I understand that in the latter type of case, in any event, they are almost always connected to an ongoing criminal investigation, not only one into financial affairs, and in the usual case finally handled by the Director of Public Prosecutions, so the respondent will be faced with criminal charges as well as confiscation charges at some point. That affects the ability of the confiscation action to proceed until after the resolution of the criminal charges, because as a matter of practice and commonsense, civil proceedings, whether they are for the confiscation of proceeds of crime or other matters, take second place to the resolution of the criminal proceedings.

It was said in the course of the second reading speech that the experience of New South Wales, for example, and its equivalent of our Corruption and Crime Commission, which is vested with the power to seek unexplained wealth declarations, is that the use of its coercive powers to determine whether someone has wealth that is unexplained can lead to a settlement being negotiated between the respondent and the investigating agency—the CCC. That may be right. But it raises a number of issues, and I would like to hear the minister's comments on this matter. It raises the role of an anticrime agency sitting down with a target—who may be one of these dreadful Mr Bigs; one of these snakes, this odious person, this arch-criminal who must be vanquished and be brought to account—and debating how much he or she is going to pay to get off the hook to save some of their assets and get the proceedings disposed of while leaving them with something. It raises a very serious propriety issue.

I am not suggesting for a moment that it is not a pragmatic approach and it may be necessary, but I deplore the idea that people can be brought into an agency and its coercive powers can be used against them to squeeze out some kind of financial settlement that is favourable to the state, and then they are shown the door until they get looked at the second time in the future. It raises a significant matter of probity and a necessity for sufficient oversight. We have the Parliamentary Inspector of the Corruption and Crime Commission. We also have a joint standing committee of this Parliament to oversee the actions of the inspector and the CCC in its operations. However, we have had instances when the CCC has been under scrutiny. I have no doubt that the current commissioner is doing his best to ensure that things are done properly. That is not to say that things will be done properly in the future. There is a significant risk, especially when one is dealing with organised crime and debating the terms of a negotiated settlement as to how much they can pay to get off the hook, that there will be a compromise that is not in the public interest and the public may lose confidence in an anticrime and anti-corruption agency to behave properly when it is making deals with criminals. We are not talking here about a negotiation of which charges will be proceeded with on the basis of public interest and the strength of a case; some charges against someone may be dropped because there is no way of proving them beyond reasonable doubt

or the penalty that will be ultimately obtained from a plea of guilty to some charges makes proceeding with the others pointless. We are talking here about financial settlements and haggling over how much someone pays in order to keep something for their own benefit that we say is prima facie criminally obtained wealth from drug dealing and other nefarious activity. That is the first point.

Secondly, I understand from the experience of the DPP, at least as last advised on it, that most unexplained wealth proceedings conclude by way of negotiated settlement, but it does not come early in any action, even when the respondent has been the subject of an examination order. It has not been the DPP's experience that respondents are willing to consider settlement at an early stage. It seems to take some time before they and their lawyers get to the point of meaningfully considering settlement options. Investigations into unexplained wealth may, of course, be hampered by other considerations and not only an unwillingness on the part of a respondent to settle the matter. As I have mentioned, the question of criminal proceedings may take priority and people may want to see just how those are finalised before they proceed with negotiating their way out of an unexplained wealth application. It may also be hampered by obtaining information from other relevant agencies. The onus of proof is reversed to a degree, which is ironic in this case because over the course of two terms of the last government, we heard the Labor Party opposition complain about fundamental human rights and reversing the onus of proof in matters. It seems rather ironic that it is relying on this as part of the unexplained wealth procedures and on the coercive powers of the CCC to give effect to what it proposes here. Leaving that aside, the state still has to conduct a full investigation.

The state has to do a full investigation of a respondent's financial affairs because the state may have to refute explanations that are proffered by a respondent to an unexplained wealth declaration proceeding. The examination powers under the Criminal Property Confiscation Act are not as effective as they could be. It may very well be that the powers available to the CCC will be better than those and will be more effective, but that raises its own question about to what extent the information obtained by the use of those coercive powers can be applied in the civil proceedings to confiscate unexplained wealth. If the evidence is obtained in a coercive fashion, the general rule of thumb is that it cannot be used against the person who has given that evidence. The minister can explain, I hope, how that will work and whether there are potential problems in that regard by using the CCC's powers. It would be useful to have that confirmed on the record so that in the future we are aware of the situation and so are people who are interested in the manner in which this bill is meant to operate.

There are also problems with state agencies and investigating agencies obtaining financial information on the respondent, and I will come to that shortly. It must be noted that the Director of Public Prosecutions is not an investigative agency. It depends on its work in this area and on referrals from the WA police. I understand that matters that have been referred to the DPP by the WA police almost invariably have resulted in confiscation action, though not necessarily in unexplained wealth applications. From the period 1 January 2001 through to 6 April 2011, the amount confiscated to the state under the Criminal Property Confiscation Act was some $52 709 266.30—those were the last figures that I had handy to me—of which $6 027 794.84 or about 11.4 per cent of the total value of criminal property confiscated was unexplained wealth. The last I recall, the DPP had never seen an unexplained wealth case from the police proceeds of crime squad that did not arise from a related criminal prosecution or investigation, as opposed to arising from the investigation that originated from the proceeds of crime squad. The question then is: will the CCC be in a different position in being able to investigate those people whom the Attorney General says are not charged criminals? We will not be investigating charged criminals. We will be investigating those who are not suspected of criminal activity, but have simply profited from it.

As I understand it, some of the problems in bringing these applications include that, at the present stage, as the DPP is not involved in investigations from the outset, which necessitates an extensive and urgent briefing once the proceeds of crime squad chooses to refer the matter to the DPP, certain decisions might have been made along the way that have compromised any successful confiscation action. Part of that difficulty will be eliminated, presumably, if there is a suitable multidisciplinary unit such as the Corruption and Crime Commission drawing on not only investigators but also financial analysts and lawyers to give advice along the way and to direct the course of an investigation. That is a positive. However, the police have at their disposal at the moment analysts as well as investigators. The difficulty is making decisions along the way that are informed with a view to confiscation proceedings rather than simply an investigation.

Another difficulty has been that the proceeds of crime squad often requests and acts upon advice that has been given by the DPP on a paucity of materials and evidence. Frequently, it does not make full disclosure to the DPP so the DPP gives it poor advice, which it acts on. That causes problems for the ultimate success of any declarations that are sought on the basis of unexplained wealth. The proceeds of crime squad frequently lacks the expertise to provide meaningful briefs of evidence that will satisfy the forensic demands of unexplained wealth cases. That may have improved over the last couple of years because my information is old, but it was one of the problems that the DPP would routinely encounter because, again, it acts on the basis of material that is provided by investigators and it has to work with what it is given. The DPP can ask for further information but by the time the request is made, it may already be too late or otherwise impossible to obtain it. There was always a problem with a perceived inability of proceeds of crime squad accountants to provide high-quality financial reports and there were other issues of a similar nature about expertise and coordination between the two agencies.

From the point of view of the DPP also, there were real questions of whether the role was suitable to be conferred on the DPP. It was perceived as being a distraction from the core business of that office, which was criminal prosecutions rather than civil confiscation proceedings. As I have mentioned, non-conviction-based confiscation actions are very often the subject of compromise and settlement negotiations, which occur in a civil litigation environment. That presents its own policy and practical difficulties for what is meant to be a prosecution agency. Also, civil confiscation proceedings require extensive resources and special expertise more suited to a specialist agency in a civil law firm. The DPP tended to find it extremely difficult to allocate the appropriate level of resources needed in such actions and to recruit and retain the necessary expertise. That was one of the concerns in the event that the DPP might be required to act as the lawyer for any agency that was conducting investigations with a view to ultimately taking criminal property confiscation proceedings, whether for unexplained wealth or otherwise. It is a prosecuting agency. It is not a solicitor acting at the instruction of other parties, nor should it be. It is an independent statutory authority with its own function and its independence could be compromised if it is required to act as a solicitor being instructed by others. In fact, when I was Attorney General, the position of the Director of Public Prosecutions was that he wanted the DPP to cease having any role and involvement in any confiscation proceedings, whether conviction or non-conviction based.

What are the alternatives? There are a couple. We have heard mention of the Archer report and how the last government did nothing and all the other glib untruths or ignorant and uninformed comments, but it was a difficult matter of policy as to how to improve a system without compromising it completely and making it worse than it was. The conviction-based stuff tended to work. Certainly, the confiscation of proceeds and assets as a result of declarations of someone being a drug trafficker could be dealt with relatively efficiently. There were complications with that; some of them involved the management of the property seized and its wastage if it was not dealt with in a prompt fashion and so forth. The difficulty with unexplained wealth applications, of course, is that they require an enormous amount of resources in order to examine a person's financial situation over a considerable period and access to information, as I have mentioned.

The Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill is not the first time that the problem of how we deal with organised crime has been sought to be tackled. In fact, the Barnett government introduced the Corruption and Crime Commission Amendment Bill on 21 June 2012. It was not passed before Parliament prorogued for the March 2013 state election. Sufficient disquiet was expressed about that bill that it was not reintroduced in that form in any event, but what it sought to do, apart from hiving off things like minor misconduct matters from the CCC so it could focus on more serious issues, was to provide a power to the CCC to investigate organised crime more explicitly.

Upon returning to government after 2013, a number of amendments were introduced. The first tranche of amendments, those related to minor misconduct responsibilities, were introduced and passed in the Corruption and Crime Commission Amendment (Misconduct) Act 2014, which was assented to on 9 December 2014. The second tranche of amendments were to include allowing the CCC to have access to unexplained wealth provisions of the Criminal Property Confiscation Act 2000. It was proposed by the then Corruption and Crime Commissioner, Commissioner Macknay, that those provisions be expanded so that the CCC would be able to use unexplained wealth provisions on anyone whom it considered to be under reasonable suspicion of involvement in serious criminal activity. However, as that would make a significant change to the scope of the CCC's then powers and expand the state's power over individual citizens, particularly individual wealth, rather than keeping the CCC's jurisdiction to the oversight of public bodies including public officers, police and the judiciary, it was not pursued. It was thought to be a step too far at that stage. As part of the second tranche of amendments, it was intended that the CCC's power would be extended to include investigation into serious and organised crime. At that time also, the police expressed concerns about that proposal, given the overlap in responsibilities. As I recall it, the Joint Standing Committee on the Corruption and Crime Commission also expressed concerns about how an investigative body that was meant to police the police ought be involved in cooperating with the police with a view to dealing with organised crime and potentially unexplained wealth. That is precisely what seems to be envisaged in this case.

There has been mention in the other place of a thing called the Archer report. It is more properly titled the "Review of the *Corruption & Crime Commission Act 2003*" by Gail Archer, SC, as she was then. She is now the Honourable Gail Archer, Justice of the Supreme Court. She looked at the question of confiscation of proceeds of crime and took into account the situation back when the report was tabled by the then Attorney General, Hon Jim McGinty, on 18 March 2008 in the other place. For reasons best known to him, he did not table it or arrange for it to be tabled here. For reasons best known to those who manage the website and the like, there is no copy of it on the Parliament's website under "Tabled Papers".

Nevertheless, it is often referred to by the Joint Standing Committee on the Corruption and Crime Commission, and so it is a worthwhile document to have access to. Ms Archer proposed amendments to the Criminal Property Confiscation Act to give the Corruption and Crime Commission the same powers as those given to the Western Australia Police Force under that act, and that the Criminal Property Confiscation Act be amended to allow the CCC to apply for unexplained wealth declarations, criminal benefits declarations, and crime-used

property substitution declarations. Another of her recommendations was that the question of whether the Director of Public Prosecutions' functions under the Criminal Property Confiscation Act should be transferred to the CCC be reconsidered within five years, and, if the recommendation that there be a further review was accepted, the next review would be required to consider that question.

One of the objections recorded by Ms Archer, to which she gave some weight, was the concern raised by the Commissioner of Police at the time that it was less than desirable to have the CCC occupy the role of oversight body in addition to working with WA Police in its investigative function. Then commissioner Dr Karl O'Callaghan said that the two roles were self-evidently contradictory. Nevertheless, Ms Archer seemed to think that it could be managed. I would like to hear of any proposals the government has to ensure that the two roles do not merge, and that the necessity of cooperation with the police by the CCC to bring these sorts of applications does not compromise its role, which I challenge the Attorney General to correct, because I do not think its priority and main role is dealing with organised crime and the heads of syndicates. The Corruption and Crime Commission suggests that its primary role is one of ensuring the integrity of public organisations and people, including agencies such as the police, the Department of Corrective Services and other public sector bodies.

Other work was done under the previous government on organised crime. The Criminal Organisations Control Act was bitterly criticised by the then Labor opposition about its operation. It turned out that it was a very conservative approach to the problem. Since then, there had been plans to make it more effective by facilitating the declaration of organisations as criminal organisations, but that did not come to fruition before the election. I do not know what its current status is, or whether anything will be done in that regard. The approach taken at the time, in the light of the law, was very conservative to ensure that it did not compromise civil liberties more than was absolutely necessary to give effect to its policy. In fact, it emerged that it was too conservative and did not work effectively, but that is a story for another day.

Western Australian provisions for unexplained wealth have not been used extensively. I made mention of the amount, which was just over $6 million over the course of about a decade—just over 11 per cent of the total proceeds obtained back then. I do not know what the current figures are, but only 24 unexplained wealth declarations had been made in WA up until 30 June 2009. A moratorium was put in place by the Director of Public Prosecutions, partly because of resourcing, but more to the point were the difficulties in mounting these sorts of applications, having regard to the expertise and the special skills available to both Western Australia Police and the Director of Public Prosecutions at the time. I will come to that also in a moment, because there are implications of that that I do not think are addressed by the current legislation. A lot of work had been done in trying to correct that problem, but I would like to know what the status of that work is now.

The idea that the CCC can bring to bear a multidisciplinary approach to investigations and proceedings has merit. I should add that the last Director of Public Prosecutions, now His Honour Justice McGrath—Joe McGrath, SC, as he was back in those days—supported the idea of a standalone agency or, if it were to be the CCC, that it take over the matter of criminal property confiscations from the DPP. His view was that it would not be effective or viable to merely work in parallel with the CCC, with two and potentially three agencies involved—the Western Australia Police Force, compiling briefs on a variety of criminal-based proceedings for the confiscation of property, instructing or providing briefs to the DPP for it to pursue, working in parallel with another agency doing its own thing and mounting investigations at its own initiative, which may very well be investigations that the police are already conducting, or which may cut across operations that the police have in place or propose to conduct, or are linked to investigations that they are conducting. This could compromise all the agencies.

The bill proposes to confer power on the CCC, and the function to investigate, and initiate and conduct confiscation proceedings. However, I understand from what has been said in the other place and in here that that will not take away from the DPP the responsibility to deal with all the other matters, nor will it take away the role of the police. It works on the premise that, because the CCC is a multidisciplinary agency employing the services of lawyers, investigators, financial analysts and covert operatives, and has coercive powers, it would be best equipped to perform this function of investigating a person's financial circumstances and bringing the necessary applications. That may be right, and there has been some comment in the other place from the Attorney General, based on material provided by the commissioner, that what is proposed can be done within the resources currently available to the CCC. That may be right, at least in the short term, but I also note from the latest budget papers that no additional resources are being provided. In fact, the resources to the DPP will diminish over the next couple of years, according to the forward estimates. It is also quite plain from what is being said by the commissioner, and from the budget papers, that embarking on the role of taking on unexplained wealth investigations and applications for declarations will come at a cost to other work of the CCC—the investigation of serious misconduct. In that regard, I draw the attention of members to page 386 of budget paper No 2.

In 2016–17, the net amount appropriated to deliver services was $29 612 000. For this coming financial year, there is a reduction of some $3 million. On page 387 is a forecast reduction of some 439 allegations to be received and investigated. Under outcomes and key effectiveness indicators, the number of investigations actual in the last

financial year, 2016–17, was 71. The budget target is 50. That is a drop of 70 per cent on what there was before. The notes explain —

> The variance between the 2017–18 Estimated Actual and the 2018–19 Budget Target reflects the reduction in the number of investigations target, based on the assumption that the Commission will redirect resources to the new unexplained wealth provisions.

The Corruption and Crime Commission may be going off to try to find people who are the heads of snakes, so that they can be cut off and their wealth seized, or at least barter over bits of their wealth in order to show some results, but it comes at the cost of investigations that I would have thought are the important core work of the CCC to ensure the integrity of public agencies and officers—quite a substantial reduction.

It has to be said that the money seized, if any money is seized, through operations of the CCC will go into the criminal proceeds account. I note that when the Attorney General was asked in the other place where the money would go, he said, "I get it." That is not quite right. There are limits as to how the money is to be spent. Part of that money is spent by way of an arrangement between Western Australia Police Force and what was then the Department of the Attorney General and is now the Department of Justice. Members will recall that I asked some questions about what will happen to that money and how much is forecast to be in that account. Apart from going out on grants for various things supposedly to do with crime prevention, victim services and the like—although now there seems to be increasing amounts granted to community legal centres that have no discernible involvement in crime prevention or victim assistance, although there may be some small involvement on some cases, but it is hardly their core work and it hardly fits with the idea of what the proceeds of crime account is meant to service—another proportion of that money goes into financing the operations of the proceeds of crime unit at the Office of the Director of Public Prosecutions and the police proceeds of crime unit. One of the challenges over the last several years is that there has been a decreasing amount of money or property seized that can provide funds into that account. Once upon a time, in its early days, people would have plantations of cannabis, for example. They seized the plantation, they seized the land and they flogged it off, and it may be worth something. In the case of methylamphetamine, the labs can be very mobile. They can be set up in rented accommodation, so there is no property to seize other than that of an innocent third party, or they can be set up anywhere without any great investment of assets. Over the years, it has been found that the property realised through conviction or even non-conviction-based proceedings has been limited.

Unexplained wealth promises an awful lot. The way the Attorney General tells it we have people with fast cars and living in mansions who are living well beyond their means, but whether they actually have any property that can be seized is another question. It may be that someone is living beyond their means but they do not have much property. They may have a lot of cash but whether that is obtainable is a different thing. The image of drug lords in their mansions with "Mr Big" on the gatepost may be rather fanciful. It may be the case that there are some people like that. I hope that if there are, then the CCC actually manages to seize their property for the benefit of the community, but I will wait to see whether that happens. It may be that what has been promised will not be achieved, quite apart from the difficulties and the legal problems that we have. It may very well be that it will not be achieved in the near future, because the mounting of a case can take considerable time and resources. But no doubt we will be told more about that. Plainly, the consensus, at least the view of the DPP, was that if we are going to set up a proper unexplained wealth regime, or even a criminal property confiscation regime, it ought not to involve the DPP; it ought to be a multidisciplinary agency that is properly resourced. That is not what is proposed in this legislation. On the contrary, this legislation provides a role for the CCC that will run in parallel to a regime that is already in existence.

I raise another element on proceeds of crime and what is hoped for it. It comes from a paper tabled in the other place. It is tabled paper 578, which appears to be a page out of what suspiciously looks like a cabinet submission. It is page 7 of a cabinet submission and states —

> Since 2000, in NSW alone $14.4m has been confiscated through either unexplained wealth proceedings alone or by commencing unexplained wealth applications but resolving matters using other assets confiscations procedures.

I am not quite sure what that means, but that $14-odd million compares not unfavourably with the figure of some $52 million that I cited earlier, of which $6 million was unexplained wealth, particularly when looking at the size of our jurisdiction and the like. Nevertheless, the other tabled papers suggest that there will be resources that the Corruption and Crime Commission could draw on within its current organisation to pursue these matters, but once again, as I have indicated, there is also the qualification that it will not be able to maintain its other core work while pursuing these applications. I would like to know whether any work has been done on determining some kind of memorandum of agreement about the financing of the CCC out of the moneys that it manages to negotiate and obtain through its new function. It certainly appears that the Attorney General and the government do not have in mind allocating any additional resources to the CCC. I would also like to know what legal and other resources are available to the CCC. As I understand it, more recently there had been talk that the CCC was having trouble attracting staff. I suspect things might change with the way the economy goes, with its ups and downs and the like,

but one of the problems always encountered by the DPP was attracting suitably qualified staff for significant periods who would be worthy of investing resources into training up to do specialist tasks without losing them in due course. What is important with these long-term investigations is that there be some stability, but I hope that the minister can tell us what the arrangements are and whether any difficulties have been forecast by the CCC.

Another option that is available and has been looked at from time to time but would take quite some time to develop in detail and require money to do is the creation of a discrete office or agency that conducts all confiscation proceedings. That is one of those things that has its pluses and minuses. Once again we have a prosecuting agency or the police who may conveniently obtain orders in the course of a prosecution action, whereas having an independent agency raises difficulties of coordination and collaboration. What is being proposed here is what the previous DPP at any rate did not favour as a model; it was simply empowering a multidisciplinary agency such as the CCC to conduct investigations while retaining the DPP's role. The DPP would be instructed by that other agency to take proceedings using its lawyers when the investigations had been done by that other agency.

I would like to know the views of the current DPP and who has been consulted on the crafting of this particular model, or whether it was solely based on the Corruption and Crime Commissioner, as would appear from the debate in the other place, approaching the Attorney General and saying, "It would be a good idea if I had the ability to use my coercive powers in order to help disrupt organised crime by seeking unexplained wealth declarations" and the Attorney General deciding, "That sounds like a pretty good idea. Let's do something. I'm going to get in there and craft this bill and let's go." I am interested to know whether there was any input from the director, whether this current director has a different view from the previous director, and why the view was changed and how it will work. I would also like to know whether the police were consulted on how they are going to function in this scheme and whether there will be any working at cross-purposes or compromising of each other's work.

There is one other element to this, which was a considerable problem and one of the reasons why unexplained wealth proceedings have not been as successfully pursued in Western Australia as one would have hoped—that is, access to the relevant information. Considerable work had been done at a ministerial level from the days of the Gillard federal government to try to negotiate the referral of limited powers to the commonwealth to enable the commonwealth to use its criminal property legislation, the Proceeds of Crime Act 2002, to overcome the problem of cross-border crime because these alleged "snakes" may have several heads in several jurisdictions. There may be assets that are concealed in several jurisdictions. There may be different laws applying in those jurisdictions. There is also the difficulty of getting access to the data to support any investigation.

The commonwealth had a problem because the commonwealth could only pursue criminal conviction–based confiscations. As far back as the days of Attorney General Nicola Roxon under the Gillard government, circa 2012, the commonwealth had been seeking a limited referral of power. It was actually not that limited—it wanted to have a referral of power from the states to be able to mount unexplained wealth investigations and applications. The trouble was the commonwealth could only base it on convictions and that could only be on commonwealth offences. What it was seeking was, at the very least, a referral of the ability to charge under state offences as a particular jurisdiction required and to base its unexplained wealth proceedings on that. For a variety of reasons, the states resisted that approach from the commonwealth at the time, primarily because of the rather heavy-handed way that it went about it. Under the current commonwealth Liberal government, then Minister for Justice Hon Michael Keenan, MP, took a rather different approach—a more conciliatory and cooperative approach—and I am pleased to say that Western Australia was able to persuade a number of other jurisdictions to entertain the idea of a limited referral power. But there was going to be a quid pro quo in it—it would be a limited referral for a limited amount of time with a sunset clause, it would allow the state to back out of it at any time if the commonwealth was not prepared to do it properly and keep up its end of the bargain, and it would provide equitable sharing arrangements for any of the proceeds that were obtained as a result of the use of state laws and cooperation with state authorities by the commonwealth. There were positives in it for the state. It would also allow for reciprocal enhanced information sharing, removing legislative and administrative barriers to the state having access to commonwealth information such as from the Australian Taxation Office, Centrelink, the Department of Immigration and Border Protection, the Department of Human Services, the Department of Social Services, and the ability to use telecommunication interception information for unexplained wealth proceedings. It would also provide the commonwealth with access to state sources of information such as licence and registration records, revenue information and the like. There would also be protections against anti-consistency provisions that would negate state law and a variety of other things to protect state interests. The intent was that states and territories would retain and continue to use their existing unexplained wealth seizure schemes.

By the time of the last election, work on that was very far advanced when we entered into caretaker mode. I would like to know the status of that work. It seems to me that it is all very well for the Corruption and Crime Commission to be given the power to investigate and make applications in relation to unexplained wealth but, given that determining whether someone has unexplained wealth also means having access to records that can build a financial case against someone and to refute evidence of where the wealth may have come from is also important, that would require cooperation with not only state authorities and access to state material, but also material from the commonwealth. We were very close to sealing deals in that regard. I would like to know what has been done by the Attorney General since then, if anything.

There are a number of questions regarding the proposal that is before us and a number of issues that I would like the minister to address—for example, confirming the government's expectations for what is being proposed. At the moment we have had clichés in media releases about following the money, Mr Bigs, and cutting the head off the snake and so on, but I would like to know what the government realistically expects from this. How will this scheme's success be measured? Will it be measured by means of how many unexplained wealth investigations are conducted, how many result in declarations, or how much wealth is seized? At one stage there was an edifying photograph of Jim McGinty astride a Harley–Davidson that had been seized from bikies. Will that be a measure of the success of this scheme? Will we see Quigley in a bathtub full of coins? How will we measure the success of this? How will the public know that it is not the usual hot air and puffery and that something is actually being achieved, that this is successful and that it is providing value for money?

I have mentioned that I would like to know who has been consulted on the bill—the police or the Director of Public Prosecutions? Has there been consultation with the Law Society of Western Australia? The Law Society of Western Australia was consulted by Gail Archer way back in 2008 and gave its views on how things should be structured. I would be curious about that. Has the Criminal Lawyers' Association been consulted? If so, what did it say?

What resources are going to be devoted to this particular exercise and where will they come from? The Attorney General has said, in the other place at least, that the CCC will not need any more resources and has enough and that the CCC has confirmed that it can operate within its resources but, again, it is a question of what has to suffer and what has to give in order to make this work and whether the CCC will change direction from being a probity and integrity body that polices public agencies to one that searches for proceeds of crime in competition with the police and the DPP.

How will the recovered money be used? Will it be going into consolidated revenue? Otherwise, if it will go into that confiscation proceeds account, will the CCC be subsidised by the money it raises? What mechanisms will be put in place to ensure that the powers of the CCC will not be misused to extort money by way of settlements in order to subsidise its operations? Given that the confiscation proceeds account is currently used to fund the operations of the DPP and the WA Police Force proceeds of crime units, will a fresh memorandum of understanding be negotiated with the CCC? What will its terms be? If, as it has been claimed, the new powers are intended by the government to target Mr Bigs, heads of snakes and methylamphetamine traffickers, will the police be investigating persons who are also likely to come to the attention of the CCC? What will prevent overlapping investigations that could interfere with and potentially compromise each other? Could the evidence extracted in CCC investigations be used for other investigations and how? To what extent could it or could it not be used to support the civil proceedings for unexplained wealth declarations, given that the evidence is obtained coercively under CCC powers? What is the status of the national unexplained wealth cooperative scheme and how will that work alongside what the government proposes here? As I mentioned, the idea was that the state could still pursue its scheme while the commonwealth had the ability to look more nationally and use its resources. I would like to know what the status of all that is or whether that has been too hard to do, rather than jumping in and having this urgent piece of legislation sitting around for nine months. When will legislation to do that referral of power to give effect to that national scheme be introduced? What is being done to obtain greater cooperation between the states and the commonwealth for access to information that is critical for not only the commonwealth to be able to do its job, but also the state to do its job on unexplained wealth and criminal property confiscation matters more generally?

That covers the field of matters that I think ought to be explained a little more fully. A lot has been promised for this legislation, simplistically claiming that it will achieve all sorts of things. I would like to know a little bit of the reality about what is expected and what we can expect to see in budget papers and annual reports in the future about the success of what is being proposed so we will be able to gauge whether this has been a worthwhile exercise or whether something more sophisticated is required that might not have been able to be rushed into Parliament quickly so that it can stall for nine months, but actually involve a little bit of work and thought to craft and which will be far more effective. I query whether a multidisciplinary agency that is set up as a specialist to deal with all these sorts of things and requires resources that are dedicated to the task is the way to go, but maybe it is not. I wonder what has been thought about in this sphere and how the public will know whether this is another headline grabber that will not achieve anything and will not achieve what is being promised for it. I look forward to the minister addressing that. Otherwise, as I say, we will be supporting the bill. We do not for a moment think that it will achieve anything like what has been promised for it or that it will suddenly reform organised crime in the state, but good luck to it. I hope that there will be some successes for it. I hope that the CCC manages to use its powers effectively and for the public interest, but I am also anxious to ensure that it does not compromise itself by getting too close to criminal organisations in negotiating criminal settlements for proceeds of crime. I would like to hear more about that.

HON AARON STONEHOUSE (South Metropolitan) [9.19 pm]: Among other things, the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 deals with an amendment to the Criminal Property Confiscation Act 2000, which I will be speaking to mostly in my remarks in this second reading debate. It deals with expanding to the CCC the unexplained wealth confiscation powers that the DPP currently

wields. I think it is more accurate to call it civil criminal property confiscation rather than criminal property confiscation. As has already been pointed out by Hon Michael Mischin, criminal charges need not be laid, let alone a conviction reached, for property to be confiscated under unexplained wealth provisions. I see this expansion of unexplained wealth confiscation and the Criminal Property Confiscation Act 2000 as it currently stands as part of an ever-escalating war on drugs and part of a tit-for-tat arm wrestling competition between the two major parties, as both Labor and Liberal try to one-up each other and look to be tougher on crime. Since the original laws to allow for the confiscation of unexplained wealth were brought in back in 2000, there have been remarkably few examples of those particular unexplained wealth provisions having been used. The Attorney General recently cited a lack of Director of Public Prosecutions resources as one of the reasons for this, but he will forgive me if I have my doubts. At their height there were some 24 unexplained wealth declarations sought and granted between 2000 and 2009. However, worryingly, only 14 of those led to successful confiscations. I say "worryingly" because 10 of them, well over one-third, were ultimately unsuccessful. Those 14 successful cases netted, according to the DPP's own figures, just in excess of $5.3 million. That is $5.3 million from 14 confiscations of what we are assured are, as Hon Michael Mischin put it, the heads of the snake, the kingpins, the Mr Bigs, in the drug trade. These provisions have been largely unsuccessful. It will be argued by the government that the DPP lacks the resources to pursue unexplained wealth confiscations, but if we look at similar laws in other jurisdictions, we see a similar pattern. In fact, the federal law, being section 20A in part 2-6 of the Proceeds of Crime Act 2002, which has been on the statute book since 2010—the unexplained wealth confiscation provisions at least—has been used only once in the last eight years, despite the resources available to federal agencies. Despite the broad sweeping powers enacted by the Criminal Property Confiscation Act 2000 and similar powers in other legislation, successive governments have argued that law enforcement agencies are toothless and that new powers are needed to finally deal the killing blow to organised crime. In September 2000, when what is now the Criminal Property Confiscation Act was being debated, Kevin Prince, the police minister, said —

> The first target … will be those who have enriched themselves through drug dealing …

He went on to stress —

> I do not refer to the street dealer or the user-dealer … The targets will be those who never touch the drugs and acquire a monumental amount of wealth as a result of their dealing.

That had not quite materialised two years later, but Jim McGinty, who was quick to pose outside this building astride a confiscated Harley-Davidson, was still doing his best to make it a reality. He said —

> "We plan to make it very hard for these people to enjoy their ill-gotten gains," …
>
> "Their luxury lifestyles will simply be stripped away."

In 2013, one of McGinty's successors as Attorney General, Hon Michael Mischin, was busy telling us that all we needed was the ability to declare organisations to be criminal and he would be able to "turn their strength against them, and make it difficult for them to function". When the current Attorney General introduced the present bill, we heard the same tired old tune. He said —

> This bill sends a clear message to those involved in organised crime at the upper levels that they are not untouchable …

The Attorney General has used some strangely powerful language when describing this legislation. In an article by Graeme Powell on the ABC on 28 April 2017, the Attorney General is quoted as saying —

> … the CCC front doors will become the gates of hell because they will have to go in there and explain how they obtained these luxury items …

He went on to say —

> "These syndicates are evil serpents in our community and we intend to cut their heads off."

There is a really weird biblical serpent theme there from the Attorney General, but I digress!

Such broad powers are sure to catch the guilty and innocent alike. Take the case, for instance, of Mr A, a Perth resident who shared the details of his case with me, but has asked, for obvious reasons, to remain anonymous. In August 2014, a search warrant was executed by WA Police at Mr A's residence and four bundles of cash were located and seized. These bundles contained $46 000, $21 350, $26 700 and $12 900; that is just shy of $107 000 in total. One hundred and ten days, three and a half months, after the cash was seized, Mr A was served with a freezing notice issued pursuant to the CPC act, the act we are now looking to extend. The cash was frozen on the basis that there were reasonable grounds to suspect that it was either crime-derived or crime-used. Mr A was never charged with a criminal offence arising from the search. Mr A opposed the confiscation and provided the state with an affidavit explaining the origins of the sums of cash. He explained that the bulk of cash came from bank withdrawals from his own account and he produced bank statements to that effect—the same bank statements that, incidentally, he had shown Western Australian police at the time of the search and seizure. He further explained that he was in possession of the cash for legitimate business purposes, which he outlined in some detail. The DPP received

Mr A's affidavit in November 2014. The matter came to trial in October 2015, almost 12 months later. At this point the state had been in possession of just shy of $107 000 owned by Mr A for 14 months. On the first day of the trial, the state, which had been in receipt of Mr A's affidavit for about 11 months at this point, dropped the matter and set aside the freezing notice. All Mr A was guilty of at this point was not trusting banks, but it seems that perhaps he should not have trusted the state! On term deposit rates with one of the big four banks, Mr A would have perhaps received 3.75 per cent interest on a 12-month deposit back in 2014. That is worth about $4 000 of his $107 000 sum, but the state did not offer to reimburse him for that lost revenue, it did not compensate him for his lack of access to his original cash and it did not offer to pay his court and legal fees. What the state did do is walk away with impunity, because legislators in this place and the other place have allowed it that latitude.

Now, the McGowan government wants to extend those very provisions further. It wants to give them to the Corruption and Crime Commission, an organisation that we have heard in other debates recently in this chamber is struggling to keep up with its current workload and only has the ability to review a fraction of the cases presented to it. I thank Hon Adele Farina, who is currently away on urgent parliamentary business, for highlighting this figure for us when she discussed report of the Joint Standing Committee on the Corruption and Crime Commission on Dr Cunningham and Ms Atoms in March. Out of the 4 939 allegations received by the CCC in 2016–17, only 16, that is 0.3 per cent, were reviewed independently by that body.

The second reading speech to this bill states —

> The DPP will maintain exclusive jurisdiction over investigating or initiating proceedings in relation to crime-used property, crime-derived property and drug trafficker declarations.

However, the statement seems to contradict the amendments within the bill. The amended section 41(1) of the CPCA will read —

> The DPP or the CCC may apply to the court for a freezing order for property.

Section 43(8), which deals with freezing orders made on crime-used and crime-derived grounds, reads —

> The court may make a freezing order for property if there are reasonable grounds for suspecting that the property is crime-used or crime-derived.

Referring back to amended section 41(1), this empowers the court to make crime-used or crime-derived freezing orders upon application by the CCC. Section 43(5), which deals with drug trafficker freezing orders, will be amended to refer to "the applicant for the freezing order". Going back to amended section 41(1), this will include the CCC. Generally, drug trafficker freezing orders have been sought as some part of the related criminal proceedings; however, expanding this power to the CCC concerns me deeply, as in recent months I have been made aware of many cases of drug trafficker confiscations resulting in unjust outcomes.

One such case is Mr P, who was convicted in 2013 of having less than three kilograms of useable cannabis on his property for his own use. Against him, the Director of Public Prosecutions subsequently took out a drug trafficker's declaration claiming that the legislation left it no discretion. Mr P fell into sustained cannabis use as a result of insomnia and no charges of commerciality were levelled against him. Mr P's partner, a wholly innocent party who took no part in growing or using the drugs concerned, but whose share of the property was likewise frozen is, as I stand here, still being actively pursued by the Crown. Mr P's case is not unique; he just happens to have come through my office in recent months. If his case does not provide members with sufficient proof that the legislation we are being asked to amend today is flawed almost beyond hope of redemption, then let us add the case of Ms Nguyen, whose estranged husband had not contributed to the mortgage for upwards of two years when he was arrested in 2012, yet who still faces the forced sale of and eviction from her property. Ms Nguyen does not have a parking ticket against her name and survives on close to minimum wage, yet the DPP is currently pursuing her estranged husband's share of the home's equity—a man who moved out of the home almost 10 years ago and has not paid a single penny in support of his family or their mortgage since. If members want a prime example of the ill-conceived harm that legislation such as this can cause, they do not have to look any further than Tam Nguyen. However, one might also consider the case of Mr and Mrs L, constituents of mine in the South Metropolitan Region. Mrs L has a serious pain management issue, which was improved by the use of medical cannabis, the same strain that the government is now encouraging licensed producers to grow. Mrs L used to have chronic back pain. Now she has chronic back pain and no home. That is the level of help that the state has provided to her and her husband, facilitated by this odious legislation. Or we could take the Lesmurdie family, whose father copped a fine of $6 000 for cultivating cannabis, while the innocent mother and her children were forced out of their $900 000 home, legally bought and paid for over decades, because protections for innocents and third parties were not considered; they were actively dismissed when this legislation was first introduced.

The second reading speech explicitly states that the DPP will maintain exclusive jurisdiction over crime-used and crime-derived property and drug trafficker declarations; however, the bill will expand the power of the Corruption and Crime Commission to seek freezing orders from the court. I hope the minister will address this in her second reading reply. I certainly hope it was not the government's intention to mislead anybody with that

statement. Perhaps it can clear that up for me. The most egregious aspect of this bill is that it empowers the CCC to make examination orders. Currently, the DPP must apply to the courts for an examination order. This bill will enable the CCC to make examination orders at will. The CCC will be the investigator and the litigator and will now determine who should be examined. Whether an examination order is issued, or is about to be issued, is the basis upon which courts make a freezing order for property. Currently, courts make determinations on examination orders and will issue freezing orders based on an examination order. If the CCC can make its own examination orders, it removes the courts' discretion and runs the risk of reducing them to merely rubberstamping freezing orders. That raises some serious questions about how it may undermine the institutional integrity of our courts, let alone the constitutional legitimacy of such a change.

The Auditor General's report on criminal property confiscation provides some insight into what might be driving such egregious use of the powers in the Criminal Property Confiscation Act. It is not a long report and I would urge all members to take the time to read it if they can. In fact, I would urge the Attorney General to read it. When I tabled a question on it in Parliament some two weeks after its publication, I was told by his staff that he had not had the time to consider the recommendations yet—that is, the Auditor General's report into an aspect of the Department of Justice. The Auditor General's report lays out some fascinating facts and figures. The average house confiscation is well below the Perth median, and the average car confiscation is worth just $24 000. Clearly these are the kingpins, and the Mr Bigs, living in 4x2 suburban houses and driving second-hand sedans. But this report lists something even more damning, to my mind. It reveals, in black and white, that both the police and the DPP get bonus funding. That is not my language; that is the language that the Auditor General uses. The police and the DPP are eligible for bonus payments if they exceed their annual confiscation targets. Will the government be back here in 12 months' time asking for similar pervasive incentives for the CCC?

The Criminal Property Confiscation Act 2000 is perhaps one of the most unjust laws on our statutes. With a single act of Parliament we have eroded the founding principles of our common law. In fact I am reminded, I think it was raised in Hon Michael Mischin's remarks, about confiscation matters being settled out of court to reach a quicker resolution. Members should be concerned about extrajudicial property confiscation—property confiscation taken without the oversight of the courts, without appropriate due process. Law professor Ben Clarke of the University of Notre Dame said of the CPCA —

> … depriving citizens of privately-owned assets is a highly intrusive act of state. Such conduct is prima facie in conflict with norms such as the sanctity of property ownership, freedom of citizens from unnecessary interference by the state, and the right to privacy.

On 15 June in the year 1215, King John agreed to the Magna Carta Libertatum—forgive my poor Latin—or the great charter of liberties, as we know it in English. Now, 803 years later, almost to the day, we are discussing expanding confiscation powers to the CCC that fly in the face of the principles enshrined in the Magna Carta. Clause 39 of the charter reads —

> No free man is to be arrested, or imprisoned, or disseized, or outlawed, or exiled, or in any other way ruined, nor will we go or send against him, except by the legal judgment of his peers or by the law of the land. To no one will we sell, to no one will we deny or delay, right or justice.

The Magna Carta established the crucial principle that no-one was above the law, not even the Crown. It established the principles of due process and the presumption of innocence. We are all aware that the CPCA reverses the onus of proof, completely removing the right to the presumption of innocence. It undermines due process, by making the CCC the judge, jury and executioner in unexplained wealth confiscations. In the second reading of the CPCA 2000, the then Attorney General, Hon Peter Foss, said right here in the Legislative Council —

> The intention of the Bill is that the courts may not exercise any discretion in relation to confiscation; that is, once certain matters are established in relation to, for example, a declaration that a person has unexplained wealth, the court must make the declaration. In this regard I emphasise that the intention of the Act is to ensure that a person is deprived of property which is not lawfully acquired.

Not only does the CPCA have no regard for judicial discretion, but also the bill will further undermine it by granting the CCC the power to make examination orders. Hon Peter Foss went on to say —

> One of the strongest features of the Bill is that provision is made for the confiscation of all property of a declared drug trafficker … all the property owned, effectively controlled, or given away by a declared drug trafficker is confiscated.

For those unaware, one of the first limits the Magna Carta placed on the Crown was a proportionality requirement. A fine was required to relate to the gravity or degree of the predicate offence. The second limit was a livelihood-protection requirement, the salvo contenemento principle. The essence of the salvo contenemento principle is that a fine may not deprive one of his livelihood; the individual fined must still have sufficient means to sustain himself and his dependants. Thus, in imposing a fine, the government had to tailor the fine to the gravity of the offence and it had to take into account the individual's financial situation, lest he be robbed of his livelihood.

This principle was undermined in the years that followed the Magna Carta. However, it re-emerged in the 1689 English Bill of Rights. Who here can claim wisdom to throw away 800 years of common law? Who is willing to put their name to a bill that undermines our most basic human rights, 800 years of bloody civil wars and dead tyrants? Are we so eager to disregard our hard-won freedoms? On the 800th anniversary of the Magna Carta, just three years ago, in this very chamber once again, Hon Peter Katsambanis spoke of the significance of the Magna Carta. He said —

> Over time, though, it has come to symbolise a lot more. Over time, it has been accepted as the foundation of the rule of law that runs through the thread of all common law countries, flowing from England and the United Kingdom to Australia and other nations that still subscribe to the common law as the principle of our rule of law. It is a document that ensures that individual freedom has a greater weight than any divine right of kings or any form of arbitrary control. It was put best, I think, by one of the great jurists of the twentieth century, Lord Denning, when he said that the Magna Carta is the greatest constitutional document of all time—the foundation of the individual against arbitrary authority of the despot. It is that individual freedom that the Magna Carta has come to symbolise over 800 years for many people in many societies across the world …

Hon Peter Katsambanis put it quite well. Those principles of the presumption of innocence, of due process, of the rule of law, are the very basis of our common law institutions that we enjoy today. I appeal to anyone who considers themselves a classical liberal, a Liberal, or even a conservative, that we should not be so quick to throw away 800 years of legal tradition because we think we might snatch a kingpin once in a while. The evidence is that we are not catching the bigwigs, the kingpins and the drug lords. We are not getting their villas and their mansions. We are getting below-median-price houses and below-brand-new-price cars. In the meantime, the unintended consequences are dispossessed innocent people, such as Ms Nguyen, who has never committed a crime—at least none that the state is aware of—but will be dispossessed of her property for the misdeeds of her estranged husband.

To the progressives, to those who value social justice, you cannot back a bill such as this and claim to be progressive or champions of the every man. These laws are routinely used against people who are self-medicating for physical ailment, people such as Mr and Mrs L, who suffer chronic back pain and grew their own cannabis crops because at the time medicinal cannabis was not available; that is not justice. I do not think anyone in good conscience who values justice can support this bill. I will move an amendment to insert a review clause into the act. It will not review simply the expansion of powers that the Director of Public Prosecutions enjoys to the Corruption and Crime Commission. It will review the entire act. It will come into place in three years. I do not place a lot of stock in statutory reviews, but I think it is the very least we can do to force some introspective view of criminal confiscation in this state to see whether it is working as intended.

HON ALISON XAMON (North Metropolitan) [9.44 pm]: I am aware that I do not have time to really commence my speech, but I will at least put on the record that I am the lead speaker for the Greens on the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. I have much that I wish to say about this legislation, and I need to make it clear from the outset that the Greens will not support this legislation.

Debate adjourned, pursuant to standing orders.

ARTHUR DIX MARSHALL — TRIBUTE

Statement

HON SIMON O'BRIEN (South Metropolitan) [9.45 pm]: I am not normally of the practice of rising when this house adjourns to make speeches such as this, but I feel obliged to do so out of a sense of duty to someone who has recently passed away and who made a quite extraordinary contribution to the community here in Western Australia on a number of levels and who, frankly, was a friend of mine and of yours, Madam President. He was for a number of years a member of the Parliament of Western Australia, though not in this place. I imagine that in due course there will be a condolence motion in the Legislative Assembly but not here, of course, because he was not a member here. However, a lot of us knew him and through this opportunity that I take now, I want to convey my condolences to his bereaved family. I refer to the late Arthur Dix Marshall, a remarkable character who has achieved so much, including in sport. He was no mean character in a number of sports, including tennis, football and table tennis and probably half a dozen other things as well.

He contested the seat of Fremantle at a by-election in 1990 when, for the first time probably ever, the Liberal candidate topped the primary vote in an election in Fremantle. Later, in 1993, Arthur successfully stood for election for the then seat of Murray, taking a seat off the Labor Party, which is always a good thing and there should be more of it. Arriving then in the Assembly, he was always wont to remind Jim McGinty, who by then was the member for Fremantle, "Jim, where I come from, the winner is the person who is first-past-the-post. I need to remind you that I was first-past-the-post when we ran against each other." That is a fairly valid point.

He made the successful transition to the new seat of Dawesville and, indeed, it was in connection with the seat of Dawesville that I saw Arthur for the last time. I had been around to the family residence to catch up with him. He had asked to see me and I wanted to get around there anyway. He had recently published a book. I could not get to the launch and I picked up a few copies. In fact, I think I picked up one for you, Madam President, when I was down in Fremantle, and I went around to Arthur's to get him to endorse the inside flyleaf, and he did that. Arthur was then quite infirm. I will not go into the details, but I will relate this story. We were going to look at another part of the house in Preston Point Road and I went down the stairs with his wife, Helen, and my wife, Joy, came down in the lift with Arthur. The lift had just been installed in the house; that was the level of Arthur's unsteadiness and infirmity at that stage. He said to Joy just as we were going to go, "Make sure you look after the boy"—not many people around refer to me as "the boy"—"because I'm not going to see him again." It was a difficult remark to respond to so I determined to respond to it when I found out about it by making sure, "Right, I'll sort you, you old codger" and made damn sure that we would see him again. That is how, just after that, a function was organised down in Falcon for the members for Dawesville, who were three in total. Arthur Marshall was the original member. Hon Dr Kim Hames was the second member, who has recently retired. The third is the current member, young Zak Kirkup, MLA, who I think will go a very long way in this game. I was delighted to be there to catch up with not only Arthur, but also his wife, Helen, and their son Clark. A few years ago when I was Minister for Transport, I presented Clark with the award for being taxidriver of the year, which just shows, in some way, what a small town this is.

To those family members I have mentioned and also his other children, Dixie and Scott, and their respective families, I want to offer publicly my condolences and assure them that their father's life was indeed one well lived. They all know that but it is important that we who have been involved in public life affirm it as well. Arthur recently launched his autobiography and I advise members to get hold of a copy. I think we have one up in the Parliamentary Library. The last time I saw him, he asked me what I thought of it and I said, "Arthur, it was an amazing story. I enjoyed hearing about you riding a Lambretta around Europe when you were young and competing on the tennis circuit as supposedly amateurs, but you were all semi-pros." I enjoyed it. It was interesting to find that he once lived at 30 Carrington Street. I did not know that. I have lived in Carrington Street myself, although many years later. I said, "All in all, it was a good yarn, Arthur, and I enjoyed reading it. I thought it got to its peak at page 351." That is where I cracked a mention, Madam President. I said, "After that, it was all downhill." He smiled and said, "Good on you, Simon" and that is how I would like to remember him. So long, Coach. May you rest in peace.

Statement by President

THE PRESIDENT (Hon Kate Doust): Members, before I give the call to Hon Robin Chapple, I would also like to extend my condolences to the Marshall family. Arthur was always a very good colleague to work with, highly entertaining and certainly committed to his electorate. He was ably assisted by my aunt, Fran Boucaut, who was his long-term electorate officer, which also enables that connection. My condolences to all the Marshall family on the passing of Arthur.

AGRICULTURAL RESEARCH PROJECT — ORD VALLEY

Statement

HON ROBIN CHAPPLE (Mining and Pastoral) [9.53 pm]: I rise tonight with a peculiar or somewhat odd adjournment statement. It relates to a question I asked in Parliament a while ago. On Wednesday, 11 April 2018, I asked a question of the Minister for Agriculture and Food. I will read in the question for a very salient reason. I quote —

> I refer to the article in *The Kimberley Echo* on Friday, 27 October 2017, titled "Crop research project aims to grow farm profit".
>
> (1) In dollar value, what was the total amount of funding the state government has contributed to the agricultural research project that will investigate cropping systems for growing cotton, grain and forage in the Ord Valley?
>
> (2) Will the minister table the scope of that research?
>
> (3) What are the reporting requirements?
>
> (4) When is the first report due?
>
> (5) Will the minister table the reports?
>
> (6) How much funding has been provided to investigate bush foods, such as gubinge, which is recognised as a positive industry for traditional owners in the Kimberley?
>
> **Hon ALANNAH MacTIERNAN replied:**
>
> I need to advise the member that I have not seen that question. There is not a copy of that question or answer in my file, and indeed I have not seen it. It has not been presented to me today. I will be more than happy for the member to ask it again tomorrow.

Later on in the day, I was handed the answer to the question. Unfortunately, because of the way it was handed to me, it does not appear in *Hansard*. I will read the answer into *Hansard* so that it can be recorded.

Hon Nick Goiran: Do you know why they do that? They do that to be shifty because if it is tabled like that, no-one will ever get to read it unless they go and ask for the tabled paper.

The PRESIDENT: Member, there is only one person on their feet and that is Hon Robin Chapple. He does not need any assistance.

Hon ROBIN CHAPPLE: Thank you, Madam President. I will make the point that it was not tabled in that fashion. I will read the answer so it can go into *Hansard*. It states —

> 1. The Department of Primary Industries and Regional Development is contributing an in-kind contribution of $1.881 million over three years to the Commonwealth Cooperative Research Centre (CRC) Project, Developing sustainable cropping systems for cotton, grains and fodder.
>
> 2. The scope of the project is to:
>
> - Develop a robust cotton management system for well drained soils that can respond to intra-seasonal climate variability, produce reliable yield and quality with input requirements quantified. This includes a modelling capacity to assess investment feasibility and production risks;
> - Identify double cropping options and production challenges, including crop species selection, managing crop transitions, pre-emptive plant protection, tillage and water requirements;
> - Identify, trial and develop complementary crop species genetics, agronomy and rotational requirements for chia, millet, sorghum, corn, chickpea, mungbean, quinoa and others;
> - Develop and extend best management practices for growers and other industry partners; and
> - Explore risk management options for biosecurity and other impacts on selected northern crops.
>
> 3. The reporting requirements are with the CRC for Developing Northern Australia and are based on achieving defined milestones.
>
> 4. The first report was due in January, 2018 and has been delivered.
>
> 5. No. Release of the report will require approval of the Northern Australia Crop Research Alliance and the CRC for Developing Northern Australia.
>
> 6. Supporting the growth of Aboriginal Agriculture, including the development of bush foods, nutraceutical and pharmaceutical markets is a major priority for the Department of Primary Industries and Regional Development.
>
> Through both the Pilbara and Kimberley Development Commissions, we are working closely with Aboriginal pastoral estate and other Aboriginal stakeholders to progress bush food harvest opportunities.

The reason I have read that in is so the answer is on the parliamentary record. We have been through quite a lengthy process to figure out how to do this, and this is my only opportunity to make sure that the answer is recorded in *Hansard*.

Hon Alison Xamon: Would you like to table the paper, member?

Hon ROBIN CHAPPLE: I seek leave to table the question and answer.

Leave granted. [See paper 1415.]

House adjourned at 9.59 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HOMELESSNESS SERVICES — FUNDING

1100. Hon Alison Xamon to the Leader of the House representing the Minister for Community Services:

I refer to my question on notice No. 513, and the document tabled by the Minister showing the breakdown of joint State/Commonwealth funded homelessness services, and I ask:

(a) can the Minister please advise if all of the services listed in the tabled document accept transgender clients;

(b) if no to (a), which services do not accept transgender clients; and

(c) if any of the services do not accept transgender clients, on what basis does the Government allow them to discriminate?

Hon Sue Ellery replied:

(a) All specialist homelessness services funded by the Department of Communities (Communities) are contracted to provide services appropriate and accessible to all Western Australians, including Aboriginal and Torres Strait Islander people, and people from culturally and linguistically diverse backgrounds, people with disability and people with diverse sexuality and gender identity.

Should Communities be made aware of a situation where a service provider discriminates on the basis of culture, race, disability or sexuality, Communities will follow up with the relevant service provider to address and resolve the issue.

(b) Not applicable.

(c) Not applicable.

MENTAL HEALTH — "LEARNINGS FROM THE MESSAGE STICK: THE REPORT OF THE INQUIRY IN ABORIGINAL YOUTH SUICIDE IN REMOTE AREAS"

1101. Hon Alison Xamon to the parliamentary secretary representing the Minister for Mental Health:

I refer to the report *Learnings from the message stick: The report of the Inquiry in Aboriginal youth suicide in remote areas* tabled by the Standing Committee Education and Health of the Legislative Assembly in November 2016, and I ask:

(a) was a Government Response made to this report;

(b) if yes to (a), please table the Government Response;

(c) if no to (a), why not; and

(d) what progress has the Government made towards implementing the recommendations of this report?

Hon Alanna Clohesy replied:

I am advised that:

(a) The Department of the Premier and Cabinet (DPC) was given responsibility for compiling a whole-of-government response to the report, Learnings from the message stick: The report of the Inquiry in Aboriginal youth suicide in remote areas (the Report). The development of this response is in progress.

(b)–(c) The DPC are consolidating the revised submissions made in February 2018 by the relevant agencies for a whole-of-government response to the Report. The draft response will be circulated for confirmation by each contributing agency before providing to Government for consideration and finalising.

(d) Not applicable.

BANKSIA HILL DETENTION CENTRE — YOUNG PEOPLE ACCOMMODATION

1102. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to young people accommodated at Banksia Hill Juvenile Detention Centre, and I ask:

(a) how many young people are currently in Banksia Hill Detention Centre;

(b) of the young people in (a), how many are in Banksia Hill Detention Centre because there is no appropriate accommodation available for them to be released on bail; and

(c) of the young people in (a), how many are in Banksia Hill Detention Centre because there is no appropriate accommodation for them to be released on a supervised release order?

Hon Stephen Dawson replied:

The Department of Justice advises that as at 23 April 2018 there were:

(a) 149 young people at Banksia Hill Detention Centre.

(b) two young people with bail who did not have suitable accommodation.

(c) three young people at Banksia Hill whose Supervised Release Order had been deferred due to their not having a viable accommodation placement upon release.

YOUNG OFFENDERS ACT — REVIEW

1103. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to the review of the *Young Offenders Act 1994*, and to the response to my question of 6 September 2017, and I ask:

(a) would the Minister please advise the current status of the review;

(b) will further consultation be undertaken as part of the review given the Machinery of Government changes;

(c) if yes to (b), who will be consulted;

(d) when is it anticipated the review will be finalised; and

(e) when is it anticipated the findings of the review will be made public?

Hon Stephen Dawson replied:

(a)–(e) The review of the *Young Offenders Act 1994* is currently on hold pending the outcome of Machinery of Government changes that may impact on the future of the Act.

BANKSIA HILL DETENTION CENTRE — SELF-HARM AND ATTEMPTED SUICIDES

1104. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to Banksia Hill Detention Centre, and I ask:

(a) how many incidents of self harm were there in:

  (i) 2017; and

  (ii) 2018 to date; and

(b) how many attempted suicides were there in:

  (i) 2017; and

  (ii) 2018 to date?

Hon Stephen Dawson replied:

(a) (i) 182.

  (ii) 72 as at 11 April 2018.

(b) (i) 5.

  (ii) none as at 11 April 2018.

CHILD PROTECTION — YOUNG PARENTS IN CARE

1105. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection:

I refer to the *National Children's Commissioner's Children's Rights Report 2017*, and specifically to Recommendation 16 regarding the collection of data on young people receiving child protection and care services who have children, and I ask:

(a) how many young people in the care of the CEO are parents;

(b) how many children of young people in the care of the CEO are themselves in the care of the CEO;

(c) how many of the young parents from (a) are:

  (i) in foster care; and

  (ii) in a foster care arrangement that includes both the young parent and their child/children;

(d) of the young parents from (a), who are not in foster care, please advise:

  (i) the type of care arrangement each young parent is in; and

  (ii) whether their child/children is in the same care arrangement;

(e) does the department deliver any targeted interventions to support young parents in the care of the CEO;

(f) if yes to (e), please provide information about any specific interventions provided; and

(g) if no to (f), why not?

Hon Sue Ellery replied:

(a) As at 12 April 2018, 15 young people in care are parents.

(b) As at 12 April 2018, four children of young people in the care of the CEO are themselves in the care of the CEO.

(c) (i) One young person is currently placed with a family carer.

(ii) There are no placements which include both the young parent and their child.

(d) The young parents are living in the following care arrangements:

(i) One in detention

Five in independent living

Three with a parent or guardian

One in residential care

Four in self-selected placements

(ii) There are no children living in the same care arrangement.

(e) Yes

(f) The following targeted services are available to young vulnerable parents, including parents in the care of the CEO:

The **Best Beginnings Plus** service is delivered as part of **Intensive Family Support** teams. The service is an earlier intervention, intensive home visiting program that works alongside families with unborn babies or infants at risk of neglect and/or abuse. Priority access to the service is provided for children in the care of the CEO who are parents or expectant parents where there has been an assessment which indicates harm or risk of harm to the child.

The Department of Communities provides funding to community sector organisations to deliver the following services:

Support for Young Women Leaving Care, provided by Parkerville Children and Youth Care Inc (Parkerville) – provides medium term accommodation and support for up to eight young women (16 to 25 years) leaving child protection, including young women with children; and

Parkerville's Penny Jones service – provides medium term accommodation and support to young women (aged 15 to 25 years) who are single and/or pregnant and are homeless or at risk of homelessness;

Anglicare WA YES Housing service – provides support to young people including young parents aged 16 to 25 years in Housing Authority properties;

Anglicare WA Foyer Oxford service – provides support for up to 98 young people, including 24 young parents. Twenty per cent of placements to this service is prioritised for young people in care or those previously in the care of the CEO.

(g) Not applicable.

COURT SECURITY AND CUSTODIAL SERVICES CONTRACTOR'S TRAINING — INDEPENDENT REVIEW

1106. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to Report 23 of the Standing Committee on Environment and Public Affairs, *Inquiry into the Transportation of Detained Persons*, and to Recommendation 7: 'The Committee recommends that the Department of Corrective Services continues to engage an independent consultant to review the CSCS contractor's training on an annual basis', and I ask:

(a) does the Department of Justice currently engage an independent consultant to review the Court Security and Custodial Services (CSCS) contractor's training;

(b) if yes to (a), will the Minister please table the consultant's last report; and

(c) if no to (a) and (b), why not?

Hon Stephen Dawson replied:

The Department of Justice advises:

(a) A training review has been scoped following the completion of the first service year of the Broadspectrum Contract and an independent consultant will be engaged to undertake the review.

(b) No previous review has been undertaken as the Contractor commenced service on 24 March 2017.

(b) Not applicable.

BANKSIA HILL DETENTION CENTRE — YOUNG PARENTS

1107. Hon Alison Xamon to the minister representing the Minister for Corrective Services:

I refer to young parents held in Banksia Hill Detention Centre (Banksia Hill), and I ask:

(a) how many of the young people currently in Banksia Hill are parents;

(b) how many parents were held in Banksia Hill in:

(i) 2015–2016; and

(ii) 2016–2017;

(c) does the Department of Justice provide specific assistance to detained young parents to support their relationship with their child/children and to help them maintain regular contact with their child/children;

(d) if yes to (c), please provide information about the assistance provided including a copy of any policies that cover specific support provided to detained young parents;

(e) does the Department of Justice provide any parenting programs for detained young parents;

(f) if yes to (e), please advise the content and duration of any programs; and

(g) if no to (e), why not?

Hon Stephen Dawson replied:

The Department of Justice advises:

In relation to parts (a)–(b)(ii):

The data requested is not recorded either electronically or manually and the Department of Justice is unable to extract this from the relevant database.

(c) Yes.

(d) Banksia Hill Detention Centre (BHDC) supports all family visits; including visits with detained young people and their child/children. Senior Case Managers located at BHDC liaise with Case Managers from the Department of Communities to seek their approval and support to facilitate in-person family visits to the Centre in an effort to foster and strengthen the relationship the young person shares with their child. This is acknowledged as a protective factor for the young person and is a critical element to the through care process ensuring a smoother transition into the community. The Case Manager from the Department of Communities can arrange transport for the child and care-giver if this has been identified as a potential barrier which would prevent the visit from occurring.

For regional young people who are parents, the Senior Case Managers liaise with the allocated Youth Justice Officer or catchment area to arrange a video link to support and maintain the relationship.

Senior Case Planning Managers adhere to Standing Order 42 (See attached). This provides the procedures for the assessment and case management of detainees at BHDC. Case management coordinates a range of resources and services to:

empower detainees and their families to take an active role in developing achievable plans for their future

build on identified strengths to assist in developing pro-social lifestyles

support the detainee to maintain positive relationships with their family and significant others

re-establish and strengthen links with the community with respect to their cultural background.

address the detainee's offending behaviour and provide opportunities for the successful re-entry to the community.

(e) No.

(f) Not applicable (see part e answer).

(g) In the recent tender process for external programs, the consortiums successful in the tender process do not deliver parenting programs.

EMERGENCY SERVICES — FIRE MANAGEMENT — UNALLOCATED CROWN LAND

1110. Hon Dr Steve Thomas to the minister representing the Minister for Emergency Services:

(1) Who is responsible for fire management and ongoing maintenance and fire mitigation activities on unallocated crown land in Western Australia?

(2) What is the specific budget allocation to the fire management of unallocated crown land in Western Australia and from what department budget(s) is this funding sourced?

(3) What role do local governments in Western Australia undertake in the fire management of unallocated crown land and what funding mechanisms are provided to local governments from the State?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

(1) DFES, on behalf of the Department of Planning, Lands and Heritage (DPLH), undertakes fire risk management on unallocated crown land (UCL) and unmanaged reserves (UMR) within the metropolitan area, regional centres and town sites. The Department of Biodiversity, Conservation and Attractions, Parks and Wildlife Service (PWS) manage bushfire risk on UCL and UMR outside of these areas under formal arrangements with DPLH.

(2) DFES receives funding from DPLH to undertake responsibilities outlined in question 1.

As part of the 2018–19 budget, $34.6 million has been allocated over the forward estimate period towards bushfire mitigation on crown land. The percentage of bushfire mitigation funding towards unallocated Crown land from this additional funding is yet to be determined. This additional funding will be administered by DFES. PWS will be able to provide advice on their arrangements with DPLH.

(3) Local governments (LG), in partnership with DFES under the Bushfire Risk Management Planning initiative, undertake tenure blind assessment of bushfire risk. DFES liaises with LG's during the process of assessing and treating UCL/UMR, and where a LG has the equipment and resources to undertake the required treatment works, DFES will engage them as a contractor.

Mitigation Activity Fund (MAF) funding is available to local governments with an Office of Bushfire Risk Management (OBRM) endorsed BRM Plan and can be utilised on Crown lands that are identified as having a high bushfire risk.

ABORTION — BROOME HOSPITAL

1113. Hon Nick Goiran to the parliamentary secretary representing the Minister for Health:

I refer to the addition of Broome Hospital as an approved facility under the provisions of the *Health (Miscellaneous Provisions) Act 1911* (the Act) to perform abortions at 20 weeks or more of pregnancy, and I ask:

(a) when was Broome Hospital given approval by the Minister under the Act;

(b) who requested the Minister to give approval under the Act;

(c) what were the grounds on which that approval was given;

(d) for each year, including the year in which approval was first given, how many abortions at 20 weeks or more of pregnancy have been performed at Broome Hospital; and

(e) have any hospitals in addition to King Edward Memorial Hospital and Broome Hospital ever been approved under the provisions of the Act to perform abortions at 20 weeks or more of pregnancy?

Hon Alanna Clohesy replied:

I am advised that:

(a) Approval was provided to Broome Hospital on 11 January 2017.

(b) WA Country Health Service Executive requested the approval. An initial request for consideration came from two Kimberley Regional Obstetricians and Gynaecologists.

(c) The request was made to the Minster on the grounds that prior to Broome Hospital's approval under the Act, women requiring termination of pregnancy at or over 20 weeks gestation needed transfer to King Edward Memorial Hospital. In the Kimberley, the most common reason for termination at this gestation was for pre-viable early rupture of placental membranes and severe infection. This required two RFDS plane trips to reach Perth, and the delay in performing the termination placed the woman's life in considerable danger. A small number of terminations were for severe fetal abnormalities, which meant for Aboriginal women they had to deliver 'off country' which they found culturally unsafe and made the situation even more distressing.

(d) Less than 5.

(e) No.

MINISTER FOR EDUCATION AND TRAINING — PUBLIC OPENINGS INVITATION PROTOCOLS

1114. Hon Martin Aldridge to the Minister for Education and Training:

I refer to question on notice No. 832, answered on 10 April 2018, and I note the Shadow Minister for Education was invited to numerous school openings in Geraldton as early as 23 January 2018 and local Members representing the Legislative Council were notified of the Minister's visit on 14 February 2018 ahead of the visit on 15 February 2018, and I ask what is the Minister's office, or the Department of Education's procedure or protocol for inviting local Members of Parliament to official public openings such as these?

Hon Sue Ellery replied:

The Department of Education has guidelines for the *Official Opening of School Buildings* which give principals the authority to organise a ceremony at which an official opening will take place. This includes issuing invitations to interested parties such as local Members of Parliament.

As much notice as possible is given of an opening but, when one occurs close to the beginning of a new school year, principals are not always in a position to make timely arrangements due to the summer vacation period.

As a matter of courtesy, the Minister for Education and Training extends invitations to the Shadow Minister for Education.

TRANSPORT — HARRIET POINT AGREEMENT

1116. Hon Martin Aldridge to the minister representing the Minister for Transport:

I refer to question on notice No. 894, answered on 10 April 2018, and I ask, given the Ministers refusal to answer (c) to (d) of the question, when will the Minister fulfil her obligation with respect to section 82 of the *Financial Management Act 2006*?

Hon Stephen Dawson replied:

The Minister has signed a notification to the Auditor General and both Houses of Parliament.

EDUCATION AND TRAINING — SCHOOL BUDGET REVIEW COMMITTEE

1118. Hon Martin Aldridge to the Minister for Education and Training:

I refer to question on notice No. 1053, answered on 10 April 2018, and I ask:

(a) what amount of funding is allocated to the School Budget Review Committee (SBRC) in 2018;

(b) for what purpose can funding be allocated by the SBRC; and

(c) which schools have received funds from the SBRC in 2018 and for what purpose?

Hon Sue Ellery replied:

(a) $6.5 million.

(b) The SBRC considers requests for additional funding when a school cannot operate within its budget under the following criteria:

the one-line budget imbalance was caused by factors outside the school's control (eg significant increase in enrolments);

all available local options have been exhausted in an attempt to resolve the situation; and

the school has accessed support from a Principal Advisor, Student-Centred Funding, and still is unable to operate within its total one-line budget.

(c) As at 30 April 2018:

School	**Purpose**
Butler College	Support toward maintaining a balanced budget and to create leadership and management structures commensurate for secondary schools with specialist inclusion facilities.
Central Midlands Senior High School	Additional funding due to three Year 11 students withdrawing from the school as a result of the closure of Moora Residential College at the end of 2018.
Dardanup Primary School	Request for additional funds to maintain a balanced budget and not exceed maximum class sizes.
Kinross College	Additional funding to cover duplicate charging of the principal's salary, while on leave.

Moorditj Noongar Community College	Additional support to maintain a balanced budget due to the specialised nature of the school.
Rivergums Primary School	Additional funding to maintain a balanced budget due to the growth rate in student enrolments being lower than originally projected.
Southern Grove Primary School	Additional funding to maintain a balanced budget while establishing the new school
Woodbridge Primary School	Funding approved to assist with significant enrolment growth the school has experienced

MINISTER FOR YOUTH — MOORA VISITS

1134. Hon Martin Aldridge to the minister representing the Minister for Youth:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

(a) No.

(b) Not Applicable.

(c) The Minister's travel plans for the next 12 months are not yet finalised.

MINISTER FOR VETERANS ISSUES — MOORA VISITS

1135. Hon Martin Aldridge to the minister representing the Minister for Veterans Issues:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question on Notice 1134.

MINISTER FOR HOUSING — MOORA VISITS

1136. Hon Martin Aldridge to the minister representing the Minister for Housing:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question on Notice 1134.

MINISTER FOR LANDS — MOORA VISITS

1137. Hon Martin Aldridge to the minister representing the Minister for Lands:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

Refer to Legislative Council Question on Notice 1139.

MINISTER FOR PLANNING — MOORA VISITS

1138. Hon Martin Aldridge to the minister representing the Minister for Planning:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

Refer to Legislative Council Question on Notice 1139.

MINISTER FOR TRANSPORT — MOORA VISITS

1139. Hon Martin Aldridge to the minister representing the Minister for Transport:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

The Minister visited the Wheatbelt on 25 January 2018 to inspect roadworks and meet with local shires as part of the McGowan Government's record investment in regional roads.

The Minister will continue to visit the regions on a regular basis as she has done throughout the last year.

MINISTER FOR ABORIGINAL AFFAIRS — MOORA VISITS

1149. Hon Martin Aldridge to the minister representing the Minister for Aboriginal Affairs:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

(a)–(c) Please refer to answer for Legislative Council Question On Notice 1152.

MINISTER FOR ENERGY — MOORA VISITS

1150. Hon Martin Aldridge to the minister representing the Minister for Energy:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

(a)–(c) Please refer to answer for Legislative Council Question On Notice 1152.

MINISTER FOR FINANCE — MOORA VISITS

1151. Hon Martin Aldridge to the minister representing the Minister for Finance:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

(a)–(c) Please refer to answer for Legislative Council Question On Notice 1152.

TREASURER — MOORA VISITS

1152. Hon Martin Aldridge to the minister representing the Treasurer:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

(a) No. The Minister, in his capacity as the Treasurer; Minister for Finance; Energy; Aboriginal Affairs, has not travelled to Moora on official business 11 March 2017 – 12 April 2018.

(b) Not applicable.

(c) The Minister regularly travels to the Wheatbelt region but such trips are often planned closer to the date of travel.

MINISTER FOR CULTURE AND THE ARTS — MOORA VISITS

1157. Hon Martin Aldridge to the Leader of the House representing the Minister for Culture and the Arts:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Sue Ellery replied:

As at 12 April 2018;

(a) No. However, discussions were had informally with the elected members from Moora Shire at the Wheatbelt Conference 2018 at Jurien Bay on Thursday 5 April 2018.

(b) Not applicable.

(c) No scheduled visits at this time.

MINISTER FOR HERITAGE — MOORA VISITS

1158. Hon Martin Aldridge to the Leader of the House representing the Minister for Heritage:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Sue Ellery replied:

(a)–(c) Please refer to Legislative Council question on notice 1157.

MINISTER FOR LOCAL GOVERNMENT — MOORA VISITS

1159. Hon Martin Aldridge to the Leader of the House representing the Minister for Local Government:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Sue Ellery replied:

(a)–(c) Please refer to Legislative Council question on notice 1157.

MINISTER FOR CORRECTIVE SERVICES — MOORA VISITS

1160. Hon Martin Aldridge to the minister representing the Minister for Corrective Services:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

Please see Legislative Council Question on Notice number 1161.

MINISTER FOR EMERGENCY SERVICES — MOORA VISITS

1161. Hon Martin Aldridge to the minister representing the Minister for Emergency Services:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Stephen Dawson replied:

(a) The Minister had the pleasure of travelling to Moora on May 3, 2018.

(b) The visit was to meet with local emergency services volunteers and shire representatives to discuss the announced Rural Fire Division.

(c) It was a positive response to the new direction in bushfire management and the Minister looks forward to visiting the area again.

MINISTER FOR MENTAL HEALTH — MOORA VISITS

1164. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Mental Health:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alanna Clohesy replied:

(a)–(c) Please refer to Legislative Council Question on Notice 1166.

MINISTER FOR HEALTH — MOORA VISITS

1165. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Health:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alanna Clohesy replied:

(a)–(c) Please refer to Legislative Council Question on Notice 1166.

DEPUTY PREMIER — MOORA VISITS

1166. Hon Martin Aldridge to the parliamentary secretary representing the Deputy Premier:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alanna Clohesy replied:

(a) No.

(b) Not applicable.

(c) No.

ABORIGINAL HERITAGE ACT 1972 — REGISTER OF ABORIGINAL SITES

1179. Hon Robin Chapple to the minister representing the Minister for Aboriginal Affairs:

(1) Will the Minister outline the strategic approach employed to resolve the backlog of sites, including the set of criteria to determine which site to give greater priority to be assessed than others, and based on level of risk/threat of damage?

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

(3) Is there a program, or will the Minister establish a program, to promote a series of projects to undertake heritage management or thorough recording (in association with key stakeholders, such as industry and universities) to strengthen the relevance and integrity of the Register in accordance with the intent and purpose of the *Aboriginal Heritage Act 1972*?

(4) If no to (3), why not?

(5) Is there a project, or will the Minister establish a project, to review, record and critically analyse sites, such as Mundee Swamp or similar sites to ascertain the breadth and consistency of Aboriginal belief systems and traditions, with the aim of qualifying and defining the features/criterion for the application of section 5 of the *Aboriginal Heritage Act 1972*?

(6) If no to (5), why not?

(7) Are there plans to employ a qualified archivist/librarian who is cognisant of the *State Records Act 2000* and can organise and assist with the maintenance of hard and digital databases?

(8) If no to (7), why not?

(9) Is the 'AHELP' database completed?

(10) If no to (9), why not and what are the plans to enable the completion?

(11) What has the department undertaken to advance and/or promote the intent and purpose of the *Aboriginal Heritage Act 1972*?

(12) What outcomes have been delivered that demonstrate protection and preservation of places to which the *Aboriginal Heritage Act 1972* applies, in 2016–2017?

(13) What measures is the department taking to ensure the accuracy and integrity of the Register of Aboriginal Sites?

(14) Does the Register of Aboriginal Sites comply with the *State Records Act 2000*?

(15) If no to (14), why not?

(16) Is the Minister satisfied that a sound policy framework has been developed in relation to section 5b of the *Aboriginal Heritage Act 1972* in response to the Chaney ruling?

(17) If yes to (16), why are there 11 of the 35 places still pending?

(18) What is the the expected timeframe for assessment of a place based on averages of places assessed monthly by the Aboriginal Cultural Materials Committee (ACMC)?

(19) How does this compare to the assessment timeframe for the 35 places still pending, and can the discrepancy be explained?

(20) What is the current advice from the State Solicitors Office (SSO) regarding the interpretation of section 5b of the *Aboriginal Heritage Act 1972* given that the department previously stated that advice had been sought in response to the Chaney ruling to supersede the Mitchell advice?

(21) Will the Minister table the current advice provided by the SSO?

(22) If no to (21), why not?

(23) In the absence of a specialist Anthropologist either within the department or on the Aboriginal Cultural Material Committee (ACMC), how is the ACMC able to confidently determine significance and importance in relation to section 5b of the *Aboriginal Heritage Act 1972*, given the Chaney ruling demonstrated the failure of both the department and the ACMC to accurately interpret the *Aboriginal Heritage Act 1972*?

(24) Will the department and/or ACMC clarify the current criterion used to determine consistency with Aboriginal tradition, in addition to importance and significance in relation to section 5b of the *Aboriginal Heritage Act 1972*?

(25) If no to (24), why not?

(26) If yes to (24), will the department advise how the criterion were developed, and by whom?

(27) If no to (26), why not?

Hon Stephen Dawson replied:

(1)–(2) The Department of Planning, Lands and Heritage (DPLH) continues to process lodged places for assessment by the Aboriginal Cultural Materials Committee (ACMC) subject to available resources and existing priorities. Potential sites subject to an identified risk/threat are prioritised to progress to the ACMC where considered appropriate.

(3)–(4) DPLH receives new information on existing Aboriginal heritage places and Aboriginal sites regularly and reviews on an ongoing basis the information on the Register to improve its integrity, including undertaking field inspections of sites with Traditional Owners.

(5)–(6) DPLH and ACMC continue to apply section 5(b) of the *Aboriginal Heritage Act 1972* in accordance with the decision in *Robinson v Fielding*.

(7) No.

(8) DPLH meets the requirements of the *State Records Act 2000* including in relation to the Register of Aboriginal Sites.

(9)–(10) Yes. In addition, DPLH carries out system enhancements on an as required basis.

(11) DPLH continually promotes the Aboriginal Heritage Act and its understanding and intent through ongoing engagement with stakeholders.

(12) DPLH provides funding to Aboriginal organisations through the 'Preserving Our Aboriginal Sites' grants program. In 2016–17, funding was provided to 13 organisations to complete works associated with the preservation of more than 22 sites. In addition, DPLH has an ongoing investigation, audit and education program for registered sites.

(13) Refer to parts (3)–(4).

(14)–(15) Yes.

(16) Yes.

(17) Five places remain to be reassessed. Two are on hold at the request of the Traditional Owners or Representative Body. The remaining three are being progressed.

(18)–(19) The assessment of a place relies on an external consultation and comment process, the timeframes for which vary according to place.

(20)–(22) Any legal advice is subject to privilege.

(23)–(27) DPLH has officers with anthropological qualifications, and DPLH and ACMC ensure compliance with the decision in *Robinson v Fielding* in relation to the application of the Aboriginal Heritage Act.

LEGAL AFFAIRS — CRIMINAL PROPERTY CONFISCATION GRANTS PROGRAM

1203. Hon Alison Xamon to the Leader of the House representing the Attorney General:

I refer to the $2 million drawn from the Criminal Property Confiscation Grants fund, and I ask:

(a) has agreement been reached regarding the distribution of the outstanding balance from the $2 million;

(b) if yes to (a):

(i) which organisations will receive funds and how much will each organisation receive;

(ii) who was consulted in this decision making; and

(iii) when will the money be distributed; and

(c) if no to (a), why not?

Hon Sue Ellery replied:

(a) No.

(b) Not applicable.

(c) The distribution of funds will be made following tripartite discussions involving the Department of Justice, Legal Aid WA and the Community Legal Centres Association (WA). These discussions are expected to take place shortly as the new Director of Legal Aid only commenced on 7 May 2018. The $2 million allocation is applicable to the 2018/19 financial year.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — TREASURY AND DEPARTMENT OF FINANCE — GRANT ADVICE

1243. Hon Tjorn Sibma to the minister representing the Minister for Finance:

(1) Did the Treasurer/Minister receive any written or verbal advice from Treasury and the Department of Finance, both prior to and since the machinery of government changes of July 2017, regarding grants/funding made available through the Local Projects Local Jobs scheme in the 2016–2017 and 2017–2018 financial years?

(2) If yes to (1), what was that advice?

Hon Stephen Dawson replied:

(1)–(2) Please refer to Legislative Council question on notice 1244.

LOCAL PROJECTS, LOCAL JOBS PROGRAM — TREASURY AND DEPARTMENT OF FINANCE — GRANT ADVICE

1244. Hon Tjorn Sibma to the minister representing the Treasurer:

(1) Did the Treasurer/Minister receive any written or verbal advice from Treasury and the Department of Finance, both prior to and since the machinery of government changes of July 2017, regarding grants/funding made available through the Local Projects Local Jobs scheme in the 2016–2017 and 2017–2018 financial years?

(2) If yes to (1), what was that advice?

Hon Stephen Dawson replied:

(1) Yes, the Department of Treasury provided advice.

(2) The Department of Treasury provided advice on the Local Projects Local Jobs program to the Expenditure Review Committee as part of the 2017–18 Budget and Mid-year Review processes on the timing and allocation of funding to agencies' budgets.

TREASURY AND FINANCE — FUNDING — SOUTH WEST REGION

1316. Hon Colin Holt to the minister representing the Treasurer:

In the *Bunbury Herald* on 15th May 2018 the Member for Collie– Preston, Mr Murray, said the funding announced for the South West was an improvement for the region compared to previous budgets. "The $406 million, that is almost half a billion dollars for the South West, that makes up for four years when previously under Royalties for Regions we missed out badly," he said. Will the Minister please provide a breakdown of all expenditure that makes up this $406m dollars as quoted by Mr Murray?

Hon Stephen Dawson replied:

The figures in Table 1 are based on asset investment data provided by agencies at the time of the 2018–19 Budget cut-off. These estimates understate the total asset investment in the region as they exclude spending that is part of broader whole-of-State programs or where projects cannot be attributed to a particular region.

Table 1: Asset Investment Program Expenditure – South West Region

Agency	**2018–19 to 2021–22** *$'000*
Bunbury Water Corporation	13,000
Busselton Water Corporation	12,359
Commissioner of Main Roads	117,978
Department of Biodiversity, Conservation and Attractions	11,531
Department of Education	78,690
Department of Justice	19,158
Department of Primary Industries and Regional Development	6,200
Department of Transport	7,779
Health(1)	1,600
Southern Ports Authority	3,000
Water Corporation(2)	116,796
Western Australia Police Force	8,000
Western Australian Land Authority	2,500
Western Australian Planning Commission	5,400
Western Power Networks	2,089
TOTAL	**406,080**

(1) The Department of Health has advised of an additional $22.2 million of asset investment in the South West region over the period 2018–19 to 2021–22 following the publication of the 2018–19 Budget.

(2) The Water Corporation has advised of an additional $129.8 million of asset investment in the South West region over the period 2018–19 to 2021–22 following the publication of the 2018–19 Budget.