



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2019

LEGISLATIVE COUNCIL

Tuesday, 11 June 2019

Legislative Council

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

VACCINATION — POLICIES

Petition

HON ROBIN SCOTT (Mining and Pastoral) [2.01 pm]: I present a petition containing 776 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

Your petitioners respectfully request to the Legislative Council that it is our will that the members vote against the bringing in of NO JAB NO PLAY OR ANY OTHER COERCIVE OR MANDATORY VACCINATION POLICIES AND ENACTMENTS and that all such policies remain completely voluntary and without any form of coercion. There are to be no financial links or restrictions to employment or educational situations with vaccine mandates in government policies. In addition, all proposals for any policy touching on vaccines are to be completely open and transparent and inclusive with the public in the design of such policies.

[See paper 2759.]

BANKSIA ROAD WASTE FACILITY, DARDANUP — LITHIUM TAILINGS

Petition

HON COLIN HOLT (South West) [2.02 pm]: I present a petition containing 564 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 storage of lithium tailings and associated leachate at the Waste Facility in Banksia Road, Dardanup. The Waste Facility has never been subject to a full EPA Environmental Impact Assessment in its entirety. Long-term and ongoing community concern regarding this waste site is validated by the continuing inability of Cleanaway Waste Management Ltd to control dust emissions, underground water contamination, containment of water on site, and visual amenity within the Ferguson Valley tourism precinct. This proposal poses unacceptable risks to the environment, the community and the economy of the region. The location, topography, and climatic conditions at the site will never safely allow any subsequent removal of stored tailings for repurpose or re-mining.

We therefore ask the Legislative Council to oppose the storage of lithium tailings at this site and recommend that an alternative site is sourced in an area conducive to safe storage, future recovery, targeted research and re-purposing of this resource.

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

[See paper 2760.]

DECLARED PEST — FERAL CATS

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [2.04 pm]: I acknowledge feral cat control is an uncomfortable topic for many who are cat lovers, but we have an obligation to protect our native wildlife. Feral cats kill approximately 272 million birds a year in Australia. Feral cats have been acknowledged as a key threatening process to our native wildlife and are listed as such under the commonwealth Environment Protection and Biodiversity Conservation Act 1999. Feral cats have played a major role in the extinction of at least 27 native mammal species, and are contributing to the decline of many other mammals, birds, reptiles and frogs across Australia.

Given the clearly documented impact of feral cats on our native wildlife, I have approved the declaration of feral cats as a declared pest under section 22(2) of the Biosecurity and Agriculture Management Act 2007. The declaration will take effect once published in the *Government Gazette*, which will occur shortly. The declaration of feral cats means landholders are responsible for controlling feral cats on their land. Recognised biosecurity groups can implement landscape-wide management programs to manage the impacts of feral cats on native wildlife. These programs can be funded through the declared pest rate, which is matched by state government funding.

DEPARTMENT OF HEALTH — INFLUENZA AND RESPIRATORY ILLNESS DATABASE*Statement by Parliamentary Secretary*

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [2.06 pm]: I rise to inform members of the house about a new Department of Health initiative to centralise the release of influenza and winter respiratory illness data, but, first, I send my condolences to the families of those who have recently, tragically, died as a result of influenza and winter respiratory illness.

As members know, the 2019 influenza illness season started earlier this year than in previous years. Already, we have seen the result of this with higher than average emergency department presentations. As a result, the Department of Health has developed a weekly fact sheet that will include key data on confirmed influenza cases, hospital presentations and deaths. It will also provide information on vaccination uptake for the national immunisation program. Further, the fact sheet will provide data on emergency department presentations related to winter respiratory illness—that is, influenza and other causes of illness that give clinically similar symptoms on presentation. The fact sheet will be published on the Department of Health’s website news page during the influenza season, and updated each Tuesday afternoon. This resource will be used as a centralised source of data and will be complemented by a question-and-answer sheet covering information on vaccine availability, dominant influenza strains and explanations on data collation and comparison.

Despite the difficulties caused by this unprecedented flu season, I would like to acknowledge the fantastic work that our health staff continue to do for patients in Western Australia. I note that last Tuesday was the busiest day ever at the Fiona Stanley Hospital emergency department, with 383 patients attending, making it the busiest ED of its size in Australia. Over 70 per cent of patients attending were treated within four hours, building on the findings of the Productivity Commission that, under the four-hour rule, Western Australia has the best-performing emergency departments in Australia.

PAPERS TABLED

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

ESTIMATES OF REVENUE AND EXPENDITURE*Consideration of Tabled Papers*

Resumed from 6 June 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 2664A–D (budget papers 2019–20) laid upon the table of the house on Thursday, 9 May 2019.

HON JIM CHOWN (Agricultural) [2.10 pm]: I have given many budget reply speeches in my time here, but on this occasion we might have had a record number of budget reply speeches from the non-government parties. I am not sure of the figures, but there seems to have been a great number, including from the Greens, as opposed to from the government bench.

Early in the McGowan government’s tenure, it had an issue with the validity of statements by a man named Barry Urban, which, when tested, proved to be incorrect. This budget, to some degree, lacks validity in its claim of delivering a surplus. I find that very disappointing, even as an operating surplus, because budgets are important. They are what people, including industry and the community, look at with regard to what services are going to be delivered by government agencies. The government claims that there is a \$553 million surplus. That surplus was lauded loudly by the Treasurer, and certainly by many in the press, as a great outcome for Western Australia—what a great job the McGowan government was doing in controlling expenditure. Expenditure control has, of course, been put in place by this government, at the expense of the community at large.

It is not only me who is of that opinion; Ben Harvey, one of the few journalists in this state who drilled into the budget, came up with the facts and reported them in *The West Australian* of Friday, 10 May. His article states —

“McGowan Government delivers WA an operating Budget surplus” thundered the top line of the first media statement issued by Ben Wyatt yesterday.

Note the persistent use of the word “operating”. “Operating” Budget takes into account the day-to-day running of the Government of WA.

The wages of the State’s nurses, police and teachers, as well as their bandages, bullets and chalk are all “operational” expenses.

What the “operating” Budget doesn’t account for are the costs of building and renovating the hospitals, cop stations and classrooms that those public servants work in.

For the real cost of running WA, you need to look at page four of Budget Paper 3, which notes a deficit of \$1.4 billion in 2018–19, not a surplus of \$553 million, as the press release noted.

I will break from that quote and come back to it. Members would expect a responsible government to make responsible statements about its budget allocations and surpluses. The article continues —

It is not until 2020–21 that the Budget records a real surplus.

That is, there is money left over once every cost is taken into account (including maintaining utilities and capital works projects like Metronet).

What we have is a budget that does not include the state's share of capital funding for major infrastructure promises such as the Ellenbrook rail line, the Joondalup hospital expansion and the King Edward Memorial Hospital for Women relocation. The government has failed to provide sufficient funding to build and operate its Metronet election promises. It is not in the budget and it is not in the out years, but we know that Metronet is going ahead. I will have a question later in the day about the potential costs of operating Metronet. Portions of Metronet should be finished by 2021, and it should be stated in the out years what the operating costs are likely to be, but they do not exist in this budget. It is shameful.

If I were in commercial business and I went to my bank with a budget like this, it would be asking for a lot more detail, because of the lack of detail in the statements I had made either publicly or to my financier. The bank would be calling into question the validity of all the other figures and I would have undermined my own credibility with it. Quite frankly, I think this budget undermines the state government's credibility in the eyes of the Western Australian public. There are no details or allowances in the budget for the ongoing operating costs of Labor's Metronet promises. There are 10 key projects in this budget, for which 50 per cent, or nearly \$3 billion, of the required funding falls beyond the forward estimates. Those 10 projects include the Queen Victoria Street Swan River crossing, the Roe Highway–Great Eastern Highway bypass and the smart freeway project. These are all statements, no funding. There is also the Tonkin Highway corridor upgrades, the new bus replacement program, the level crossing removal program, railcar acquisition, railway infrastructure programs, railcar replacement, and Metronet projects under development.

I do not know how the Treasurer and the Premier can try to appear to have credibility when the funding for these massive infrastructure projects is not stated anywhere in the budget. It is absolutely essential to gold-plated transparency that these issues and infrastructure requirements are stated in the budget, but they are not. I find it very difficult to understand how anyone could go to an election making promises to the community of Western Australia and then fail in its prime objective of bringing the budget into surplus and paying down state debt. Quite frankly, state debt is not going down; it is going up. Then the government comes out this year and states that it has an operating surplus that, in reality, does not exist.

I return to where I started this conversation today, with regard to the Urban myth. That philosophy seems to have permeated through this government. I was reminded the other day of the wonderful Italian saying: a fish rots from the head down. Maybe that is happening with this government. The Labor government needs to have a very good look at itself, especially in light of the federal election. The Leader of the Opposition, Hon Peter Collier, talked recently about the Premier's role in ensuring that Labor lost in this state. It targeted five federal seats and got absolutely thrown out the door. I hope that in the remaining years of this government, before the next election, the Premier and his ministers step up to the plate and become honourable, as their titles would suggest, and serve the people of Western Australia appropriately and in an honest and open manner, because that is not happening. That is evident in this budget.

Let us look at the Premier's pre-election mantra—the jobs manifesto. He promised 50 000 new jobs and then just after Christmas made a statement that he would commit to 150 000 new jobs by 2023. He made a \$3 billion commitment to job-creating capital expenditure, which has been pushed out beyond the forward estimates. Why? This state has an unemployment rate of 6.9 per cent—the highest in 22 years. What a great endorsement for a Labor government that went to the election promising jobs. The unemployment rate has increased dramatically and substantially at the cost of small business.

“Shifty Shorten” has nothing on this government, and if members opposite really think that the Western Australian public is not observing closely, be it on their heads at the next election. In fact, the state's economy slipped into recession for the first six months of this financial year, and is still there, but what is the government focusing on? State debt repayment. Hon Simon O'Brien made a very good statement at the last sitting of the house, when he was challenged on state debt from the previous coalition government. He said the previous government had done these things because the previous Labor government had done absolutely nothing. I stand corrected: it built a railway line to Mandurah, and paid for that railway line with a surplus of \$1.5 billion in one year. When the Liberal–National government inherited an infrastructure deficit that needed to be rectified for the benefit of all Western Australians, it got on with the job and accomplished that. Yes, the Premier is right—a house is not usually paid off immediately; it is paid off progressively. That applies to infrastructure as well. Let us forget about this rubbish that the government keeps mentioning about the Liberal Party debt, because it is not resonating in the community. Look at what people are saying on Facebook. They are starting to understand what the previous government accomplished on their behalf, and why there was a state debt of \$32 billion when the present government

took over. However, they more than appreciate the fact that they have a very good education system; a hospital system that was operating beautifully until the present government came to power; and a transport system that included the Perth–Darwin freeway, which I am sure that the Premier will open and pretend that he accomplished it.

Hon Tjorn Sibma: That is not like him.

Hon JIM CHOWN: It is not like him; I agree. He has to be seen to be achieving something.

A number of transport issues were put in train, including the Forrestfield–Airport Link, which is now under the control of the present government, and is likely to blow out by hundreds of millions of dollars. Its opening will be delayed by at least 12 months due to incompetent management. Apart from paying down state debt, what is the next major accomplishment of this government? What is it trying to achieve? It has been on about Metronet for many years, and that is getting underway.

Hon Darren West interjected.

Hon JIM CHOWN: I am sorry, Madam President, did I hear something? Obviously not.

The Metronet project is one of the landmark policies of this government. It talks about building a world-class public transport system, but in reality it is not that at all. Metronet is about extending previous railway lines—an extension of the Thornlie spur to Cockburn; an extension to the Joondalup line from Butler to Yanchep; an extension to the Armadale line to Byford; a new spur from the Midland line to Ellenbrook—and rectifying a few level crossings. One of the prime parts of Metronet, now adopted by the McGowan government, is the Forrestfield–Airport Link, which was designed and partially funded—certainly all the design, discovery and geotechnical work—by the previous government. This government’s Metronet project is really just an extension of what the former government commenced.

At this stage in the life of the McGowan government, it cannot claim a lot of new infrastructure projects as its own, and I have yet to see anything in the budget that states that there will be. The budget speech mentioned a new maternity hospital, with a little bit of funding for some sort of pilot program, but there is nothing concrete about that intention, and no concrete budget allocation. On the record of this government, I would suggest to everybody that until we see something concrete—hundreds of millions of dollars if not \$1 billion—for a new maternity hospital, let us wait and see whether it really does eventuate, because this government really does not have any transparent, gold-plated responsibility. It is just a con, quite frankly, and it is an absolute shame.

I heard a talkback radio commentary about Labor’s loss at the recent federal election, when the Liberal–National coalition was returned to government. The commentator said that he thought that this was going to happen, because Bill Shorten was not engaging with the public. “Shifty Shorten” had too much on his plate. He was trying too hard to win people over with left-leaning policies. The commentator said that here in Western Australia we have an old-fashioned Labor government. I agree totally—we have an old-fashioned Labor government under Mr McGowan in this state. If we look at the history of previous Labor governments, it is a factual statement that they have done nothing to enhance the quality of life in this state at all. We have the highest unemployment rate in the country, thanks to the McGowan government.

Small business is suffering. Small businesses contribute \$48 billion a year to the state’s economy and employ 492 000 people, or 41 per cent of the state’s workforce. The small business sector accounts for 97 per cent of businesses in this state, and 67 per cent of them are mum-and-dad businesses. The vast majority of them are family businesses. In the first two years of this government, 29 000 small businesses with between one and 19 employees went out the door—went broke. That is a shame. It is absolutely atrocious. The economy and the community are suffering from the lack of policies on the part of this government to lift the employment rate, and to give people surplus money to go out and spend in those small businesses or engage their services. Why is this? It is because the government has taxed them out of existence. It has increased the power to the point where wage earners do not have any surplus money. These are meant to be the Labor Party’s people, and the government ignores them totally, and for what? I do not understand it—nobody does. The cost of water has gone through the roof, yet the usage of water is decreasing every year. Why is that? Of course, the government is now reaping the benefit of those ridiculous, draconian, and mean policies to try to justify a budget surplus that really does not exist. As I said, the result is to send 29 000 small businesses bankrupt in the first two years of this government. They are on their knees, wondering how they are going to exist financially. People cannot get a job because we have the highest unemployment rate in the nation. That is atrocious. It is nothing to be proud of. I welcome this government putting in place policies and spending some money to encourage people, to give the economy a bit of a lift and to ensure that in future years we do not have the highest unemployment rate in this great nation of ours.

McGowan made a big song and dance about the bill that went through this place to freeze our wages. The increase in public servants’ wages has been frozen at—what is it, Hon Tjorn Sibma?—\$1 000 per annum. This is all about budget rectification. We all have to do our bit. We all have to toe the line. The former Liberal–National government transformed this state, brought it into the twenty-first century and made it a great place to live. We all have to suffer. The government has frozen wages. It had a redundancy program in the public service for 3 000 staff in the name of budget repair. Three thousand public servants were going to be made redundant over time. They were going to get a redundancy payout: “See you later. You’re retired; off you go.” It cost the government \$185 million

to make 3 000 staff redundant, yet in the past two years under this government, the number of full-time equivalents in the public service has increased by 2 300 and is forecast to increase by 3 800 by June 2020. What is happening here? Why did the government pay out \$185 million for a redundancy program for 3 000 public servants while at the same time it is re-employing more? It is bizarre. Does the left hand know what the right hand is doing? No. Who is running this state? Is it the left-wing union or the right-wing union? The Premier is obviously confused, because he is not giving any directions to anybody. I do not know whether the state can afford to entertain this government at the next election. Mark my words. Bill Shorten thought he was a shoo-in. The government's attitude is sending the same message. Beware. The government has had a warning—a significant shot across the bow—on this matter.

This government's budget repair priorities are costing every Western Australian household an extra \$865 a year. That is a lot of money when people live from wage to wage. It is a huge amount of money when they have to educate their children. It is a massive amount of money when they do not have it but they have to find it if they want to keep the lights on, flush the toilet and drive their car. The increase in the price of electricity in this budget is at a 13-year low at 1.75 per cent, but that does not defray the increases of the previous two years, which, accumulated, were around 17 per cent. In two years, including in this budget, the price of power alone has been increased by 19 per cent—almost one-fifth. Water charges just keep going up and up. In fact, water charges have become a form of revenue for this government to the tune of hundreds of millions of dollars. In fact, water charges are being rorted by this government. There has been an 11.5 per cent increase in the last two years. I do not know why the public of this state puts up with it. I assume that members of the public have no other option but to put up with it until they get an opportunity to vote for an alternative, and that is not far away.

Of course, good luck follows the brave, as they say, but good luck is good luck. This government has had a great deal of luck with its income. The Vale dams in Brazil collapsed and iron ore production by our largest iron ore competitor was stifled to a large degree, so once again iron ore from the Kimberley became a very sought after raw material, especially by China. Iron ore prices are now almost back to the level they were in the halcyon days of 2012. We know that royalties are extremely important to the state's coffers. It is assumed that iron ore prices will be around \$80 to \$110 a tonne for some time to come, as opposed to below \$50 a tonne in the past couple of years. As a state, we will benefit from that, and so will the government. The government has been lucky with the dramatic event that took place in Brazil. It will certainly help its budget and the bottom line going forward.

Of course, we have had a wonderful outcome. As a Liberal, I have been concerned about this for many years and I have had very strong conversations with my colleagues in the federal Parliament, including Malcolm Turnbull on the occasion that I met him, about why Western Australia is receiving such a low GST return and about why a floor price should be implemented for all states so that, as a major contributor to the commonwealth's coffers, we no longer suffer as we have done for many years. I think the lowest our GST return dropped to was around 28¢ in the dollar. That floor price of 70¢ is in place for 2019–20, and the revenue for this government from these sources will increase dramatically. It was about \$9.04 billion in 2018–19 and in this financial year it will be about \$9.83 billion, which is almost double what was received in the 2015–16 financial year, so it is a good outcome. I assume that going forward in the pre-election year, this government will splash everywhere money that it has accumulated out of the bad luck of Vale and the hard work of all members of Parliament in getting a floor price for our GST return.

I have no intention of going on about budget matters, so I will now tighten my address by talking about something else that is very close to my heart—that is, palliative care in this state. I have spoken on this issue before. Earlier this year, I put forward a motion that was supported by this house without dissension, and I thank everybody for that support. We are all aware that later in the year, there will be an end-of-life choices bill. Once again, I assumed that the McGowan government and the Premier, who is pursuing end-of-life choices or euthanasia legislation, would do the right thing on behalf of the community of Western Australia and make a substantial budget allocation to palliative care in this state. That has not happened, members. Members may remember that last week, I asked the parliamentary secretary representing the Minister for Health a question without notice about whether there had been an increase in the budget allocation for Silver Chain. I was told that no new funding has been allocated to Silver Chain in this budget or in the out years.

I refer also to supplementary information that was provided in response to questions asked in Legislative Assembly Estimates Committee A about the number of full-time equivalent palliative medicine physicians. I have stated this before. Table 1 states that Victoria has 0.7 FTE palliative medicine physicians per 100 000 of population, and Western Australia has 0.08. That is an inadequate number. Table 2 states that in 2016, the average total hours worked a week by employed palliative care nurses per 100 000 of population was 11.5 hours in Western Australia and 11.5 hours in South Australia. Western Australia and South Australia had the lowest average total hours of all the states and territories.

This government is not willing to put money into palliative care, yet it is pursuing a euthanasia bill. Why? Why not put money into palliative care to ensure that people in this state who are sick and dying are given real options? Is this just another cost-cutting measure? Is this just policy on the run from a Premier who does not comprehend what the public wants and needs? It is incomprehensible.

The note at the bottom of table 2 is headed “Information about palliative care resourcing when compared with other states.” It states —

It is important to note that Western Australia is unique amongst the States and Territories because for over three decades, WA Health has worked in partnership with Silver Chain to provide home-based, multi-disciplinary, support in the metropolitan area. Silver Chain Hospice Care Service ... provides care for an average of 680 clients per day.

On average, Silver Chain attends potentially end-of-life situations for 680 patients a day in the metropolitan area. It continues —

Over 75 of HCS patients are able to die at home ...

That is a good effort. However, as I have said, Silver Chain is underfunded. On many occasions, Silver Chain nurses and staff are seeing these people out of the goodness of their hearts, because their operations are unfunded. Do members opposite think that is right? The Minister for Health knows this, because it is one of the recommendations of the Joint Select Committee on End of Life Choices. It is a disgrace. If I were on the government benches, I would be hanging my head in shame that on one of the most important social matters that this Parliament will face towards the end of this year, the government cannot put one cent into increasing funding for palliative care. That is an absolute shame. The report of the Joint Standing Committee on End of Life Choices states that in 2016, there were 14 839 deaths in Western Australia, of which as many as 70 per cent, or over 10 000, were clinically expected. As I said in a previous motion on this issue, 50 per cent of people who have an expected death do not receive any form of palliative care. Those statistics are available. That is because the funding is not available. I implore members opposite that when they go into caucus, they get on their feet and ask the government why that is the case. I cannot do that, because I am not in government, but they can. Government members say they believe in fairness and in giving people at the end of life a real choice. However, up to 50 per cent of people are missing out on being given that choice. That is an absolute disgrace. I therefore urge members opposite to advocate in their caucus room for an outcome that will benefit everybody. I can tell members opposite that they will not live forever, either.

Unfortunately, I was not here when the McCusker ministerial expert panel held its meetings with members. I wanted to ask Hon Malcolm McCusker a question, so I sent him an email dated 17 May, in which I stated —

I do have a question that I wish to put to the panel regards the parameters/requirements to be put in place for an individual to access VAD.

Is it under consideration to make it compulsory for a person to access a specialist palliative care team as one of the steps towards being eligible to access VAD?

I believe this is something the panel should seriously consider, not only as a safe guard but also to ensure every person is made fully aware of their options.

I have looked at the questions that people have asked the panel, and at the submissions, and not once has a question been asked about palliative care. That is strange. For example, I might be in great pain and cannot bear it any longer—I hope this will not happen, but it might—and want to exercise my option to take my own life, assuming the legislation passes this place. I might be living in the Pilbara. Someone might say to me, “Has anybody from palliative care come to talk to you to explain what they can do to help alleviate your unbearable suffering and let you ease into the next life?” That is a fair question. The response from Hon Malcolm McCusker dated 17 May states —

I will certainly put your suggestions to the panel at our next meeting. It would, of course, be expected that the doctor whose patient sought VAD would suggest other options, one being palliative care, but in some instances that may not be appropriate, and in many cases the patient may already be receiving, or has received, palliative care, and nothing more can be done for the patient.

This bloke does not understand how bad palliative care is in this state. That is evident from the statistics. It is also evident from the joint select committee report. Fifty per cent of the people in this state who die from disease do not receive palliative care. They are unable to access palliative care, because it is unfunded. That is crazy days. The response states also —

Palliative care was a major part of the JSC report recommendations, —

I have just stated that. Hon Malcolm McCusker has obviously not read the report. It continues —

and I am told that the Govt. is acting—as it should—on those recommendations, and providing a significant funding boost to increase palliative care availability.

Malcolm McCusker believes that this government will boost the funding for palliative care. I am sorry, but that is not stated in the budget. It continues —

VAD should never be viewed as an alternative to palliative care.

He states that the government will increase funding for palliative care so that people are given a real option. However, that is not in the budget.

Words fail me. We are talking about responsibilities. The government pretends to be a responsible government, but on this matter it is demonstrating its irresponsibility. This issue needs to be addressed before the end-of-life choices bill comes before the house. I will tell government members what they should do. I am putting the responsibility on them, because they are the ones pursuing this. Government members need to knock on the Premier's door and say, "We understand where we're going in regard to the possibility of euthanasia being allowed in this state, but you must give an alternative and you must start funding palliative care appropriately." A health paper is out, which I have quoted from. It is a good paper on palliative care, but it is useless without money behind it, and the intention and support of government. It does not have any of that at this stage. If I sound emotional, members, I am; but I am not only emotional, I am bloody angry! I hope government members will get angry with me.

I have done a fair bit of work on this. This is the third time I have spoken on palliative care in this place. I started speaking about palliative care two years ago, before "I can't find a babysitter" decided to go down this road in regard to euthanasia. I have here some patient case histories.

Withdrawal of Remark

The PRESIDENT: I am not too sure who you were referring to, member.

Hon JIM CHOWN: Hon Mark McGowan, the Premier of Western Australia. I will withdraw that comment.

The PRESIDENT: You know that if you are going to refer to a member, you refer to them by their correct title. Is that not the case?

Hon JIM CHOWN: Yes, correct.

Debate Resumed

Hon JIM CHOWN: I have here some patient histories about the lack of palliative care. Of course the names have been removed. These case histories were sent to me by palliative care specialists who visit regional Western Australia on very few occasions. They visit the Kimberley maybe once every three months, they visit Albany a bit more often, they visit Bunbury and Busselton quite regularly, and they irregularly visit the midwest and central wheatbelt. The first patient case history states —

Elderly patient with metastatic pancreatic cancer who has recurrent malignant ascites, (ascites refers to fluid that accumulates within the peritoneal cavity).

Patient had undergone drainage of the ascites fluid twice before being referred to palliative care.

Ideally a permanent drainage tube would have been inserted so fluid could be drained ...

However the permanent drainage tube could not be inserted in the Pilbara as the staff did not have the confidence to continue management of a permanent drainage tube.

This person had been to a palliative care specialist when she visited the Pilbara. There is no permanent palliative care specialist up there. I have gone through the figures in my previous motion. She needed a drain to ease her suffering, but staff did not know how to insert it. They had not been trained in that particular procedure from a palliative care perspective. The case history goes on to state —

Compared to patients from metropolitan area, patients from Pilbara region do not get access to standard treatments that are easily accessible in metropolitan area.

The second patient case history states —

Lady in her late 40s from a remote community.

History of advanced kidney failure and had been presenting to the regional hospital, further investigations suggested a bladder cancer.

She was transferred to Perth for further investigations which confirmed advanced aggressive bladder cancer with widespread metastases for which she was unsuitable for treatment due to her other comorbidities.

She expressed the wish to return to country and she was transferred back to her regional home with documentation that discussions had occurred with regard to her poor prognosis.

This was at the end of February.

Upon return home, she continued to present to ED throughout March with ongoing symptoms ...

She presented on multiple occasions to the remote area nurses with deteriorating symptoms and they became concerned that they could not care for her in the community.

That was due to a lack of palliative care provision. They contacted the palliative care team on a Wednesday to seek help, but it was too late. There is unbearable suffering in regional Western Australia because of unfunded palliative care requirements. This is happening now, and this will happen in the future. The option the government offers is euthanasia. Do government members think that is appropriate in this day and age?

I could go on, members. I have here a list of people who have suffered unbearably in regional Western Australia because previous governments, including this government, have not funded palliative care appropriately, have not resourced it correctly, and have not had training programs within the medical system so that health professionals understand what is required in this day and age, and what palliative care can do for those people who are suffering unbearably towards the end of life.

These case histories are very emotional. I will not read out any more. This must become a health priority for the McGowan government. I cannot help but repeat myself, members: do something. Do not just sit there and pretend it will go away, because it will not. I will not let it, and nor will this side of the house. Palliative care needs to be funded correctly; not a token gesture of a few million dollars for regional Western Australia over four years. I acknowledge an increase of \$30.2 million over four years for regional Western Australia, but most people live in metro areas. There has been no increase for metropolitan Western Australia, and that is where the bulk of the state's population live. There are 1.9 million people in the greater metropolitan area. It is just wrong.

There are great health professionals out there who are actually doing their absolute best in regard to this matter. Most of them are doing it out of the goodness of their hearts, but they need help. Members opposite can help them. Their Minister for Health and Premier can find the money. If there is a surplus of \$500 million—plus, and it is reported that it will be over a billion dollars next year, delay the bill. Do the responsible thing, and next budget come up with a proper program for palliative care, funded appropriately, and then put a bill forward. Let us see what happens. But to put a euthanasia bill forward today, regardless of the public's expectation or the polling that says over 80 per cent believe in euthanasia—of course they do; they are uninformed and ignorant—a proper program needs to be put in place to inform the public about how palliative care should work, because it really does not work in this state. It is an absolute pretence. If 50 per cent of people die in this state from a known illness, without any support at all, it is a shame. That is what I suggest government members should do. I suggest all government members do something about it because if they do not, I cannot see the bill getting through this place, quite frankly. It will die on the vine. It will be another embarrassment for the government—one of many. This fight has not started yet; this is just the beginning. Just wait. It is not a threat; it is a fact.

The Australian Medical Association is against it. Unless the government does something for palliative care in an appropriate manner, as I have suggested here—it can take all the credit for it; I do not care—I believe its euthanasia bill will have no chance at all.

HON MARTIN ALDRIDGE (Agricultural) [2.59 pm]: I rise to note the budget papers, which were tabled in the Legislative Council by the Minister for Environment representing the Treasurer. In making my contribution, I also recognise that the Legislative Council, and particularly the Standing Committee on Estimates and Financial Operations, will be embarking on the annual budget hearings next week, when I attend to avail myself of the opportunity to further delve into areas of interest within the budget papers. Obviously, my ability to make a contribution today in anticipation of those hearings is one that I welcome. I will address some things that will be of benefit not only to my electorate, the Agricultural Region, but also more broadly across regional Western Australia and, indeed, in the portfolio areas for which I have responsibility within the Nationals WA.

I will start by talking a little about state debt, as I have done in previous budget contributions that I have made. I do this in part because of the great focus the Labor Party, in opposition, placed on state debt. Labor made all sorts of commitments on paying down the debt and exercising better financial management than the former Liberal–National government. I note from the budget papers that have been tabled in this place that state debt continues to increase under this state Labor government. State debt is set to peak at almost \$37 billion this coming financial year, 2019–20. If we take into consideration the changes arising from accounting standards change AASB 16, it will actually peak at \$39.5 billion this financial year. We can compare these budget papers with the *Annual Report on State Finances* for 2016–17, which was the last period of the former Liberal–National government. Despite the fact that we lost the election in March, the *Annual Report on State Finances* outlined that net debt at 30 June that year was just shy of \$32 billion. It is a fact that the state's net debt is rising under this government and that it will peak this year, as is spending. Neither members nor the general public should be mistaken that somehow the state government is spending less, because it is not. It is spending more per annum from the general government sector than any government before it. There certainly has not been any arrest of expenditure. Indeed, some of the issues I want to go to today are about some of the liabilities facing the state across the forward estimates. According to the forward estimates, a number of programs will cease, because no further money is flowing for them. I do not think that will be the case for a lot of them, but they have not been funded and the forward estimates have not been populated to give a true reflection of where the state's finances are going over the next four years.

I want to initially turn to fees and charges. With this being the government's third budget, it has really followed the politics 101 handbook in that it delivered all the bad news in the first couple of years and then delivers softer blows as it glides into the next election. It is interesting to read the commentary from this budget on how the increases in fees and charges have been significantly less than those in the budgets before it. In fact, I think they go back to a figure from around 2008, if I am not mistaken, when there was a similar increase to fees and charges to this year overall. Some fees and charges are rising faster than the consumer price index. According to the budget papers, the Perth CPI is set to be 1.75 per cent in 2019–20, 2.25 per cent in 2020–21, 2.5 per cent in 2021–22, and

2.5 per cent in 2022–23. The CPI is trending up, according to the budget papers. Fees and charges that are rising faster than the CPI in the 2019–20 financial year include vehicle licensing, with a three per cent increase; motor injury insurance at 3.1 per cent; water and sewerage costs at 2.5 per cent; public transport at two per cent; and the emergency services levy at 2.7 per cent. When we consider the government's claim that this is the lowest increase in fees and charges in a number of years, we have to look back over the first two Labor budgets. In 2017–18, there was a 10.9 per cent increase in electricity charges and a six per cent increase in water charges. In 2018–19, there was a seven per cent increase in electricity charges and a 5.5 per cent increase in water charges. In 2019–20, the budget year coming, we will see a 1.75 per cent increase in electricity charges and a 2.5 per cent increase in water charges.

The budget papers also reflect on the fact that residential electricity charges are still 5.5 per cent below cost reflectivity in 2019–20. That will come at a cost to the budget, because the trajectory on which the government had power pricing was higher than has been handed down in the 2019–20 budget. I think the government has become sensitised to some of these cost-of-living pressures. One need look only at the number of applications under the hardship utility grant scheme and people who are faced with disconnection or utility service reductions to see that these significant increases in water and electricity charges in particular over the last two years have had a real impact on the people who can least afford them. Two per cent of the state's expenses in 2019–20, or some \$595 million, will be spent on power and water subsidies. Over the four years, \$1.1 billion will be spent on subsidising regional water, which is something I will talk about later. Water is obviously a major economic enabler when it comes to creating job opportunities, industry and businesses, particularly in our regions. Water is certainly one of the limiting factors that is faced outside Perth. It will be interesting to see the impact that Infrastructure WA will have on the utility providers, and particularly the Water Corporation, although we will probably not see an impact in any real sense until closer to, or more likely after, the next state election in 2021.

I will make some comments about the state wages policy, because this is something that I think will come increasingly into focus over the next couple of years. On page 41 of budget paper No 3, it states —

Salaries costs represent 42% of total general government expenses in 2019–20 and remain the single largest expense for the sector. Total salary costs (including increases in employee numbers as well as wage rates) are forecast to increase by 1.6% in 2019–20 and 1.9% on average across the four years to 2022–23. These rates of growth are well below the decade average of 5.8% per annum, and largely reflect the success of the Government's \$1,000 wages policy.

I do not have any reason to question that statement in budget paper No 3, but what I do question is the sustainability of the state government's wages policy. As I understand it, it was a four-year commitment by the incoming Labor government, from 2017–18 to 2020–21. This budget includes the forward estimates of 2020–21, 2021–22 and 2022–23. This is one question we have to ask, particularly as the government progresses. A long list of industrial agreements that are under negotiation or upcoming is on page 56 of budget paper No 3. For example, the Public Service and Government Officers CSA General Agreement 2017, which covers some 32 000 employees, expires on 12 June 2019, which, of course, is tomorrow. There are some big negotiations afoot and, of course, this can change. Those agreements usually span some three or four financial years, but there have been occasions when it has been less and occasions when it has been more. It will be interesting to see how the state government might continue to respond to the state wages policy, particularly given that the commitment was for four years. Is the government's plan to extend it beyond four years? How will the government deal with multi-year industrial agreements negotiated in its fourth year? Will there be industrial agreements with their first year linked to a \$1 000 capped wage increase policy, and the second, third, fourth and fifth years linked to some other revised policy that may have an effect on the next election? It will certainly be of interest to see how the government navigates that issue, unless it simply extends the current state wages policy. It will also be interesting to see how the government might be able to work around its own policy to limit budgetary impact and therefore cap wage increases at \$1 000 per employee by the way it negotiates other employment conditions. That could have the same, if not a larger, budget impact as simply paying a salary increase more closely linked to the Perth consumer price index, which was the policy of the former Liberal–National government. When details become apparent as these industrial agreements are negotiated, agreed and registered, it will be interesting to see whether the government strictly adheres to the \$1 000 policy or whether it bypasses the policy by offering the same pay for fewer hours, for example, through innovative rostering arrangements or simply changing existing rostering arrangements, whether that be for nurses, police, public sector workers or whoever. As I said, there is a very long list of industrial agreements set to expire, with one of the largest, the public service and government officers agreement, expiring tomorrow.

It is also interesting to reflect on the budget papers where they talk about wage growth trending. In 2019–20, wage growth is forecast to be 2.25 per cent and trending up to 3.25 per cent in 2022–23. I think we will find the government in a spot of trouble, if it is not already, with respect to remaining competitive in an economy with greater demand for skilled labour, particularly in the out years. If we adhere to this \$1 000 wage policy, what impact will it have on our public service? We do not have to look too far back to see the state of the public service in 2008 when we came to government. Then, we faced a real crisis in attracting public servants to teach in classrooms or be nurses in hospitals. It was a very difficult situation we found ourselves in, and I hope we do not find ourselves in that position again as we approach the end of the four-year commitment to the state wages policy.

The other thing that concerns me is the contraction of salary rates within agreements. For example, the agreement I just referred to, the public service and government officers agreement, was registered in 2017. In 2017, a level 1.1 public servant received a 2.12 per cent pay rise and in 2018, they received a 2.07 per cent pay rise, so they actually received pay rises above inflation in the last two financial years. Compare that with a level 9.1 officer. In 2017, they received a 0.66 per cent pay rise and in 2018, a 0.65 per cent pay rise. All these levels are indicative of an increase of \$1 000 per employee per year, pro rata, but most industrial agreements show rates of salary increase as a percentage, and I have not read one that does not do this. That seems to be the fairest approach to ensure that everybody can keep pace with one another. We certainly see a contraction in those salary rates across those agreements. If that is perpetuated over a number of years, I think it is only going to cause a greater problem down the track.

The agreement I just talked about related to the general public service. I am told that a registered nurse or a senior constable in the police force would expect, on a percentage basis under the state wages policy, a salary increase in the order of one per cent. When that is compared with the government's own figures, which show wage growth trending to 3.25 per cent by the end of the forward estimates and the consumer price index trending to 2.5 per cent by the end of the forward estimates, public servants in Western Australia are suffering real cuts to their salaries. It will be interesting to see over time how they compare with their counterparts in other jurisdictions. It has been the policy of state governments here for some time now to lead or lag in salary rates for our public service, but I think it will not be long before we start lagging in some areas. A government media statement of 12 May 2017 is titled "New wages policy another critical budget repair measure" and contains comments attributed to the then commerce and industrial relations minister Bill Johnston. He said —

"The new public sector wages policy reflects the reality of WA's economic circumstances, with real wages actually going backwards in the private sector.

"The new policy provides fairness across the whole public sector.

I am not quite sure that his first comment stands true today, as we see inflation and wage growth increasing next year and across the forward estimates. I also challenge his second comment in the context of 2018 and whether the policy provides fairness across the public sector, because it plainly does not when the majority of people in the employment of the state of Western Australia have their salaries capped at \$1 000 as opposed to a fairer arrangement.

I now want to turn to some of the portfolio and electorate issues I talked about in my opening remarks. As the Nationals WA spokesperson for health, I want to focus a little on health issues, initially in my electorate. This budget has some of the biggest increases in expenditure on health and education over the forward estimates—health initially at \$854 million and education at \$750 million. Over the next three years, we will see funding for hospital services increase by in the order of \$131 million, non-hospital services by an additional \$48 million, and transition care will have an additional \$61 million. A proportion of 31 per cent of the state budget, or \$9.1 billion, can now be attributed to the health portfolio. For some time, roughly \$1 in \$3 from the state coffers goes directly into our health system. I fully understand and appreciate some of the challenges that come with delivering the level of healthcare that we deserve and expect in regional Western Australia, given the sheer geographical realities and the distribution of population across one-third of the Australian continent.

An issue that I have continued to remain focused on over the last couple of years is the redevelopment of the Geraldton Health Campus, in the very north of my electorate of Agricultural Region. I do not think anyone in this chamber could argue that this hospital is not under significant and real pressure. We learnt in January about the 84-year-old grandmother who spent two hours in pain, lying on the floor of the emergency department at Geraldton Health Campus. We know that over a 12-week period from August to November 2018, Geraldton Health Campus declared code yellow internal emergencies for a total of 21 days, resulting in the cancellation of some 421 surgeries during that time. In respect of that issue, I want to read to the house an answer provided by the parliamentary secretary representing the Minister for Health, Hon Alanna Clohesy, on 9 April 2019, in answer to question on notice 1923. Code yellow is defined as —

Code yellow—infrastructure and other internal emergencies—A code yellow emergency may be activated due to an emergency caused by infrastructure damage or other internal event that may adversely impact service delivery and/or the safety of staff, patients and visitors.

This is not something that we ought to take lightly. From answers I have received to other questions I have asked on this issue, it is quite stark to discover the number of other hospitals in regional Western Australia that have declared code yellow internal emergencies. There are not many; Albany Health Campus is probably the only exception in which we see routine examples. In fact, beyond that period of August to November 2018, there was another period of four days between 29 January and 1 February 2019 during which Geraldton Health Campus again declared a code yellow emergency. The answer I referred to was from April and we are now in June, so it will be interesting to get some more recent data on how that hospital is travelling, particularly given that a lot of the periods I am talking about have not been during the time when there is the onset of the seasonal colds and flus that we see at this time of year, which often place additional pressures on our public hospitals, for obvious reasons.

Geraldton has the second busiest emergency department outside Perth; it is second only to the emergency department at Bunbury Hospital. I thank Hon Alison Xamon for asking question on notice 2059, which was answered on 4 June 2019, so quite recently. When we look at the admission data, we see that Geraldton's emergency department was the second busiest in Western Australia outside Perth in 2017, 2018, and 2019 to date. In 2018, there were 30 149 admissions to the Geraldton emergency department, compared with 40 270 at Bunbury Hospital; 26 065 at Albany Health Campus; 24 618 at Kalgoorlie Health Campus; 23 933 at Broome Health Campus; and 23 537 at Hedland Health Campus.

There are some other resourcing issues, which I think I will have to take up during the budget estimates hearings. Hon Alison Xamon asked about the number of FACEMs—fellows of the Australasian College of Emergency Medicine—who are the emergency medicine specialists in our hospitals. There is only one available at the Geraldton Health Campus, between 10.00 am and 8.00 pm. In comparison, Albany, which has some 4 000 fewer emergency department admissions per year than Geraldton, has one FACEM available during day shift, one available during evening shift, one available during night shift and one on call. So, according to this answer, Albany Health Campus has four FACEMs across a rostered arrangement.

The nursing statistics show that Geraldton has 35.15 FTE nursing staff in its emergency department, compared with 55.7 in Bunbury and 25.54 in Albany. Obviously, those figures are more closely aligned to ED admission figures, but if we consider that Geraldton has about 30 000 admissions while Bunbury has about 40 000, Bunbury has approximately 20 additional full-time equivalent nursing staff servicing its emergency department—the busiest outside Perth. I think there are some broader issues at play in Geraldton that go beyond the hospital redevelopment.

Geraldton Health Campus requires ongoing focus from Parliament, because the government's approach to its redevelopment has been neither credible nor committed. In 2017, there was tri-partisan support for the redevelopment of Geraldton Health Campus.

Hon Darren West: Eight years.

Hon MARTIN ALDRIDGE: I thank Hon Darren West for that interjection. I will come back to it in a moment.

Labor committed \$45 million to the redevelopment, stage 1; an upgrade to the ED; 12 acute mental health beds; and six sub-acute mental health beds. The Liberal Party made a commitment of \$138.5 million to the expansion of the emergency department; 43 inpatient beds; the redevelopment of the intensive care unit; an additional operating theatre; a new ambulatory care area; and the extension of medical imaging and medical records. A \$49 million investment included in that related to mental health: 12 inpatient beds; four sub-acute beds; four Hospital in the Home beds; and a 10-bed step-up, step-down facility. The Nationals WA made a commitment of \$115 million, which was similar to the Liberal Party commitment with the exception of the mental health component, but included an expanded emergency department, expanded inpatient beds, reconfiguration of clinical spaces, modernisation of the surgical theatres, and improved parking and access to the hospital.

The Labor Party was elected in March 2017 and this was a key part of Labor's plan for Geraldton—its \$45 million commitment to the redevelopment of stage 1 of the Geraldton Health Campus. There was zero dollars for it in the 2017–18 state budget—not a cracker. I think the government was shamed into announcing in the 2018–19 budget its \$73.3 million commitment to stage 1. We need to keep in mind that that is an almost 40 per cent increase on the government's election commitment prior to the 2017 state election. Yes, the cost has gone up; no-one really thought \$45 million was going to do the trick. Nor do I believe that \$73.3 million is going to do the trick. That was the level of planning and consideration the government gave to the redevelopment of the Geraldton Health Campus prior to the 2017 election. The government announced at that time that the expected completion date was March 2022. That is interesting. I ask about election commitments all the time because there were not many made in my electorate. I have only a few things to ask about, and it is easy to keep tabs on them, so I ask about them. The routine responses are almost like the standard the government sets for itself: "Well, we've got four years to deliver our election commitments." If that is the benchmark that the government sets for itself, this is a failed election commitment because according to the 2017–18 state budget, the expected completion date for the Geraldton Health Campus redevelopment stage 1 was March 2022.

I asked further questions on this issue this year. We have now discovered that the redevelopment of the Geraldton Health Campus will not be completed until February 2023. We are now at the midpoint, almost. We are one month shy of the midpoint of the next term of government, after the next election. This election commitment is getting worse and worse for Labor. I recognise that the Minister for Health, and the Parliamentary Secretary to the Minister for Health in this chamber, released the bulk of the business case for the Geraldton Health Campus. That does not happen very often, but I thank them, because it has been quite insightful for understanding the project and its impact on the midwest. It is interesting to read the business case, because it is predicated on meeting expected service demand levels as at 2025. I do not think anybody in the community would say that this hospital has not been built with the long term in mind. We are having to redevelop the hospital, in hospital terms, not long after we have actually opened it, to meet service demand, and now the Department of Health business case states that stage 1 is about meeting demand levels at 2025, and it will not even be opened until February 2023. There is a credible risk now that Labor will be making the same mistake it made when it knocked over the last Geraldton

hospital and build this one; that is, it is not considering the long-term future of the midwest in this expansion project. It is likely that, within two years, we once again see a hospital under significant demand in the midwest. That is not my assessment; that is actually the assessment of the Parliamentary Secretary to the Minister for Health in this chamber, when she answered question without notice 35 on 13 February 2019. I asked —

- (1) Is it correct that the business case is predicated upon meeting demand for services by 2025–26?

The parliamentary secretary responded —

- (1) Yes. The business case for the stage 1 redevelopment of Geraldton Health Campus addresses current demand and increasing activity and accommodates the projected demand for services to 2025–26. The business case for redevelopment of the GHC was outlined as a staged approach. Stage 2 and 3 redevelopments are expected to address the remaining service objectives.

That make sense, but when? This election commitment will be delivered about six years after the government took power. When will it start work on stage 2 and stage 3? We are likely to see stage 1 not meeting demand within two years of the hospital opening. When it was discovered that the Geraldton hospital project would be delayed by another year, to February 2023, I heard some of the Labor members representing Geraldton say that it was all part of the government's plan to have greater local participation in the redevelopment of the Geraldton hospital. I look forward to asking questions of Hon Darren West about this at estimates. This hospital is under pressure now. We have 84-year-old grandmothers lying on the floor of the emergency department. There is probably no other hospital in regional Western Australia that is declaring code yellow internal emergencies as often as Geraldton, and all of a sudden we are going to delay the hospital by another year because we want greater local participation. On 7 May, I asked the Parliamentary Secretary to the Minister for Health —

- (1) What are the expected dates for construction commencing and concluding for the project?

She replied —

- (1) Construction for the main works package is planned to commence in April 2021, with completion of the new emergency department and new integrated mental health services in July 2022, and subsequently the critical care area in February 2023. Construction for early works is scheduled to commence in April 2020 and be completed in November 2020, and includes civil works, car park construction and construction of the new emergency department entrance.

I then asked —

- (2) What is the reason for the project delay?

The parliamentary secretary replied —

- (2) As part of the project definition plan phase of the project, Building Management and Works undertook a review of the original time line in the business case and has amended the program to reflect technical advice and key elements, such as staging requirements needed to deliver the project in an operational hospital. Additionally, BMW is tendering for consultant works in smaller packages than is usually the case, resulting in greater ability for midwest-based companies to compete for work, and the earlier commencement of the project.

Members should not be confused that this is all about greater local participation and more local jobs, jobs, jobs. The government actually stuffed up its business plan and realised it could not do what it was planning to do in the way it was planning to do it, and therefore it had to stage it over another 12 months. One of the consequences of that might be that there is greater local participation, but that is not the primary reason for the further delay to the Geraldton Health Campus. It is because the government got it wrong.

I thank Hon Darren West for his presence in the chamber this afternoon to hear my speech. I was a bit hesitant to jump up because I thought surely a Labor Party member would jump up and talk about how great this budget is for their electorate, or maybe talk about the TAB sale, which I know is very close to Hon Darren West's heart. Hon Darren West earlier made his standard interjection. He does not say much these days. He has been banned from Twitter by the Premier, and he does not speak much in the chamber. His standard interjection is, "Well, you had eight and a half years." That is about the limit of Hon Darren West's capability in the Legislative Council. Hon Alannah MacTiernan, the Minister for Regional Development, last week scoffed at the contribution made by one of the members on this side about the royalties for regions link with the Royal Flying Doctor Service. She was very dismissive, saying that the RFDS has been around for 100 years and was nothing to do with royalties for regions. However, she forgets the 2007–08 campaign against Jim McGinty, when he refused to fund the Royal Flying Doctor Service. He called it a community interest group, and it started sending paper aeroplanes to his office, saying, "Don't forget about us; we're not a community interest group; we actually take your patients to life-saving medical treatment in Perth, or internationally or interstate." Nevertheless, that is history, and everyone will have their own account of it.

Hon Darren West's standard interjection is that we had eight and a half years. Keep in mind that Alan Carpenter, the then Premier of Western Australia, opened the Geraldton Health Campus on 30 May 2006. It was a brand-new

hospital. The government knocked over the old one, and staff shifted into the new one in May 2006. I will not have time to go into the story about what happened at the Moora hospital, which was directly linked to Labor's Geraldton hospital development. Sixteen months after cutting the ribbon at Geraldton, Labor lost government. Are Hon Darren West and Hon Alannah MacTiernan actually suggesting that the Carpenter government stuffed up the Geraldton hospital so badly that, 16 months later, the new Liberal–National government had to immediately commence redevelopment plans? Is that what they are suggesting? Within 16 months of polishing the plaque and cutting the ribbon, it was the new government's fault. Even seven years later, when I was elected as member for Agricultural Region, would those members have thought that in the ordinary course of business, having just built a brand-new hospital, we had better start the redevelopment of the hospital? I would not have thought so, particularly considering the state of health infrastructure in Western Australia, and considering the other interjection that is often made: "If it was such a priority, why didn't you fund that hospital?" That really reflects on the amount of time that members opposite actually spend in their electorates, visiting their hospitals. If they did, they would realise that there is not too much health infrastructure in this state that was not redeveloped, rebuilt or renovated during the eight and a half years of the Liberal–National government. I am afraid to say that Labor has not learnt its lesson with Geraldton hospital. We have a project that is over budget and over time, and the problem at Geraldton is only getting worse by the day.

We had another commitment from the government. The Labor Party loves these glossy brochures that it puts out in the community. Members talk in this place about banning plastic bags, but the Labor Party will just cut down the next tree, print the next glossy brochure and stick it in the local paper. I have one here from Bill Shorten that I will talk about later. Another commitment was about urgent care clinics. I thought: here is something to draw one's attention. It states —

A McGowan Labor Government will introduce Urgent Care Clinics to reduce the pressure on our hospital emergency departments so you can get the care you need when you need it.

Who would not vote for that —

Rather than making people sit in a busy emergency department Urgent Care Clinics will provide an alternative setting to access medical services and give patients more choice.

- **A McGowan Labor Government will work with local health care providers to establish an urgent care clinic in Geraldton.**

The integration of Urgent Care Clinics into our emergency departments and community settings will reduce pressure on our hospitals and deliver more responsive and appropriate care to WA patients.

When I read this, I thought: this is exactly what Geraldton needs now. While we wait in the never–never for the Labor Party to do its stage 1 redevelopment, not to mention stages 2 or 3, which it will need shortly after, what we need now is Labor to deliver on its urgent care clinic. It is about diverting patients, particularly low acuity patients, from expensive emergency departments, which should be there to treat the most sick in our community, and making sure that we have the most specialised staff treating the most sick and those people with lower acuity—dealing with colds and flus and other things. Let us get them into an urgent care clinic.

Hon Jacqui Boydell: When is that happening?

Hon MARTIN ALDRIDGE: That is a good question. I asked this question of Hon Alanna Clohesy, the Parliamentary Secretary to the Minister for Health, on 4 June —

- (1) What is the status of the Labor election commitment to establish an urgent care clinic in Geraldton?
- (2) When will the clinic commence operation?
- (3) What funding has been allocated in the 2019–20 state budget and forward estimates to support this commitment?
- (4) Which local service providers has the McGowan government worked with to deliver this commitment?

I thought that, as we are less than two years out from the state election and the government is in a spot of bother in Geraldton—we cannot have too many more pictures of 84-year-old grandmothers on the front page of the newspaper; that is not good for votes in Geraldton or anywhere else—it would implement the urgent care clinic. I thought, without a shadow of a doubt, that this would be its plan. The answer was to parts (1) to (4). When a parliamentary secretary or a minister stands in this place and answers parts (1) to (4) of a question, we know that we are not getting an answer. The answer states —

The GP urgent care clinic network is currently being established and will be piloted within the metropolitan area. Once this pilot is underway, the options for rollout across the WA Country Health Service will be assessed. In the meantime, the provision of acute healthcare services at Geraldton Health Campus will be a key priority for the government.

It has done nothing. That is what I read from that answer. It has done nothing; in fact, it is worse than nothing. The government has said, “We’re going to do it in the metro area; we’ll see how it goes and then we’ll think about you afterwards.”

Hon Jacqui Boydell: With all those regional members!

Hon MARTIN ALDRIDGE: That is the response from the party with more regional MPs than any other party.

Several members interjected.

Hon MARTIN ALDRIDGE: It has more regional members than any other party, yet it cannot find itself a regional Minister for Regional Development!

That is certainly something that we will have to continue to watch.

There are a couple of other issues, one of which came to my attention only this year and that is the plight of midwives in regional Western Australia. It is not something that I have been terribly exposed to. I live in a regional location, but there are no maternity services. The only option I have, like a lot of people who live outside Perth, is to travel to access maternity services, and that travel often means accessing maternity services in the metropolitan area. I was contacted in January 2019 by the Geraldton Universities Centre, seeking a letter of support from me for a proposal to commence WA’s first regionally based postgraduate midwifery course. Its proposal states —

GUC understands from the June quarter 2017 labour market research for WA that only 57% of regional midwifery vacancies were filled because of low applicant numbers as well as the lack of regional contextual experience from these applicants. Working together with WACHS and the Health Department on an innovative, regionally based solution, GUC and USQ, —

That is the University of Southern Queensland —

can potentially provide a solution to regional midwifery resourcing, training and educating regional nurses to become regionally based midwives.

Two things struck me after looking at this. The first was that this is very similar in my mind to the rural clinical school model, which was obviously focused on regional doctors and has been a success. We would like to see more RC schools and more RC school support. In a similar vein, this is a regional solution to a regional problem.

The other thing that struck me was the high number of vacancy rates. According to the 2017 figures in the proposal, there is significant difficulty in attracting and retaining midwives in regional Western Australia. I set about having a look at this. I asked a question on notice to gather some information. I discovered that the data provided by the WA Country Health Service through the parliamentary secretary in this place in answer to question on notice 1858 asked on 12 February 2019 confirmed the 2017 figures. For the 55 FTE midwifery positions that were advertised in the 12-month period that I asked about, 25.6 FTE positions could not be filled in regional Western Australia. Geraldton advertised for 13 FTE and two positions could not be filled, but it was far from the worst. Albany advertised for nine midwives and could not get five; Kalgoorlie advertised for four and could not get three; Esperance advertised for two and got none; Carnarvon advertised for four and got none; Hedland advertised for five and it filled all but 0.6 of a position, so it did quite well; and Narrogin advertised for three and got none. I was really quite surprised. I felt like I should have known about this issue before the Geraldton Universities Centre brought this to my attention. My immediate advice to the Geraldton Universities Centre was that this made complete sense as there would be no cost to the government. All it was seeking from the government was clinical placements for its students. All it wanted the state to agree to was that, beyond Geraldton—there is already an agreement at Geraldton—students needed to be exposed to more clinical placements, which might have meant sending them to higher activity hospitals such as Bunbury Hospital or metropolitan hospitals, including King Edward Memorial Hospital for Women and other tertiary hospitals in the metropolitan area. There would have been no cost to government. The government has a problem recruiting midwives. The Geraldton Universities Centre is trying to help solve the problem. I said, “I’m not sure why you’re worrying about this letter of support. Just go and see your local members. Go and see Hon Laurie Graham and Hon Darren West. A government member should be able to pick up the phone to the minister’s office and say, ‘Sort out the health bureaucracy and get it fixed’.” I could not have been further from the truth. I went on to exchange a series of letters with the Minister for Health. His first response was to politely tell me what a midwife is, which really told me nothing. I said that this is a real problem and one that he ought to focus his attention on. I got this response from him on 28 May —

I am advised that GUC has met with both WA Country Health Service ... and the Nursing and Midwifery Office ... to discuss this proposal. The NMO and WACHS met several times to work through the proposal and have engaged with other Health Service Providers to determine capacity for additional midwifery clinical placements in the system. Unfortunately, they cannot provide a commitment for additional clinical placements without negatively impacting on the current agreements in place with the existing universities that provide midwifery education.

There are currently not enough births in WA at present to support additional clinical placements. I am advised that the birth rate across WACHS is 4,600 each year, with approximately 500 births occurring in

the Geraldton region. Some births are not undertaken by midwives; around a third of all births in WA are by caesarian section. The Australian Nursing and Midwifery Accreditation Council ... competency requirements of the midwifery program is substantial. In order for them to achieve this, each midwifery student must have access to at least 200 pregnant and birthing women.

Really, the issue was exposed in the minister's final correspondence to me in May, which was that he did not want to affect the clinical placements of Western Australia's existing universities. This is something that I had heard about early on in my consideration of this issue, but I thought that the Geraldton Universities Centre had a regional solution to a regional problem. Those Perth metropolitan universities that the minister is trying to protect are not in Geraldton dealing with the midwifery issue. They are not interested in Geraldton. A university in Queensland is partnering with the Geraldton Universities Centre to deliver a postgraduate midwifery course, and the Minister for Health has said no. What makes it even more farcical is that the Labor government of the state of Queensland is willing to offer these students in Geraldton clinical places in its hospitals. It is unbelievable. If the Geraldton Universities Centre had relied upon that commitment by the state of Queensland, it could have proceeded with its accreditation to commence midwifery training in 2020. However, obviously, the Geraldton Universities Centre has not gone down that path. It would be a strange and unusual arrangement if midwifery students had to be exported from Geraldton to Queensland in order to be exposed to birthing mothers. However, because of the inaction of this government and its local members in Geraldton, that is the situation that we face in Western Australia. The Labor Party claims to be the party with the most regional members of Parliament, whatever the number is.

Hon Darren West: Thirteen.

Hon MARTIN ALDRIDGE: The demand for midwifery services will increase. There has been a return to midwifery models. I recently had the pleasure of visiting the Wheatbelt Midwifery Group Practice in Northam and learning about its approach to low-risk birthing. The irony is that the government is considering expanding the Midwifery Group Practice to Geraldton. We cannot make this stuff up. We would expect to read this in a fiction novel. The government cannot fill half the midwifery vacancies in regional Western Australia, yet it wants to expand the Midwifery Group Practice to Geraldton. The local members, Hon Laurie Graham and Hon Darren West, are not willing to stand up to their Minister for Health and their government and say this ought to be fixed. It is ridiculous that midwifery students have to be exported to Queensland so that they can become midwives. It is just crazy. The Western Australian Country Health Service wants to have multidisciplinary staff. Everyone appreciates that a nurse who works in a WACHS hospital needs to be a jack of all trades. That might mean that nurses who work in hospitals with birthing units are not delivering babies every day of the week. WACHS wants registered nurses who are also midwives. That requires five years of full-time university education. At the end of that period, they are given a \$4 000 a year qualification allowance. It is not hard to see, when the government is being so stubborn, why this has become such a problem and why we are able to fill only one in two midwifery vacancies in regional Western Australia. The window has now closed on the opportunity for the GUC to become accredited by the appropriate body. The only opportunity it now has is to negotiate an arrangement with the government in 2020 for commencement of the midwifery course in 2021 so that by 2023 it will be able to turn out midwifery graduates. I plead with the government to reconsider this issue. It should have been as simple as one of the 13 Labor regional members of Parliament picking up the phone and sorting out the problem.

In the time remaining, I want to talk about the closure of the Geraldton Sobering Up Centre. I will continue to raise this issue in my budget reply speech until the government reopens that centre. That is another Labor failure in Geraldton and the midwest. Recommendation 80 of the report of the Royal Commission into Aboriginal Deaths in Custody, which was tabled in April 1991, states —

The abolition of the offence of drunkenness should be accompanied by adequately funded programs to establish and maintain non-custodial facilities for the care and treatment of intoxicated persons.

For the sake of \$500 000 per annum in funding, I am pretty sure that Hon Laurie Graham and Hon Darren West can pride themselves on the fact that they are the only members of Parliament in Australia who have closed a sobering-up centre since the Royal Commission into Aboriginal Deaths in Custody handed down its report. I am happy for that to be disproved. I am happy for someone to say, "Don't forget about such-and-such." However, this Labor government in Western Australia has been the first to close a sobering-up centre. That is a crying shame, particularly when we look at the government's reason for doing that. I am not making this up. The parliamentary secretary representing the Minister for Health said in answer to a question without notice in this house that it —

... was prompted by the need to identify budget savings that will contribute in part to the funding of election commitments.

Nothing can be more despicable than that. The government is basically funding its Local Projects, Local Jobs program from the closure of the Geraldton Sobering Up Centre. I cannot believe that. The Geraldton community also cannot believe that this happened under Labor's watch. We need to look only at the performance of other sobering-up centres. The Geraldton centre was admitting close to 1 500 people a year. Six of the remaining nine sobering-up centres in this state are not meeting their targets. Carnarvon is as low as 33 per cent—its target is 1 040 people, and it treated 340 people in the year to 30 June 2018. I am not saying that the Carnarvon centre

should be closed. However, the government's excuse for closing the Geraldton centre was that it was not meeting its target. The Geraldton Sobering Up Centre treated 1 447 people a year, and the government shut that centre to save \$500 000 a year so that it could fund Local Projects, Local Jobs. That is disgusting.

I refer to an online article on ABC Mid West and Wheatbelt this week titled "Domestic violence victim shot by husband fights to stop others suffering same fate". I challenge the 13 regional members of the Labor Party to read what Jill Murray has to say in this article. I challenge them to talk to her about her experience, talk to the police in Geraldton and talk to the community service sector in Geraldton. I also challenge them to talk to the people at Geraldton hospital. They will not say anything publicly, but they will privately. I have found someone in Geraldton who said this was the best idea the Labor government has ever had—let us shut the sobering-up centre. Part of the problem was that the sobering-up centre was so effective that most people in Geraldton did not know it existed. It treated people in a respectful way, at a time when they were at a low point in their lives. It did not judge them. It did not force services upon them. We know that a lot of people who suffer from drugs and alcohol may never be ready to access services. This government's excuse for its decision to close a sobering-up centre is that the fewer people it sees, and, therefore, the more successful it is, the more likely it is to lose funding and be closed. That is the perverse reasoning used by the Labor Party to defend the closure of what would probably be the first closure of a sobering-up centre in Western Australia, if not Australia, against recommendation 80 of the Royal Commission into Aboriginal Deaths in Custody. This might not be a big issue for a lot of people, and it might not be a lot of money for the state budget, but that will be the legacy of Hon Laurie Graham and Hon Darren West.

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

INFRASTRUCTURE WESTERN AUSTRALIA BILL 2019

Committee

Resumed from 6 June. The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 10: Annual work programme —

Progress was reported after the clause had been partly considered.

The DEPUTY CHAIR: I draw members' attention to supplementary notice paper 118, issue 4, issued today, 11 June.

Hon PETER COLLIER: For brevity, I will not go through everything we have already discussed. Clause 10(5) states —

Infrastructure WA may make its annual work programme publicly available.

Why is that discretionary? Why can we not compel Infrastructure WA to make its annual report publicly available?

Hon SUE ELLERY: No other jurisdiction requires the relevant infrastructure body to publish its program under its respective legislation. In South Australia, the minister must consult and prepare a statement of expectations, but there is no requirement to publish that. Infrastructure Australia prepares a statement of expectations and a statement of intent, but it is not required to under the legislation.

If we look at similar bodies that already exist in Western Australia—for example, the WA Planning Commission, the Environmental Protection Authority, respective state government departments and the Metropolitan Redevelopment Authority—none have a legally mandated requirement to publish a business plan. Many of them publish retrospective documents; for example, they will publish their annual reports, which provide what has happened for that reporting period. Government trading enterprises require various reports to be prepared and published, but these reports are backwards looking. Strategic development plans, which are the equivalent of Infrastructure WA work plans, are not generally made public. We think that keeping "may" leaves it optional to Infrastructure WA to make that decision. It does not prevent IWA from publishing it, but it leaves it up to it to make that judgement. We would expect, given it is not prevented from doing so, that it may well make a decision to publish it annually, but it is not a requirement.

We want to give Infrastructure WA, as an independent body, the flexibility to make its own decisions—that is, use its own discretion about whether to publish an annual work program. The word "may" in that particular provision gives it the discretion to do that. There are already a number of documents that Infrastructure WA and/or the government must make publicly available. We have already been through some of those. They include the draft strategy and the accepted strategy; the government's response to the strategy; the annual state infrastructure program; guidelines for assessment of major infrastructure proposals; the summary of assessment of a major infrastructure proposal; annual reports on the government's progress in implementing the accepted strategy recommendations; any direction from the Premier to IWA; the statement of grounds for suspending or removing a board member or the CEO from office; and, of course, it will be required to prepare an annual report.

An example of a GTE is the Water Corporation. Under its act, it is required to prepare an annual report in addition to quarterly reports. That quarterly report must detail performance against objectives. The reports are submitted to the minister and, after consultation with the board, are made publicly available, but all commercially sensitive

information is deleted. As I said, when we compare this legislation with the legislation in other jurisdictions, no other jurisdiction compels the relevant infrastructure body to publicly release this particular information. We will provide IWA with the discretion to do so, so that there is no prohibition on it, but we think that is a judgement best made by it.

Hon PETER COLLIER: I have to be honest, I am not actually convinced. The other two jurisdictions are by the bye; that is fine. We are taking a step forward in where we are at in infrastructure development throughout the state. To have something as—for want of a better term—open and transparent as we possibly can is much better than the alternative. Given the fact that the minister mentioned that a raft of other areas in this bill compel openness and transparency, I cannot for the life of me work out why we are putting a line in the sand against the annual work program.

Before I make a couple of other comments, can the minister clarify whether there would be any negative operational implications if the annual work program were compelled to be made publicly available?

Hon SUE ELLERY: I cannot give the member an example of it, but there may well be from time to time a confidential matter that it is working on, either for commercial-in-confidence reasons or it is doing some particular piece of work for government that may be confidential, which means it might not want to publish information about that. I have no other advice other than the purpose of including “may”—allowing it to be discretionary rather than mandated—was to reflect our view that Infrastructure Western Australia ought be independent enough to make its own judgements about these things. We are not preventing it from doing it. We are giving it the discretion so that it can make a judgement based on the nature of the work and its views about whether it needs to be confidential, and the model that is applied elsewhere in Australia and the fact that a range of other elements will be published. In that sense, we think we have the balance about right.

Hon PETER COLLIER: The minister has just confirmed for me that it effectively does not have any negative implications in terms of the operations of this bill, aside from those commercial-in-confidence aspects. That is the same in any situation like this. Of course, if it is commercial-in-confidence, it will be treated as commercial-in-confidence. But for all intents and purposes, nothing is going to impede the progress of this bill, the implementation of Infrastructure WA, by replacing “may” with “must”, as far as I can see. I have not heard anything to the contrary. With that in mind, I am going to proceed with my amendment for a number of reasons, not least being that there has been no compelling reason not to progress with it.

I will take the minister to her comments when I first raised this issue, when the house last sat. The minister said —

Maybe I will just ask the member to clarify what he is asking for. IWA must, in consultation with the Premier, prepare a program and submit it, and that program has to cover certain activities. IWA must inform the Premier and then it may make that publicly available. If the member’s question is similar to the question that was asked before about whether there is a fine or whatever, no, there is not, but it is anticipated that IWA, like all such organisations, will meet its obligations under the legislation. The Premier of the day will not be happy if it does not.

To me, that is not sufficient comfort. If the Premier is not happy, that is not sufficient comfort to me that we are providing that openness and transparency. On 18 May 2016, the now Premier was quoted as saying —

“The public interest must come first, transparency must come first, openness must come first.

In this instance there is an opportunity for that transparency, openness and public interest not to come first. If Infrastructure Western Australia decides, and we do not know why, that it is not going to release its annual work program and make it publicly available, or if the Premier decides that it is not going to happen, then it is not going to happen. The minister just said that it will not have, dare I say it, any negative implications in terms of the operation of this bill, and that it provides exactly what the Premier promised in opposition—openness, transparency and being in the public interest. I do not think this is an issue the government should oppose, if it is true to its word on openness and transparency. If the minister had stood up five or 10 minutes ago and said, “Yes, this will stymie the bill because it will stifle the operation of Infrastructure WA”, I would not move the amendment, but she has not been able to do that. The “Special Inquiry into Government Programs and Projects: Final Report” states —

The Special Inquirer believes reform is required in the following areas:

- introduce an Infrastructure WA entity to enhance planning and development;

Yes, it says that, but it also says —

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

The government cannot provide Infrastructure WA but not provide openness and transparency, as the special inquirer said was needed. The special inquirer was unambiguous. I repeat: the special inquirer stated that the government should —

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

The report of the special inquiry also states —

Areas requiring actions to change public sector culture and attitude are as follows:

- improve transparency on the progress with major projects by requiring continuous disclosure;

I will repeat that in case members missed that, because it is compelling —

- improve transparency on the progress with major projects by requiring continuous disclosure;

The annual work program is the very first step. The bill states —

Infrastructure WA may make its annual work programme publicly available.

That is not good enough. If we are to adhere to the recommendations of the special inquirer, which are thrown in our face quite consistently and are one of the reasons, but not the sole reason, for Infrastructure WA, we cannot nitpick and be selective with the special inquirer's comments. He also said —

More discipline in the following areas will improve outcomes through:

...

- reporting on benefits realisation for major projects;
- setting and achieving financial targets;

They are all relevant to this. As I have said, the special inquirer stated that information about major projects should be provided in an accessible and transparent way to the public and that there should be improved transparency on the progress of major projects by requiring continuous disclosure. With that in mind, and given that this amendment is not going to have any negative impact on the operations of IWA and that the Premier himself stated that the public interest, transparency and openness must come first, I find it extraordinary that the government would oppose a very minor amendment to this bill, which would ensure everything that Labor has claimed it wants to achieve, both before and since the election, with this bill. It is extraordinary. As I said, I cannot for the life of me work out why the government would oppose this amendment. I think I have made my point. In the interests of openness and fairness and in the interests of ensuring that the Premier is true to his word, I move —

Page 9, line 19 — To delete “may” and substitute —

must

Hon SUE ELLERY: I indicate that the government will not support the amendment. I want to correct the record on a couple of things the member just said. It might just be shorthand, but he made reference to the Premier making a judgement on whether to publish the annual work program.

Hon Peter Collier interjected.

Hon SUE ELLERY: I am sorry, but that is what the member said. That is not what the Premier does; the board makes that judgement. The honourable member also made the point that there would be no diminution or damage to the operational capacity of IWA if this annual work program were to be released. That is a matter of judgement. The government's view is that that program may well include work of a confidential nature that IWA has been asked to conduct, and that might not be appropriately published. It is important for the chamber to note that the assessments of each project will be made public; the guts of the work that is done by IWA will indeed be made public. The chamber will decide what the chamber will decide. The government does not believe that it is necessary to mandate that the work program be made public, given that all the other elements, including the critical bit, which is project by project, will indeed be made public.

Hon PETER COLLIER: To clarify one point, I acknowledge that some areas of the annual work program may be commercial-in-confidence. Of course, those parts will not be made public—I have stated that categorically—but for everything else, there is absolutely no reason that the information contained in the annual work program should not be made publicly available.

Hon SUE ELLERY: I draw the attention of the member to the fact that there is no discretion in the amendment he has moved. It does not say “except if matters are commercially sensitive or are of a confidential nature”. The amendment seeks to mandate it. The member has provided no exemptions or qualifications to that; he is just requiring that the annual work program be made public. If the chamber is to accept the member's amendment, then confidential or otherwise, commercially sensitive or otherwise, the annual work program must be published.

Hon PETER COLLIER: Is that the same for every other aspect of accountability within the bill? I asked the specific question with regard to commercial-in-confidence and the minister stated that in contracts, the words “commercial-in-confidence” mean that they are commercial-in-confidence. The minister stated that in her second reading response. The government cannot have it for one aspect of the bill and not others. If it is commercial-in-confidence, it is the same as any statutory requirement; it is commercial-in-confidence within a government department. That does not need to be stated within the act.

Hon SUE ELLERY: I draw the member's attention to clauses 22 and 66 of the bill; they need to be read together. The answer I gave in the second reading reply refers to what might be termed "secondary information"; that is, information provided to Infrastructure WA by another agency. An agency might say that in giving the information to IWA, it is —

... the subject of a duty of confidentiality or secrecy or is of a commercially sensitive nature.

That is under clause 22(3). Clause 66 talks about restrictions on the disclosure of sensitive information, with subclause (1) referring to sensitive information as being identified under section 22(3). Those are the confidentiality provisions, the commercially sensitive provisions, that apply to information that is provided by an agency to Infrastructure WA. The annual work program is IWA's work program. The document is produced by IWA and does not necessarily include information that has been provided by another agency. That is why I make the point that the effect of the amendment that the member has moved, without any qualifications, does not give the kind of comfort I think he thinks it will give. He should rely on my answer to the point he raised in his contribution to the second reading debate, because there I was talking about the information provided to IWA, not the documents produced by IWA. There is a difference.

Hon PETER COLLIER: Will that be the same situation with the state infrastructure strategy?

Hon SUE ELLERY: The state infrastructure strategy must be released. I think it is mentioned in clause 9.

Hon Peter Collier: Yes, I can see it is clause 15(4).

Hon SUE ELLERY: Yes, clause 15(4).

Hon Peter Collier: Therefore, that provision is there.

Hon SUE ELLERY: No, that is a big-picture strategy that is different from a document that sets out the specifics of the work that is going to be conducted by IWA.

Hon MICHAEL MISCHIN: It might assist me to understand the import of both the amendment Hon Peter Collier is moving and what the minister is saying in opposition to it if she could assist me with a few aspects of clause 10. Just to go back a stage, clause 9(1) states —

Infrastructure WA may, with the approval of the Premier, —

So it has no discretion there —

make advice or a report prepared in the performance of a function under this Act publicly available.

The broad functions are set out in clause 8. Clause 9(2) says —

This section does not apply to a report or other thing that must or may be made publicly available under another provision of this Act.

Is the power to make IWA's annual work program publicly available under clause 10(5) captured or affected at all by the restrictions in clause 9, or is it a clearly independent and absolute discretion residing in Infrastructure WA?

Hon SUE ELLERY: It is the latter. It rests with Infrastructure WA. This is captured by clause 9(2), which the member read out. It says —

This section does not apply to a report or other thing that must or may be made publicly available under another provision of this Act.

Hon MICHAEL MISCHIN: Infrastructure WA's annual work program is regarded as a public thing for the purposes of clause 9(2). What exactly will an annual work program look like? Clause 10 says —

- (1) Infrastructure WA must, in consultation with the Premier, prepare an annual work programme.
- (2) Each programme must be submitted to the Premier before the beginning of the financial year to which it relates.
- (3) Each programme must cover the key activities that Infrastructure WA proposes to undertake in the year to which it relates.

If Infrastructure WA proposes to undertake something that is not covered in its work program, it has to tell the Premier. What is meant to be in this annual work program that is so confidential? Can the minister give us some idea of what Infrastructure WA is putting in its annual work program? Is it buying staplers or a photocopier for Infrastructure WA? Is it Infrastructure WA's agenda and priorities for the year? What would it look like?

Hon SUE ELLERY: I appreciate that the honourable member was out of the chamber on urgent parliamentary business when we were last debating this, but we went through this matter. The easiest explanation I can offer him is that it is effectively a business plan. As is captured in the very simple language of clause 10(3), it will set out the key activities going forward that Infrastructure WA will undertake in the course of the year.

Hon MICHAEL MISCHIN: Can the minister outline what those activities might be? Will it be: "We will be looking in the coming year to transport out to the regions" or "We are going to be looking at the number of schools we are building in the metropolitan area" or things of that nature, or does it descend into further detail than that?

Hon SUE ELLERY: As I said, the member was out of the chamber on urgent parliamentary business, but what was canvassed in our last debate is that Infrastructure WA may well set out those things. It is for the board to determine what they will be, but it may set out the things it is going to look at or state that it will continue work it was doing previously. It will depend entirely on the judgements made by the board. If you like, the framework will have been already set by the strategy, which will have been already published, but it will indeed set out the specifics, as determined by the board, that Infrastructure WA is going to cover.

Hon MICHAEL MISCHIN: Will the powers that Infrastructure WA exercises under clause 11 be governed to any degree by what it says it is planning to do in the coming year?

Hon SUE ELLERY: Clause 11 is quite separate. It does not relate specifically to the annual work program. The heading of clause 11 is "Powers" and it sets out the broad powers that Infrastructure WA has in order to carry out its functions. It is not of itself a clause directly related to the annual work program.

Hon MICHAEL MISCHIN: I understand that. We will get onto the broadness of powers that will be invested in Infrastructure WA shortly. It sets out the work that Infrastructure WA is planning to do for the next financial year. Infrastructure WA is invested with all the powers it needs to perform its functions, and presumably those functions will be embraced in the annual work program as well. Infrastructure WA is empowered to do all sorts of things and yet it will be up to its own judgement whether it makes public what it plans doing in the coming year, even though it does not necessarily descend into the detail of how it is going to give effect to its work program. Will this work program, if provided to the Premier, be able to be called upon by Parliament to be tabled as a parliamentary document?

Hon SUE ELLERY: I appreciate that the honourable member was out of the chamber on urgent parliamentary business, but I provided a response that all the information, documents et cetera generated by IWA are covered by the Financial Management Act, and subject to procedures and privileges and freedom of information. It is not the Premier's annual work program to release, it is the board's, but, as I said in my response to the second reading debate, IWA is subject to the same parliamentary obligations as every other agency.

Committee interrupted, pursuant to standing orders.

[Continued on page 3833.]

QUESTIONS WITHOUT NOTICE

AMBULANCE RAMPING

596. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Health:

I refer to the minister's plan to open more hospital beds and cancel elective surgery in order to address the crisis in ambulance ramping.

- (1) How many elective surgery procedures have been cancelled since Monday, 3 June 2019?
- (2) How many additional hospital beds have been opened since Monday, 3 June, and where have the beds been opened?
- (3) How many spare beds are there currently in the system that can be opened if the crisis develops further, and what is the location of these spare beds?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. We are unable to answer this question in the time available. An answer will be provided to the member at the earliest opportunity.

SHELLEY BRIDGE — WIDENING

597. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to the proposed widening of Shelley Bridge.

- (1) Can the minister confirm that four options have been prepared by Main Roads Western Australia for the widening of Shelley Bridge?
- (2) If yes to (1), will the minister provide the estimated cost of each of these options?
- (3) Has the minister or Main Roads Western Australia identified a preferred option; and, if so, what is the preferred option?
- (4) If yes to (3), on what basis was this option considered the preferred option?

Hon STEPHEN DAWSON replied:

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

- (1)–(4) The minister is advised that four options were prepared in 2017, with the preferred option costed at \$80 million. The minister has not yet considered this project.

ABORTION CLINICS — SAFE ACCESS ZONES

598. Hon MICHAEL MISCHIN to the parliamentary secretary representing the Minister for Health:

I refer to the minister's announcement of 17 April 2019 regarding so-called safe access or exclusion zones of 150 metres from the entrance to abortion clinics.

- (1) What precisely are the changes that the government will introduce to prevent people from exercising the right of peaceful assembly in public areas around abortion clinics, and when will they be introduced?
- (2) Can the minister identify the dates, times and nature of the incidents of alleged harassment that have prompted the government to resort to this measure—particularly the alleged ongoing instances of individuals being confronted by protesters when accessing abortion services in Western Australia, and of protesters hurling abuse?
- (3) Can the minister advise whether and what charges have been laid or other action taken by police in respect of such incidents, and the outcome of that action?
- (4) Can the minister advise why such assemblies cannot be adequately controlled by suitable conditions attached to police permits issued under the Public Order in Streets Act 1984?

Hon ALANNA CLOHESY replied:

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

- (1) The Department of Health is currently reviewing all submissions received following the six-week public consultation. After finalising its analysis, the Department of Health will release a final report outlining the proposed changes for government consideration.
- (2) The nature of the reported incidents is outlined in the publicly available discussion paper. I now table the discussion paper for the member's benefit.

[See paper 2761.]

- (3) I am advised that this question should be directed to the Minister for Police.
- (4) This option will be considered in the final report.

EDUCATION AND TRAINING — PLAY-BASED LEARNING

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

I refer to the answer given to question on notice 1661, answered on 1 November 2018, outlining the work undertaken by the minister's parliamentary secretary regarding play-based learning.

- (1) Has the parliamentary secretary completed her consultations with stakeholders and schools; and, if yes, will the minister provide the final list of all stakeholder meetings and/or school visits undertaken by the parliamentary secretary?
- (2) What is the scope and current status of the work being undertaken by the parliamentary secretary, and when is it expected to be completed?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question, and I thank the parliamentary secretary for the work she did at my request. Madam President, there is a very long list of organisations that were consulted and schools that were visited, so may I ask that that part of the answer be incorporated into *Hansard*?

Leave granted.

The following material was incorporated —

- (1) Yes. Consultation occurred with:
 - public school teachers and administrators;
 - Western Australian Primary Principals' Association;
 - Commissioner for Children and Young People;
 - Western Australian Council of State School Organisations;
 - the Department for Communities;
 - the Association of Independent Schools WA;
 - Catholic Education WA;
 - Edith Cowan University;
 - Curtin University;
 - University of Western Australia;
 - Murdoch University;

University of Notre Dame;
 Early Childhood Australia;
 Playgroups WA;
 Play Australia;
 Nature Play WA;
 Family Day Care Association of WA;
 Early Years in Education Society;
 WA Childcare Alliance;
 Carewest;
 Wanslea Family Services;
 Telethon Kids Institute;
 State School Teachers' Union of WA; and
 United Voice

Schools visited:

Currabine Primary School;
 Melville Primary School;
 Dianella Primary College;
 Edney Primary School (High Wycombe);
 Creaney Primary School (Kingsley);
 Springfield Primary School Kallaroo);
 Baynton West Primary School (Karratha);
 Kingston Primary School (Australind);
 Pinjarra Primary School;
 Mount Lockyer Primary School (Albany);
 Huntingdale Primary School;
 Kalgoorlie Primary School;
 East Kalgoorlie Primary School; and
 Narembeen District High School.
 Aspiri Primary School
 Bunbury Cathedral Grammar School

- (2) The parliamentary secretary has completed her work in this area. The document "Importance of play-based learning" was published on the Department of Education's website on 12 March 2019. If the member would like a hard copy, I am happy to provide her with one.

CHILDREN IN CARE — BANKSIA HILL DETENTION CENTRE

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

I refer to reported comments from a government spokeswoman that when efforts to provide other options to young people are exhausted, young people who are arrested, on remand or sentenced can be held at Banksia Hill Detention Centre.

- (1) Does this include children who are the responsibility of the Department of Communities?
- (2) If yes to (1), how many such children are currently at Banksia Hill?
- (3) Further to (2), what is the length of stay for the child currently resident for the longest period of time?
- (4) Further to (3), is the child resident at Banksia Hill because there are no vacancies at any residential or community care homes in our state?
- (5) If no to (4), why is the child resident at Banksia Hill?

Hon SUE ELLERY replied:

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

- (1) Yes.
- (2) As at 10 June 2019, there are 27 children in the care of the chief executive officer of the Department of Communities currently in Banksia Hill Detention Centre.
- (3) As at 10 June 2019, the longest length of stay is 605 days.
- (4) No.
- (5) This is a young person who has been sentenced.

KARRATHA–TOM PRICE ROAD — SEALING

601. Hon JACQUI BOYDELL to the minister representing the Minister for Transport:

I refer to the planned sealing of the Karratha–Tom Price road, with a budget allocation of \$310 million.

- (1) What design specification will the road be built to?
- (2) Will all categories of heavy rigid vehicles be able to travel along the entire length of this road?
- (3) If no to (2), which sections of the road will category 2 or 3 road trains be able to access?
- (4) If category 2 and 3 road trains are unable to access this road, does the minister accept that this will limit future state development opportunities in the mining industry?

Hon STEPHEN DAWSON replied:

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

- (1) It will be built to national Austroads standards.
- (2) Yes.
- (3) Not applicable.
- (4) It is expected that heavy vehicle access will be provided at the completion of the Karratha–Tom Price road project.

ASBESTOS — MERREDIN COLLEGE
AND WESTERN AUSTRALIAN COLLEGE OF AGRICULTURE CUNDERDIN

602. Hon RICK MAZZA to the parliamentary secretary representing the Minister for Health:

I refer to the 9 June 2019 *The Sunday Times* article titled “Asbestos concerns”, in which it was reported that Department of Health officials are worried about asbestos fragments scattered across Merredin College and the Western Australian College of Agriculture Cunderdin.

- (1) Does the minister agree with the Health officials referenced in the article that the Department of Health report on the hazard is deficient; and, if not, why not?
- (2) How much of the asbestos-impacted area at Merredin College has been assessed?
- (3) Has an appropriate and site-specific asbestos management plan been put in place at Merredin College; and, if not, why not?
- (4) Is there an asbestos problem at the Western Australian College of Agriculture Cunderdin?
- (5) If yes to (4), what is being done as part of a long-term solution to remove asbestos contamination from the grounds?

Hon ALANNA CLOHESY replied:

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

- (1) The Department of Health has not investigated the site or written a report. Reports on the site have been prepared by consultants engaged by Building Management and Works, Department of Finance.
- (2) Investigation of the college has been completed by a consultant. The consultant report states that a full site inspection was completed in October 2017. Remediation works have since been undertaken at the site.
- (3) I am advised that this question should be directed to the Minister for Education and Training.
- (4)–(5) The information the Department of Health has is that the surface asbestos cement impacts have been remediated. There may be buried asbestos cement fragments. Access to buried material can be restricted and managed by the facility and the Department of Education.

ASIAN RENEWABLE ENERGY HUB

603. Hon ROBIN SCOTT to the Minister for Regional Development:

- (1) On 29 August 2017, at the New Pilbara Economic Development Conference in Perth, in commenting on a proposal to build an undersea cable to Indonesia with a possible extension lead to Vietnam, did the minister say —

... this report highlights the opportunity we have to sell our sunlight to our South-East Asian neighbours.

“Exporting solar energy to Asia has the potential to be a valuable addition to the Pilbara’s existing energy mix and would stimulate new economic activity, creating thousands of permanent jobs in the region.

- (2) The minister stated on 12 September 2018 in response to my question without notice 779 —

There is also the capability that it may not be a subsea cable; hydrogen may be exported by ship to our Asian markets. This is a very exciting project and I think we should be encouraging the companies that want to get out there and invest in Western Australia to do this.

Can the minister table any document that refutes the CSIRO's 21 March 2016 cost assessment of hydrogen from photovoltaics and hydrolysis, which on page 8 stated that the cost of hydrogen from this source is \$18.70 a kilogram?

The PRESIDENT: Member, before I give the minister the call, I remind you about standing order 105, which states that questions shall be concise. I do not think that was a terribly concise question. There was a lot of preamble, and I was not really sure what the question was at the end. I am sure that the minister will have a response.

Hon ALANNAH MacTIERNAN replied:

- (1)–(2) I certainly have a response, and I say to the member that he must keep current. The world is moving very quickly. Yes, the member's extensive preamble is correct. I did in fact make that statement on 29 August 2017. The member then asked me if the statement made by the CSIRO in 2016 was correct, and I suppose it is, but I can now table for the member's edification the CSIRO's latest paper, published two years after the one the member quoted. It shows quite clearly that, in those two years alone, the cost of renewable hydrogen has gone down from over \$18 a kilogram to \$11 a kilogram. No doubt, if another CSIRO report were published today, it would show that it is even better. The member should understand that this is a fast-moving area. Our trading partners—Singapore, Korea and Japan—have made it very clear that they want this product. Of course, we have an obligation to see how we can meet that market demand.

[See paper 2762.]

STATE RECORDS OFFICE — 2019–20 STATE BUDGET

604. Hon ALISON XAMON to the Leader of the House representing the Minister for Culture and the Arts:

I refer to the lack of information regarding the State Records Office in the 2019–20 state budget.

- (1) Could the minister please advise whether the service “State Information Management and Archival Services” from the 2018–19 state budget is still being delivered; and —
- (a) if yes, could the minister please advise how this service is being delivered; and
 - (b) if not, why not?
- (2) Could the minister please table the key performance indicators of the State Records Office?
- (3) Could the minister please provide the current organisational structure for the State Records Office and advise which positions are filled, and whether those staff are casual, contract or ongoing?
- (4) Could the minister please provide the current reporting structure of the State Records Office?

Hon SUE ELLERY replied:

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

- (1) Yes.
- (a) The State Records Office is delivering state information management and archival services in accordance with its legislative mandate under the State Records Act 2000 and within its allocated resources.
 - (b) Not applicable.
- (2) Not applicable. Following a review of key performance indicators, the State Records Office no longer has a discrete set of KPIs.
- (3)–(4) I table the attached organisational structure and reporting structure.

[See paper 2763.]

PLANNING SCHEME AMENDMENTS — CONFLICT OF INTEREST

605. Hon TJORN SIBMA to the minister representing the Minister for Planning:

- (1) Has the minister at any stage since March 2017 declared a conflict of interest that has prevented her from executing a decision regarding a planning scheme amendment?
- (2) If yes, what were the details?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) In order to address any perceived or potential conflict of interest, the minister has declared the following: City of Swan local planning scheme 17, amendment 138; Town of Victoria Park town planning scheme 1, amendment 73; City of Armadale town planning scheme 4, amendment 95; and draft City of Vincent local planning scheme 2.

POLICE — STATE WAGES POLICY

606. Hon MARTIN ALDRIDGE to the Leader of the House:

I refer to comments made by Minister Johnston in announcing the state wages policy on 12 May 2017, and I quote —

The new public sector wages policy reflects the reality of WA’s economic circumstances, with real wages actually going backwards in the private sector.

I also refer to the 2019–20 budget, which forecast Perth’s consumer price index trending to 2.5 per cent and the wage price index growth trending to 3.25 per cent across the forward estimates.

- (1) Does the Leader of the House recognise, in light of these facts, that the 1.08 per cent offer today to police officers with the rank of senior constable is actually a pay cut?
- (2) Given that the state government has announced an operating surplus in 2019–20, will the government abandon the current state wages policy and develop a new one that better recognises the risks taken and the contribution to community safety of our police force?

Hon SUE ELLERY replied:

Can I just confirm that that is a question without notice about a matter outside my portfolio?

Hon Martin Aldridge: You’re the leader of the government.

Hon SUE ELLERY: I am not in a position to provide the member with an answer to that question at all; that is outside the standing orders. However, I certainly can say that this government’s management of the finances involved some really hard decisions being made, including around wages. As a consequence of that, negotiations with the Police Union, representing hardworking police, will be carried out under the auspices of the relevant minister, who is not me.

DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY —
TAILINGS STORAGE FACILITIES**607. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:**

I refer to newspaper articles in *The Sydney Morning Herald*, headed “BHP reveals four Australian tailings dams pose extreme risks” and “Rio Tinto’s Australian tailings dams revealed in wake of Brazil disaster”; an article in *The Australian*, headed “Glencore unearths tailings dam risks”; and the report to the Minister for Mines, “Conservation and Rehabilitation in the Gold Mining Industry”, dated April 1996.

- (1) Has the department done any independent evaluation of the stability risks of tailings facilities—dams—or their collapse risk in WA?
- (2) If yes to (1), will the minister table that report?
- (3) If no to (1), why not?
- (4) If no to (1), will the minister institute a full review of the stability and safety of the 450-plus tailings structures in Western Australia?
- (5) If no to (4), why not?

Hon ALANNAH MacTIERNAN replied:

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

- (1) Yes.
- (2) There is no overarching report. Evaluations of all tailings storage facilities submissions are collated as separate records for each TSF, with anomalies identified by the Department of Mines, Industry Regulation and Safety addressed with the mining company and additional conditions imposed where required.
- (3)–(5) Not applicable.

PARKS AND WILDLIFE SERVICE — PRESCRIBED BURNING

608. Hon DIANE EVERS to the Minister for Environment:

I refer to the minister's response to my question without notice 371 on 15 May 2018 on the criteria for reigniting a burn, which included the comment that "these criteria are tailored to individual burns and can address matters such as fuel loads".

- (1) Could the criteria for the percentage area already burnt ever be as high as 95 per cent?
- (2) If no to (1), what is the highest possible percentage of area burnt considered for reignition, both procedural and historical?
- (3) If the original burn was set alight via the aerial drop of incendiaries, would a reignition also be undertaken via this method?
- (4) If no to (3), what other methods would be used?
- (5) What other criteria are used to assess whether a reignition is necessary?

Hon STEPHEN DAWSON replied:

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

- (1) No. Within an individual burn area, the objective is to achieve a mosaic of areas burnt at varying intensity, including unburnt patches. Therefore, in regard to meeting burn success criteria, there would be no practical reason to reignite an area that was 95 per cent burnt.
- (2) Any reignition to meet burn success criteria is unlikely to occur if a burn has already reached a threshold of 80 per cent burnt.
- (3)–(4) Any reignition may be undertaken by either aerial ignition or hand ignition or a combination of both.
- (5) Apart from meeting specific burn success criteria, the most common criteria for reignition of a burn is to meet required burn security standards to minimise the risk of burn escape.

RACING AND WAGERING WESTERN AUSTRALIA — REVENUE

609. Hon COLIN HOLT to the minister representing the Minister for Racing and Gaming:

I refer to the well-timed announcement of increased distributions by Racing and Wagering Western Australia on its own radio station this morning.

- (1) Please provide the race field revenue for 2014–15, 2015–16, 2016–17, 2017–18 and 2018–19 to date.
- (2) Please provide the point-of-consumption tax revenue returned to RWWA since the introduction of the tax.
- (3) Please provide the revenue to RWWA as profit from the WA TAB for 2014–15, 2015–16, 2016–17, 2017–18 and 2018–19 to date.

Hon ALANNAH MacTIERNAN replied:

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

Specific trading performance figures requested for 2018–19 will be made available upon the publication of the RWWA annual report.

- (1) As taken from previous RWWA annual reports, the figures are: 2014–15, \$43.2 million; 2015–16, \$48.7 million; 2016–17, \$54 million; and 2017–18, \$58.4 million.
- (2) As per the state budget Treasury estimate for part year of \$9.3 million, it is currently on track to meet that figure. The point-of-consumption tax commenced on 1 January 2019 and it should be noted that, as a new tax, the flow of receipts is, at present, not regular or reliable given that there are no comparative prior periods to refer to.
- (3) As taken from the RWWA annual report, the margin on turnover figures are: 2014–15, \$364 358; 2015–16, \$357 242; 2016–17, \$341 116; and 2017–18, \$347 909.

PUBLIC TRANSPORT — TRAIN SERVICES — OPERATING COSTS

610. Hon JIM CHOWN to the minister representing the Minister for Transport:

- (1) What are the full operating costs of running the public transport rail system as it exists today?
- (2) What will be the cost increase to the public transport rail system once Metronet has been completed?

Hon STEPHEN DAWSON replied:

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

- (1) For the 2018–19 financial year, the total operating cost for Transperth train and Transwa rail services is estimated at \$364.1 million. Transperth train services are subsidised at a rate of 58.1 per cent and Transwa rail services at 78.2 per cent.

- (2) Operating costs associated with Metronet projects are being determined through the planning process.

BANNED DRINKERS REGISTER TRIAL — KIMBERLEY AND PILBARA

611. Hon KEN BASTON to the minister representing the Minister for Racing and Gaming:

- (1) Could the minister please table the liquor restrictions currently in place for the communities of Kununurra, Broome and Port Hedland?
- (2) Is a banned drinkers trial operational at any of these locations?
- (3) If no to (2), is it still the intention of the minister to trial a banned drinkers register in any or all of these towns?
- (4) If yes to (3), when will the banned drinkers register be trialled and at which locations?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Racing and Gaming has provided the following information.

- (1) I table the attached document.

[See paper 2764.]

- (2) No.
- (3) A banned drinkers register will be trialled Pilbara-wide, including in Port Hedland.
- (4) The trial will commence as soon as practicable following the Liquor Commission's decision on Pilbara-wide restrictions across all towns in the Pilbara region. Scanning devices will be used in licensed takeaway alcohol venues, as well as in Australia Post offices.

FIRE AND EMERGENCY SERVICES — RURAL FIRE DIVISION

612. Hon Dr STEVE THOMAS to the minister representing the Minister for Emergency Services:

I refer to the government's Rural Fire Division, announced on 13 April 2018, and to my question without notice 389 asked on 16 May 2018.

- (1) How many of the expected 32 FTE staff have now been appointed to and are working in the Rural Fire Division?
- (2) How many of those positions were advertised under the recruitment advertising management system of the Public Sector Commissioner?
- (3) How many of those positions were filled by staff redeployed within the Department of Fire and Emergency Services?
- (4) What selection process did those redeployed staff undergo?
- (5) Can the minister confirm that all staff of the Rural Fire Division are fully and adequately qualified for the roles they have been given?

Hon STEPHEN DAWSON replied:

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

- (1) Thirty-four FTEs have been appointed under the Rural Fire Division.
- (2) There were 18 positions.
- (3) There were 16 positions.
- (4) All staff appointed underwent the appropriate selection process.
- (5) Yes.

TRANSPERTH — RAILCARS

613. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to page 553 of volume 2 of budget paper No 2 and the line item "Railcar Acquisition".

- (1) Will the minister provide a breakdown of the funding for railcar acquisition for each of —
- (a) 2019–20;
- (b) 2020–21;
- (c) 2021–22; and
- (d) 2022–23?
- (2) When will the first railcar be delivered?
- (3) What is the forecast cost of each railcar?
- (4) Has a business case been prepared for this project; and, if so, will the minister table the business case; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. The following information has been provided by the Minister for Transport.

- (1)
 - (a) It is \$80.04 million.
 - (b) It is \$50 million.
 - (c) It is \$80.2 million.
 - (d) It is \$124 million.
- (2) In the procurement—tender—documents put to the market, the Public Transport Authority sought introduction to passenger service for the initial new C-series railcars in 2021–22. Tender responses from the shortlisted proponents are currently being evaluated. Following the contract award, the confirmed dates for initial railcar delivery, informed by the market response, will be announced.
- (3) The budget for these railcars was based upon an estimated cost of \$4.05 million per railcar—2017–18 base.
- (4) Noting that the Leader of the Opposition continues to refuse the release of the Forrestfield–Airport Link business case, I table the attached project definition plan summary on the WA railcar program, which is publicly available on the Metronet website.

[See paper 2765.]

TRANSCULTURAL MENTAL HEALTH SERVICE

614. Hon ALISON XAMON to the parliamentary secretary representing the Minister for Mental Health:

I refer to “A model for an effective and sustainable state-wide Transcultural Mental Health Service for Western Australia: Project Proposal: May 2018” submitted to the Mental Health Commission last year.

- (1) Has the Mental Health Commission endorsed the proposal?
- (2) If yes to (1) —
 - (a) when does the commission expect to develop a business case for the model; and
 - (b) has money been allocated in the 2019–20 budget for progressing the proposal?
- (3) If no to (1) —
 - (a) when will a decision on the proposal be made; and
 - (b) what steps are being taken to finalise a mutually agreeable model?

Hon ALANNA CLOHESY replied:

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

- (1) No.
- (2) Not applicable.
- (3)
 - (a) The Mental Health Commission and the WA Primary Health Alliance have reviewed the model and recently agreed that it not be progressed in its current state.
 - (b) Consideration is currently being given to a process for the development of service principles that will embody appropriate transition pathways for people from culturally and linguistically diverse backgrounds across all services.

ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS — GUIDELINES

615. Hon ROBIN SCOTT to the Minister for Environment:

- (1) Will the minister confirm that the Environmental Protection Authority has launched a 12-week consultation period to develop a replacement for greenhouse gas guidelines?
- (2) Will the minister confirm that the object of the Environmental Protection Act 1986, establishing the Environmental Protection Authority, is “to protect the environment of the state”?
- (3) Will the minister confirm that the Environmental Protection Act 1986 does not mention “carbon dioxide”, “greenhouse gas” or “climate change”?
- (4) Will the minister instruct the Environmental Protection Authority that it has no role in advising the government on greenhouse gas guidelines?

Hon STEPHEN DAWSON replied:

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

- (1) Yes.
- (2) The object of the Environmental Protection Act 1986 is to protect the environment of the state having regard to the following principles: the precautionary principle; the principle of intergenerational equity; the principle of the conservation of biological diversity and ecological integrity; principles relating to improved valuation, pricing and incentive mechanisms; and the principle of waste minimisation.
- (3) Yes. The Environmental Protection Act 1986 does not mention the terms “carbon dioxide”, “greenhouse gas” or “climate change”. It provides the basis for environmental impact assessment and regulation of proposal impacts, including emissions. I am advised that the Environmental Protection Authority has been providing advice to government on greenhouse gas emissions since 1990.
- (4) No. The Environmental Protection Authority is an independent statutory authority that provides recommendations to the government.

LAKE KEPWARI

616. Hon COLIN HOLT to the minister representing the Minister for Sport and Recreation:

I refer to Lake Kepwari.

- (1) When will Lake Kepwari be open to the public?
- (2) Of the \$2.475 million reserved in the budget, what is the cost breakdown for infrastructure planned for Lake Kepwari?
- (3) What is the tourism marketing strategy to promote the use of Lake Kepwari?
- (4) When will this strategy be released?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. This answer is from me as Minister for Environment, not from anybody else.

- (1) The opening of Lake Kepwari to the public is dependent on the holder of the mining lease, Premier Coal, completing its obligations to rehabilitate the area in accordance with proposals approved by the Minister for State Development in November 2018. Once rehabilitation is complete, the area around Lake Kepwari will be surrendered and development can commence.
- (2) The breakdown is: road upgrades, \$750 000; construction of a boat ramp and parking area, \$1.5 million; visitor facilities, \$125 000; and engineering, \$100 000.
- (3)–(4) A marketing and promotions strategy incorporating Lake Kepwari and other recreation and nature-based tourism developments currently under construction and recently announced for the Collie–Wellington area will be prepared as these developments progress.

GRANDCARERS ASSISTANCE PROGRAM

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

I refer to the minister’s answers to my questions without notice on 13 and 14 June 2018, in which the minister informed the house that the Department of Communities was developing a project plan to review the grandcarers program area.

- (1) Will the minister table the project plan that was planned to be completed by the end of July last year?
- (2) When was the review completed?
- (3) Did the review result in the creation of a report or similar?
- (4) If yes to (3), will the minister table that document?

Hon SUE ELLERY replied:

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

- (1) As per my commitment on 14 June 2018, I provided a copy of the project plan to the honourable member’s office on 17 September 2018. I table the attached document.

[See paper 2766.]

- (2) The review of the grandcarer support program is still progressing, as it will be informed by the research being finalised by Wanslea, Edith Cowan University and Curtin University.
- (3)–(4) Not applicable, as the review is still in progress.

PUBLIC SECTOR COMMISSION — CROWDICITY LTD

618. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to contract PSC86626 issued by the Public Sector Commission for the provision of an “Ideas Management System Solution”.

- (1) Would the minister please table the advertised tender document relating to the contract?
- (2) Would the minister please table the contract issued to UK firm Crowdicity Ltd?
- (3) Of the 12 submissions received, how many were —
 - (a) Western Australian based;
 - (b) Australian based; and
 - (c) internationally based?
- (4) How many submissions met the tender criteria, and, of those, how many were Western Australian or Australian based?
- (5) What is an “Ideas Management System Solution”, and why does the Western Australian state government need such a thing?

Hon SUE ELLERY replied:

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

- (1)–(2) The tender document was publicly available on Tenders WA and is attached for the member’s information. As per the normal process, Crowdicity was issued with a letter of appointment referring to the contract specification details in the tender document.

[See paper 2767.]

- (3) Of the 12 submissions received —
 - (a) two were Western Australian based;
 - (b) eight were Australian based; and
 - (c) two were internationally based.
- (4) Crowdicity was the only tender that passed the qualitative test on all criteria. It then went through further assessment prior to being offered the contract.
- (5) “Ideas Management System Solution” is a cloud-based software system that will be used to crowdsource ideas from across the WA public sector. With around 140 000 employees, the WA public sector has an enormous wealth of knowledge, experience and ideas and provides a significant base for innovation and understanding the local public sector context.

LOCAL GOVERNMENT — FOOD ORGANICS AND GARDEN ORGANICS BINS

619. Hon Dr STEVE THOMAS to the Minister for Environment:

I refer to the joint media release of the Minister for Environment and the Premier of 10 February 2019 entitled “New Three-bin system the centrepiece of Waste Strategy”, in which they announced their plan that by 2025, all Perth and Peel households will be using food organics and garden organics—or FOGO—bins.

- (1) How many local governments and all other monitored waste collection organisations in Western Australia are currently providing and collecting FOGO bins?
- (2) What is the total amount of FOGO waste being collected in Western Australia?
- (3) What proportion of the FOGO waste collected is being recycled, and what products is it being recycled into?
- (4) What total amount and proportion of FOGO waste is being used to produce compost?
- (5) What proportion of the FOGO waste collected is going into landfill in Western Australia?

Hon STEPHEN DAWSON replied:

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

- (1) Five local governments are currently providing and collecting food organics and garden organics—or FOGO—bins. They are Cities of Melville and Bunbury, and the Shires of Collie, Capel and Donnybrook–Balingup. The Department of Water and Environmental Regulation does not collect or require this information from other waste collection organisations.
- (2)–(5) Consolidated statewide data on the amount of FOGO material being processed in Western Australia is currently unavailable. This information is being collected as part of the 2017–18 local government waste and recycling census, which is due to be released later in 2019.

QUESTIONS ON NOTICE 2097, 2098, 2099, 2102 AND 2111*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Stephen Dawson (Minister for Environment)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

WATER CORPORATION — FAMILY AND DOMESTIC VIOLENCE LEAVE*Question without Notice 594 — Answer Advice*

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.05 pm]: I refer to question without notice 594, asked by Hon Nick Goiran on Thursday, 6 June. Noting that the question was actually asked more than six months ago, the Minister for Water has now provided a further answer.

[See paper 2772.]

INFRASTRUCTURE WESTERN AUSTRALIA BILL 2019*Committee*

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Steve Thomas) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 10: Annual work programme —

Committee was interrupted after the amendment moved by Hon Peter Collier had been partly considered.

Hon PETER COLLIER: I take the minister to clause 66(3), which states —

Infrastructure WA must not make sensitive information publicly available and, without limitation, must not include sensitive information in the following —

- (a) a State Infrastructure Strategy;
- (b) a summary of a report given to the Premier under section 19;
- (c) a report under section 24;

I refer in particular to —

- (d) advice or other reports or documents that are to be made publicly available.

Does that exclude the annual work program?

Hon SUE ELLERY: The member needs to read that in conjunction with subclause (1), which defines “sensitive information” as information that has been identified under section 22(3) and has come from another agency. I understand the point that the honourable member is making. However, under the way in which the act is structured, the provisions that prevent IWA from publicly releasing sensitive and commercially-in-confidence et cetera information are related specifically to information that is provided to IWA by other agencies. The bill does not contemplate and has not been structured in a way that captures it being required to release all of its information. The way the member’s amendment is drafted right now would have the effect, without any qualification or exemption, of requiring IWA to release all the information in the annual work program. It is IWA’s work; it is not sensitive information provided by another agency.

Hon MICHAEL MISCHIN: Picking up on that, I draw the minister’s attention to clause 66(5), which states —

This section does not prevent Infrastructure WA or the Premier from making a document from which sensitive information or private sensitive information has been removed publicly available.

Hon Sue Ellery: “Private sensitive information” and “sensitive information” are terms that are already defined. They refer to information provided to IWA.

Hon MICHAEL MISCHIN: All right. That is what I was driving at in my earlier questioning. I was trying to understand what could possibly be objectionable or sensitive about a document that says at the start, or before the start of each financial year, “Premier, this is what we’re planning to do this year.” I fail to understand what it could be that could be damaging. If there is a risk of something sensitive compromising state secrets or compromising someone, that would ordinarily be kept confidential, perhaps there needs to be an amendment to accommodate that. The minister mentioned that this annual work program is a document of Infrastructure WA. If IWA knows that it is going to be publicly available, surely it will craft it in a way that will eliminate any difficulties. If it is a document that is required to be submitted to the Premier, and if it were called upon in Parliament that the Premier table that document, the protections ordinarily surrounding such a document would apply. I fail to understand what could possibly be a problem with obligating the publication of that document with appropriate excisions or qualifications if there is something that turns out to be sensitive about it.

I go back to some of the purpose of this body. This body is supposed to be an advisory body. It is not supposed to be doing any infrastructure of its own. The second reading speech told us that part of the rationale for this bill is —

The lack of coordinated strategic planning and agreed infrastructure priorities has also meant that WA has at times missed out on its fair share of commonwealth infrastructure funding. With a more strategic evidence-based and bipartisan approach, we will continue to turn this around and secure a greater share of the funding from Canberra, which we so rightly deserve.

I would have thought part of bipartisanship is that we at least know what Infrastructure WA is planning to do in the next 12 months, given the amount of money that is being invested in it. Unless the minister can provide me with something concrete, I am inclined to support Hon Peter Collier's proposed amendment. If consequential amendments need to be made as a result of that in order to meet the government's concerns about disclosure, I am sure that Hon Peter Collier would also be prepared to entertain those in due course.

Hon SUE ELLERY: I understand that the honourable member does not understand the reasons for the government's opposition—that is perfectly clear—but I do not have another way of expressing it other than what I have already expressed. If the honourable member would like to listen to what I am saying right now, though —

Hon Michael Mischin: I am all ears.

Hon SUE ELLERY: If the member is determined to pursue this, we can draft it, if that is what is necessary. A consequential amendment will need to be drafted to carve out that confidential and commercially sensitive material can be excluded from the “must” publish because otherwise the amendment as it stands creates a set of circumstances in which there is no protection for that material.

Hon PETER COLLIER: I appreciate the minister's comments. I have to say that that was not provided in my initial commentary. I did not get a valid response from the minister about why my proposed amendment —

Hon Sue Ellery: With respect, that is the member's judgement.

Hon PETER COLLIER: I will go back and look at *Hansard*. The response I got was not satisfactory. I am not here to be —

Hon Sue Ellery interjected.

Hon PETER COLLIER: Do you mind; I have the call.

I then decided to pursue it. It is only now, as a result of being more forensic in the assessment, that this issue about sensitive information has emerged. I do not want to move an amendment that will compromise sensitive information; that is not my intent. My intent has always been to provide openness and transparency, which the government has promised to provide. That is all I am asking. I am not being difficult with all this. I did not get what I regarded as a satisfactory response to my initial amendment, which was to include the word “must”. Nothing at all was provided by the minister to show me that this was going to inhibit Infrastructure WA in any way. What has emerged over the last 10 minutes is that perhaps there is an issue with regard to sensitive information. I am more than willing to countenance the notion of a subsequent amendment if that would satisfy the minister and the government. If the government is prepared to countenance that, go for it; otherwise, I will do it myself. I would prefer that it was watertight. I do not want to be difficult; I just want it to be watertight.

Hon SUE ELLERY: The point I was trying to make was that I indicated that, not just in the last 10 minutes, but before we went to question time. Because I want the amendment to be drafted properly, the appropriate way forward would be to isolate clause 10(5) and move on. I will get staff, during the dinner break, to get Parliamentary Counsel's Office to draft an appropriate amendment, but we will move on now to deal with the rest of the bill.

Hon Peter Collier: I am comfortable with that.

Hon SUE ELLERY: I do not know what motion I need to move to give effect to that.

The DEPUTY CHAIR: The minister needs to move to postpone debate on clause 10.

Hon SUE ELLERY: I so move.

Hon MICHAEL MISCHIN: I appreciate the minister's assistance in that regard. I support the motion that has been moved, but might I also suggest that when looking at it, the spirit of what is being sought is that Infrastructure WA make its annual work program publicly available. I note that clause 10(4) states that Infrastructure WA has an obligation to inform the Premier in writing of any key activity, which would ordinarily, presumably, be part of the work program —

Hon Sue Ellery: No, it is not. That is not covered by the work program.

Hon MICHAEL MISCHIN: Okay. It is stated under clause 10 —

- (3) Each programme must cover the key activities that Infrastructure WA proposes to undertake in the year to which it relates.
- (4) Infrastructure WA must inform the Premier, in writing, of any key activity that it proposes to undertake in a year that is not covered by the work programme for the year.

The point I was about to make, and suggest, is that the publication of the annual work program also include, with appropriate wording and hedged about with the appropriate protections and the like, the key activities that it is going to do that are not in the work program.

Hon Sue Ellery: That is going beyond the original amendment.

Hon MICHAEL MISCHIN: Not really. It is the spirit of it, because the whole point here is that certain key activities that one might ordinarily expect to be part of IWA's work program or business plan for the year will not be simply communicated to the Premier in writing and the public remain ignorant of it. Again, I entirely accept that the government needs to be satisfied that potential confidentiality issues are met. However, I ask the minister that in the drafting of the amendments, an appropriate amendment to give effect to what Hon Peter Collier is seeking to achieve also be taken into consideration.

Hon SUE ELLERY: I will not give any commitment about that. That goes beyond the amendment Hon Peter Collier moved. I will seek advice on it, but I give no commitment. I am happy to get an amendment drafted to take account of the issues that go to the exchange between Hon Peter Collier and me.

Further consideration of the clause postponed, on motion by Hon Sue Ellery (Leader of the House).

[Continued on page 3847.]

Clause 11 put and passed.

Clause 12: Delegation —

Hon MICHAEL MISCHIN: Clause 12 seems to provide a very broad delegatory power in that any power or duty can be delegated to a board member, a staff member or any government employee. Are delegations from any other independent statutory authority that broad? There seems to be the ability to delegate the very, very broad powers that Infrastructure WA needs to perform its functions, which are detailed in clause 11 and which I was unfortunately not quick enough to deal with. We are told that Infrastructure Western Australia is an advisory body, but it seems that it also has the ability to enter into contracts, sell off its information and technology and other intellectual property, and acquire not only personal but also real property. Would that be delegated to any member of the board? I would like to get some idea of whether this is beyond what is ordinarily the case with statutory authorities, whether it is reflected in the delegatory powers in other legislation in other states, and why such a broad delegation and broad set of powers are necessary.

Hon SUE ELLERY: Powers to delegate to board members, the CEO and staff exist in the commonwealth and Queensland jurisdictions. The delegation is to a particular person, body or person occupying a particular office or position in South Australia. In New South Wales, functions may be delegated to a staff member, or to a person, a committee of persons, or a person of a particular class approved by the Premier or prescribed by the regulations. In Victoria, the delegation can be to any person engaged by Infrastructure Victoria.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Content and preparation —

Hon MICHAEL MISCHIN: This goes back to some of the points I made during my contribution to the second reading debate. Clause 14(1) proposes that Infrastructure WA must include certain matters in the state infrastructure strategy, which in accordance with clause 13 must be prepared and submitted to the Premier. One of those matters is —

- (a) the identification of Western Australia's significant infrastructure needs and priorities over at least the next 20 years;

Twenty years is something like a generation. How will Infrastructure Western Australia go about the exercise of looking at what Western Australia might need over not just the next 20 years but at least the next 20 years, and to prioritise that? How will it go about that exercise in light of the experience in other states? We want to understand whether this is a practical proposition or, indeed, a desirable one. It involves a fair bit of crystal-ball gazing. For example, if a decision were made to commit to manufacturing lithium batteries over the next 20 years and we started counting our entire infrastructure investment and priorities around that, is that a practical or sensible way of going about infrastructure planning? One can understand the transport plan done by the Department of Transport that looked 10 or 15 years into the future, but Infrastructure Western Australia will be looking over the next 20 years at least. We may not be using cars in 20 years.

Hon SUE ELLERY: I will make the point in respect of other jurisdictions. Infrastructure Australia has 15 years and every other jurisdiction has at least 20 years, except for Victoria, which has a minimum of 30 years. The words "at least" are understood to mean "minimum". We are not talking about a capital works program, which might be set out in the forward estimates; we are talking about a much bigger picture than that.

Hon MICHAEL MISCHIN: Does Infrastructure Australia actually plan Australia's infrastructure needs for the next 15 years or is it looking at infrastructure plans and vetting them to see whether they fit in with the broad scope of what may be desirable? For example, it approved Roe 8, but that is of no account anymore. I am interested in

how Infrastructure WA will go about its task of looking at not just 15 years but at least 20 years. As far as Victoria is concerned, yes, it may be looking at 30 years, but has it produced any such plans? Can the minister give us an example of what an infrastructure plan looks like under Victoria's prognostications and crystal-ball gazing?

Hon SUE ELLERY: Ignoring the gratuitous comment at the end, if the honourable member wants a detailed understanding of Infrastructure Australia, I suggest that he ask Infrastructure Australia or the federal minister. I can advise that the Infrastructure Australia board determines an infrastructure plan to specify priorities for nationally significant infrastructure for commonwealth, state, territory and local governments for the period covered by the plan. Victoria has done its first strategy and is working on a second.

Hon MICHAEL MISCHIN: Does the minister have an example of Victoria's strategy so that we can see how it goes about that exercise? As for saying that I will have to ask the federal minister, the government is using the models in other jurisdictions as the basis for saying that this is viable. The onus is on the government to show what it has in mind and whether this is going to function, rather than us having to go about the exercise of finding out.

Hon SUE ELLERY: I made the point earlier that I appreciate that the honourable member was out of the chamber on urgent parliamentary business last Thursday when we canvassed some of these issues. I do not have the detail of the Victorian plan available to me now. I suspect I might be able to get a copy because it is publicly available, and if the honourable member is not able to do that himself, I am happy to provide it to him.

The DEPUTY CHAIR: Just before we go ahead, some members are having a little trouble hearing. I think the speakers are functioning, but if members can make sure that they are silent outside the process of seeking the minister's advice, it would be greatly appreciated.

Hon COLIN TINCKNELL: That is exactly what I was going to request, so thank you, Deputy Chair.

The DEPUTY CHAIR: My psychic skills stand as read!

Hon SUE ELLERY: I might draw your attention to the fact that I do not think the light is coming on here.

The DEPUTY CHAIR: We will have the microphones checked. They will be coming on. Your speakers should deliver the dulcet tones of the minister.

Clause put and passed.

Clause 15: Acceptance, tabling and publication —

Hon AARON STONEHOUSE: I apologise if the minister addressed this question in her second reading response, but I was away on urgent parliamentary business. Under clause 15, Infrastructure WA will submit the state infrastructure strategy to the Premier, and the Premier then must consider it and within 60 days of receipt of the strategy either accept it or return it to Infrastructure WA for further consideration and re-submission. Could the minister explain to me what the purpose of that is and under what circumstances a strategy might be returned to Infrastructure WA?

Hon SUE ELLERY: I am advised that it is a one-off opportunity for the Premier to seek clarification, to ask questions and to seek feedback. The Premier cannot direct Infrastructure WA about the content of the strategy; he can ask questions and seek clarification.

Hon MICHAEL MISCHIN: Getting back to the second reading speech and talk of a bipartisan approach, can the minister point out anything in clause 15 or any other elements of division 1, part 3 of the bill that reflects a desire for a bipartisan strategy in determining how our infrastructure is to be planned for the next 20 years?

Hon SUE ELLERY: I am happy to answer questions about clause 15; however, the question asked by the honourable member just then was a classic clause 1 question, so I do not think it is appropriate.

Hon MICHAEL MISCHIN: Is there anything in clause 15 that requires or accommodates a bipartisan approach to the acceptance, tabling or publication of the infrastructure strategy?

Hon SUE ELLERY: Clause 15 also sets out the provisions by which it will be laid before each house of the Parliament, which arguably goes to that point. Clause 15 was not designed to address the purpose that the honourable member refers to.

Hon MICHAEL MISCHIN: Basically the bipartisan strategy is that the Premier tables a strategy in Parliament— is that the idea, that we get to see it?

Hon Sue Ellery: I have nothing further to add on that.

Hon MICHAEL MISCHIN: Why is the time frame that a Premier must lay before each house of Parliament and make publicly available the strategy 28 days rather than a shorter period?

Hon SUE ELLERY: There is no specific reason that 28 days was chosen above any other period. That is a month. Many ministerial offices, including my own, have a 28-day turnaround policy for correspondence that we try to adhere to when possible. I think it is a fairly standard government operating time.

Hon MICHAEL MISCHIN: What happens if Parliament is in recess or has been prorogued?

Hon SUE ELLERY: The member has been around long enough to know that it is entirely possible, and regularly done, for reports and other documents to be tabled when the house is not sitting. I forget the expression for it.

The DEPUTY CHAIR: It is “out of session”.

Hon SUE ELLERY: It is “out of session”, thank you Deputy Chair. It escaped me. Unless the honourable member is suggesting that we never prorogue, I am sure this process captures every other document required to be tabled in the Parliament if prorogation happens. There are provisions for when Parliament is not sitting set out in clause 70. It says that the Premier may give the document to the Clerk, and the document given to the Clerk is taken to have been laid before the house. The laying of the document is taken to have occurred and must be recorded in the minutes or votes of proceedings of the house on the first sitting of the house after the Clerk receives the document.

Hon AARON STONEHOUSE: I thank the minister for the answer to my previous question. If a strategy is submitted to the Premier, the Premier must give written feedback on the strategy. Presumably, that is when he would say something is vague and ask for it to be clarified or have something explained so he can get a more coherent and complete strategy that can then be tabled in Parliament and presented to the public. In that case, would the original strategy submitted to the Premier and his written advice to Infrastructure WA providing feedback be available through freedom of information requests?

Hon SUE ELLERY: I think I provided a response to the honourable member about the entirety of this process being captured by freedom of information when the chamber was last debating this bill; so, yes, indeed, the original version and the Premier’s response would be covered by FOI legislation.

Hon MARTIN ALDRIDGE: On that point, I think it is one thing for the minister to say that everything in the bill will be subject to the Freedom of Information Act, but I think Hon Aaron Stonehouse is asking about whether the Premier receives the strategy and returns it. This is of state significance. I think the Premier would be taking this to cabinet. Therefore, it would be cabinet-in-confidence and exempt under the Freedom of Information Act. It is little bit loose for the minister to say that this is subject to FOI, because the reality is something other.

Hon SUE ELLERY: The honourable member is asking me to crystal ball gaze whether or not the Premier takes his material to cabinet, and I simply cannot do that. I can only advise the chamber. I have dutifully and honestly set out the existing provisions that will apply—the Financial Management Act, the Freedom of Information Act, parliamentary privilege and openness to parliamentary questions. All of those things will apply to this legislation.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: State Infrastructure Programmes —

Hon MICHAEL MISCHIN: My questions will relate to a number of elements of divisions 2 and 3. To what extent, if any, would the publication of a state infrastructure program and a commitment to it—or a major infrastructure proposal under division 3—expose the state to litigation or some sovereign risk if a government were to subsequently say that it disagreed with the priorities that had been committed to, despite the fact that enterprises had already invested in it on the assumption that that would be the way that the state government was going to do things over a period of time? A new government or an existing government that has accepted one of these strategies could decide that it is not in fact in the state’s interest. I know that the current government is quite happy to tear up contracts when it suits it, such as with Roe 8.

Hon Alison Xamon: Yay!

The DEPUTY CHAIR: Order, member!

Hon MICHAEL MISCHIN: If, after the publication of a strategy, people decide to invest in it because they think it is what the state government is going to do, and are then disappointed, will they have a basis for action against the state for lost expectations and the damage that is caused to them through their having misdirected their investments?

Hon SUE ELLERY: I go back to what I talked about in my reply to the second reading debate, which was the extent of the consultation that occurred. All the respective peak bodies, for example, are supportive of the model and are going into it with their eyes wide open. Clause 18(1) provides for the Premier’s power to prepare state infrastructure programs and make them publicly available. Under subclause (5), he may amend the program. For example, a new, incoming Premier may amend the program. It is important to recognise that the program is not about contractual arrangements. Indeed, governments change their mind from time to time; there is nothing new about the capacity of governments to make decisions about a particular piece of infrastructure that will change it, or will cancel it, or will make it do something that it was not previously going to do. There is nothing new about that; that situation exists right now.

Hon MICHAEL MISCHIN: What does not exist right now are plans 20-plus years into the future in the level of detail in the publication of strategies and the like. For example, Infrastructure Western Australia could decide that in 20-plus years we are going to need a new town somewhere between Northam and Perth. It decides where it will be located, and strategies, programs and plans are published. A major property developer decides, “Well, there you go. This is the certainty of investment that we in business have been looking for for so long. This is the whole

point of the legislation—to allow continuity of investment, continuity of plans and certainty in our investments—so I’m going to buy up a whole pile of property out there and start preparing the groundwork for this town and make a major investment there.” The next government comes in and says, “Actually, we think that’s a dumb idea. We’re not going to do it.” Is there any prospect that the state of Western Australia could be exposed to a claim from that developer because their expectations have been lost as a result of a change to the future major infrastructure plans that this legislation is meant to establish and give some certainty to? I just want to make sure that that is not going to happen.

Hon SUE ELLERY: No more or less than the previous government’s decision to not proceed with Metro Area Express, for example. Governments make decisions to proceed or not proceed all the time. There is nothing different or new in this piece of legislation to change that in any way.

Hon MICHAEL MISCHIN: I suppose that is right, and I suppose that in the case of Roe 8, all that needs to happen is for a government to say, “We’re going to tear up the contracts if we get in, and if anyone tries to sue us, our new Premier knows where to find them, and they will be dealt with accordingly.” I just want to make sure that the passage of this bill and the publication of all these plans and the like will not raise expectations that the government, and hence the state of Western Australia, has made a commitment, which could then expose Western Australia to legal action or sovereign risk because of a decision that Infrastructure Western Australia makes and the Premier of the day adopts.

Hon Sue Ellery: I have nothing to add.

Clause put and passed.

Clause 19: Infrastructure WA to assess major infrastructure proposals prior to investment decision —

Hon MARTIN ALDRIDGE: I know we engaged in discussion on this in clause 1, but I seek some clarity around investment decisions. Clause 19(3) states —

(3) In subsection (2) —

investment decision, in relation to a proposal of a State agency, means the decision by the Government or the State agency to implement the proposal.

Obviously, this is a very important trigger with regard to understanding when something ought to be referred to Infrastructure Western Australia. Can the minister, in precise detail, explain to me exactly what decision by a government or state agency would trigger this provision?

Hon SUE ELLERY: I am advised that it is the decision that commits funds to proceed with a particular project.

Hon MARTIN ALDRIDGE: Could that investment decision be something that is reflected in a budget—for example, a budget announcement for a piece of infrastructure—so that a decision reflected in the budget papers would be, for the purposes of this subclause, an investment decision?

Hon SUE ELLERY: Yes, it could be.

Hon MARTIN ALDRIDGE: Would a media statement issued by a minister be an investment decision?

Hon SUE ELLERY: No.

Hon MARTIN ALDRIDGE: For those in the Labor Party who are permitted to use Twitter, would a tweet be an investment decision?

Hon Sue Ellery: I’m not responding to that gratuitous question.

Hon MARTIN ALDRIDGE: We are not too sure. We have “yes” to budget and “no” to media statements, but we are unsure about Twitter. What about the *Government Mid-year Financial Projections Statement*? Would something reflected in that be an investment decision?

Hon Sue Ellery: Do you mean the midyear review? Is that what you’re talking about?

Hon MARTIN ALDRIDGE: That is what it is called, yes.

Hon SUE ELLERY: Yes, it could, and for clarification—in case Hansard did not get my comment—my comment in respect of the comment about Twitter was that I am not going to respond to what I think was a gratuitous, silly question.

Hon MARTIN ALDRIDGE: I think these are important things. In my view, “investment decision” is very poorly defined here, so I think we need some clarity around what exactly it is that the government needs to do before a decision is made. Would an announcement by a minister on social media constitute an investment decision for the purposes of subclause (3)?

Hon SUE ELLERY: No.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Guidelines and summary reports —

Hon MARTIN ALDRIDGE: Before moving my amendment, I want to seek some clarification from the government. When I had my briefing on this bill—I admit that it was done by teleconference, so it was not ideal—I was not able to determine from the advisers why there is a compulsion upon the Premier in subclause (3), so the Premier, under that clause, must do something. Then subclause (4) anticipates the Premier breaking the law and not doing something that he must do, and therefore Infrastructure WA may make the summary publicly available. In the briefing, I was told something to the effect that this was essentially to avoid legal action. It is not clear to me exactly why this would be the case. Perhaps it would be somebody trying to enforce subclause (3), to force the Premier to do something for which there is no penalty provision, but may seek the direction of a court for him to comply with subclause (3). In my interpretation of this clause, subclause (4) is designed to provide for Infrastructure Western Australia to make the summary publicly available, but it is at its discretion, by use of the word “may”. I am just trying to understand, and I am interested in the minister’s response about why this clause has been constructed in this way, so that there is a positive compulsion on the Premier in subclause (3) and then discretion for the agency in subclause (4).

Hon SUE ELLERY: Under clause 21(3), the Premier must make the summary report publicly available, and only under exceptional and rare circumstances would this not occur. It was considered appropriate to give Infrastructure WA discretion in this matter, hence the use of the word “may”, as it is an independent body. However, I take the point that the honourable member is making and, on that basis, indicate that the government will support his amendment.

Hon MARTIN ALDRIDGE: I move —

Page 16, line 26 — To delete “may” and substitute —
must

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 22 to 25 put and passed.

Clause 26: Board membership —

Hon PETER COLLIER: Clause 26(5) reads —

The Premier must ensure that the Board members have, between them, expertise across a broad range of infrastructure sectors.

That, to me, seems very subjective. How can we be assured, given the significance of this board—I mentioned this in my second reading contribution—that, for want of a better term, the board is not stacked with a particular ideological bent, regardless of which party is in power, whether it be the Labor Party or the Liberal and National Parties? If there is ever an occasion to pick up on something that Hon Michael Misichin said, it is this one, with regard to bipartisanship. I do not wish to implicate potential board members, but how can we prevent members serving their ideological overlords, whether of Liberal or Labor persuasion?

Hon SUE ELLERY: The reason the government has chosen to go down the path of an open expression of interest process, for example, is to ensure that the process is indeed open, and that anybody with that kind of expertise in the areas of infrastructure policy, planning, strategy, funding, financing or delivery is able to apply. Ultimately, the Premier will make recommendations to the Governor, and they will be accepted or not accepted. The clause is about the kind of technical and professional expertise that the respective board members bring to the exercise. It is arguable that any government appointment is open to the criticism that it is partisan. That is arguable. There is not a provision within the clause that seeks to prevent that. I take the point that the member makes, but the purpose of the expression of interest exercise is to make sure that the process is open and that the Premier could demonstrate that he was not just picking his mates, and did not already have a list of who was to be on the board. It is an open exercise, trying to seek that kind of expertise, as opposed to political bent.

Hon PETER COLLIER: I take on board everything that the Leader of the House has just said. I agree, and we do not need a PhD—just look at the boards, ad infinitum, under previous governments, and we will see former members, former ministers, and eminent party hardheads from both sides of the spectrum who have been appointed. This one, though, is a little different. These board members have a 10-year tenure, and a responsibility that goes beyond, dare I say, the sectional interests of a government trading enterprise or, for example, the North Metropolitan Health Service, or whatever it might be. We are talking about, generically, the whole infrastructure program for Western Australia, and a 10-year tenure. My point is that if there was a situation in which, for example, a Jim McGinty or, indeed, a George Cash was on the board for 10 years, that is a long time. I do not have an answer for this. Do not get me wrong, but I do not have a solution that can resolve this issue. If there is one chink in the armour of this bill, it is this one, and that is the fact that if we are genuinely going to have an Infrastructure Western Australia Act that provides an avenue for credible oversight of infrastructure development in this great state, we must have people on this board who have significant life skills, professional skills and experience, to ensure that they have the ambitions of the state at heart. I like to think that that will happen, but there is nothing in this clause

that shows that it necessarily will. Having said that, that is all I am going to say. It is the only weak link, but I like to think that the current Premier and future Premiers will appoint, accordingly, people with the best and most appropriate skills who will provide an avenue for comprehensive infrastructure throughout the state.

Hon MICHAEL MISCHIN: A couple of things said by the Leader of the House troubled me. One was the suggestion that the Premier will make recommendations to the Governor, and they will be either accepted or not. Is it seriously suggested that the Governor will exercise an independent discretion, and not take the advice of the minister?

Hon SUE ELLERY: I was trying to pay respect to the position of the Governor. Of course, the Governor has the option to accept or not accept advice that he is provided with. It would be a very unusual set of circumstances for a Governor to reject that advice. I was just trying to pay due respect to the position.

Hon MICHAEL MISCHIN: That may be right, but we are dealing with practicalities here. The practicality is that the appointments will be those recommended by the Premier. Is that correct?

Hon Sue Ellery: I have already answered that question.

Hon MICHAEL MISCHIN: Okay, so the answer is yes. We now have underway an expression of interest process. There must be something that the government is looking for to determine whether the people who are writing in and saying they would like to be on the board are the sort of people who are desirable to have on the board.

Sitting suspended from 6.00 to 7.30 pm

Hon MICHAEL MISCHIN: Before the dinner break, I was about to ask about the sorts of qualifications and experience being sought for the appointments that the Premier will recommend to the Governor. Clause 26 prescribes that the board will consist of up to 10 members, of whom three will be ex officio members of the board under subclause (3), and that there must not be more government employees than there are non-government employees. Clause 26(5) states —

The Premier must ensure that the Board members have, between them, expertise across a broad range of infrastructure sectors.

Can the minister identify for us what are “infrastructure sectors”?

Hon SUE ELLERY: I am not sure what the member does not understand about the words “infrastructure sectors”. What is the member looking for me to explain?

Hon MICHAEL MISCHIN: What is an infrastructure sector?

Hon SUE ELLERY: There are different components of infrastructure and they go around energy, water and a range of utilities, and transport, education and health. There is a whole range of them.

Hon MICHAEL MISCHIN: Given that the advertising process is currently underway seeking expressions of interest for board members, have any guidelines been published or has the Premier given any indication to the interim chair, Mr Langoulant, of the talents and experience that are being sought as a guideline?

Hon SUE ELLERY: The expression of interest that was released on 11 May was based on the provisions of the bill that set out the respective functions and expertise. For example, clause 26(6) refers to —

... appropriate expertise in the areas of infrastructure policy, planning, strategy, funding, financing or delivery.

Hon MICHAEL MISCHIN: Has anything been provided by way of instruction or guidance to Mr Langoulant?

Hon SUE ELLERY: The best advice I can offer the member is the advertised expression of interest guidelines, which state —

The Western Australian Government recognises the role of infrastructure development as a catalyst for economic growth, creating jobs and supporting the state’s growing population.

Government is establishing Infrastructure WA, a statutory authority ... which will provide independent advice to the Government on matters relating to infrastructure and support the objectives of the *Infrastructure Western Australia Bill 2019*, which are ...

The guidelines set out those objectives, and continue —

A key role of Infrastructure WA will be the development of a State Infrastructure Strategy ...

Expressions of Interest are sought for Board Members ...

On appointments, the guidelines state —

... attention will be given to ensuring the Board has expertise across a broad range of infrastructure sectors. Board diversity will also be considered. Individuals who are, or have been within the past 3 years, a member of Parliament (Commonwealth, State or Territory) will not be eligible for appointment.

...

An Expression of Interest for the role of a Board member can be lodged by submitting a copy of your current curriculum vitae and a covering letter ... addressing the following criteria:

- Significant expertise and experience in infrastructure policy, planning, strategy, funding, financing and/or delivery at a senior level;
- Well-developed strategic skills with the ability to establish an informed perspective on short, medium and long-term infrastructure challenges and opportunities;
- A demonstrated understanding of the processes of Government as they relate to strategic assets and in particular publicly funded infrastructure;
- Demonstrated understanding of board governance with board experience, including risk management, legal, ethics and the influences and accountabilities of boards acting in the public interest; and
- Demonstrated skills in communications, stakeholder management and negotiation appropriate for Board membership.

Hon MICHAEL MISCHIN: That is very broad, indeed. In the interest of bipartisanship, will there be any communication with any other party in Parliament on the sorts of applicants who have applied or expressed interest for this position?

Hon SUE ELLERY: No. I do appreciate that the honourable member was out of the chamber last week on urgent parliamentary business when we were considering this matter, but I did address that issue; and, no, there will not be.

Hon MICHAEL MISCHIN: What did the minister address?

Hon Sue Ellery: What you just asked.

Hon MICHAEL MISCHIN: Was it bipartisanship?

Hon Sue Ellery: By reference to Parliament et cetera.

Hon MICHAEL MISCHIN: Okay, I take it that—well, perhaps assist me; what element of bipartisanship was mentioned in the course of the second reading speech?

Hon SUE ELLERY: Chair, if I may, we are going back to questions that are more appropriately dealt with in clause 1, and clause 1 has been passed by the chamber. The specific clause we are dealing with now goes to the skills and expertise sought for and the method of forming the board. I am happy to answer questions about that, but I am not going to revisit questions that more properly should have been canvassed in the debate on clause 1.

The DEPUTY CHAIR (Hon Robin Chapple): I take the minister's point.

Hon MICHAEL MISCHIN: Okay, I will do it the hard way. Where is the element of bipartisanship in clause 26?

Hon Sue Ellery: I have nothing further to add.

Hon MICHAEL MISCHIN: The minister has not said anything yet. Do I take it then that there is no element of bipartisanship in clause 26?

Hon SUE ELLERY: I answered an earlier question asked by the honourable member in exactly the same terms. This is a very specific clause about a very specific set of circumstances. The general proposition that the member wants me to address could properly have been addressed in a broad debate, which is what the clause 1 debate is all about. The clause before the chamber right now is about a very specific set of circumstances. I have answered the questions on that that he has asked to date. I cannot add anything further on the broader question that he has raised.

Hon MICHAEL MISCHIN: Will there be any opportunity for any other political party to have a say on the composition of the board of Infrastructure Western Australia?

Hon Sue Ellery: I have nothing further to add.

Hon MICHAEL MISCHIN: In other words, no. Is that correct, minister?

Hon Sue Ellery: I have nothing further to add.

Hon MICHAEL MISCHIN: A no?

Hon Sue Ellery: I have nothing further to add.

Hon MICHAEL MISCHIN: To add to what?

Hon SUE ELLERY: I have answered the question three times. There is nothing further that I can add.

The DEPUTY CHAIR: I have taken the point of the minister. We are dealing with clause 26 and I would ask the member to deal with the matters before us in clause 26.

Hon MICHAEL MISCHIN: So, the decision is solely that of the Premier. It is the Premier who has to be satisfied that the person has “appropriate expertise” and it will be the Premier’s decision about whether that person not only is sufficiently qualified but also will suit the Premier’s purposes as a member of this board. Hon Peter Collier raised the subject of political appointments and the like. There is no guarantee within the scope of the legislation that that will not occur, and that is understood. It was one of the great concerns that I had about the potential stacking of the board of those who will be the Premier’s choice, in the same way as the Premier chooses the Governor and in the same way as the Minister for Commerce chose Toni Walkington as a member of the Western Australian Industrial Relations Commission on the basis that there needed to be some union balance. Presumably, those factors will also be taken into account as to who is friends of whom and what the political allegiances are when it comes to choosing members of Infrastructure Western Australia. Is there nothing that the minister could say that would allay those fears?

Hon SUE ELLERY: I have nothing further to add.

Hon MICHAEL MISCHIN: Thank you. This establishes the concern that I have regarding the risks of a twenty-first century WA Inc. I have nothing further to say on that clause. It is self-evident what the risks are.

Clause put and passed.

Clauses 27 and 28 put and passed.

Clause 29: Remuneration and expenses —

Hon MICHAEL MISCHIN: Clause 29 deals with remuneration and expenses and the minister mentioned at some point during her second reading reply some estimated ranges of remuneration for board members. But has the Premier, who has initiated the hiring process, or is at least seeking expressions of interest for appointment to the board, formulated in draft any submission to the Salaries and Allowances Tribunal about the potential remuneration or conditions that will be around the board positions?

Hon SUE ELLERY: I realise that the honourable member was out of the chamber on urgent parliamentary business when I addressed this, but I did address it. It is not a matter that will go to the Salaries and Allowances Tribunal; it is a matter that will be dealt with by the Public Sector Commissioner. I was asked questions and I provided an answer in my second reading reply that indicative advice to date from the Public Sector Commissioner—this is still to be finalised—has recommended the following remuneration: the chairperson position is \$97 144 to \$109 494 per annum; the deputy chairperson position is \$45 738; and other non-government board members’ positions are \$41 926.

Hon MICHAEL MISCHIN: Is the remuneration for those who are not public servants going to be in addition to any funding that they can obtain or remuneration for private work that they are doing?

Hon SUE ELLERY: If I understand the question correctly, the member is asking whether this is in addition to income they earn in their private capacity. Yes, of course it is.

Hon MICHAEL MISCHIN: So, a member who is not a government member can be an employee or receive remuneration and be bound by conditions of responsibility to some non-government organisation and can also sit on Infrastructure Western Australia and be paid to decide the future of Western Australia’s infrastructure?

Hon SUE ELLERY: This is exactly what happens now for board appointments.

Clause put and passed.

Clauses 30 to 43 put and passed.

New clause 43A —

Hon SUE ELLERY: I move —

Page 27, after line 12 — To insert —

43A. Financial interest in a matter

For the purposes of this Subdivision, a member of the Board or of a committee has a direct or indirect financial interest in a matter if it is reasonable to expect that the matter may, if dealt with by the Board or committee in a particular way, result in a financial gain, loss, benefit or detriment for the member or a person closely associated with the member.

This amendment strikes the right balance for transparency and disclosure. It is consistent with other states that require financial interests to be publicly disclosed. No other IWA-style body requires public disclosure of non-financial interests and this has proven to work well in other jurisdictions. This amendment picks up a debate in the Legislative Assembly when the member for Dawesville questioned why the approach of Infrastructure New South Wales was not chosen, whereby all members have to disclose their pecuniary interest up-front and those disclosures are recorded in a book that is available for inspection by the public. That assertion was not entirely correct. The Infrastructure New South Wales provisions require that members disclose a direct or indirect pecuniary interest only in a matter being considered or about to be considered by the board and these disclosures must be recorded in a book that is open for inspection. There is no requirement under Infrastructure New South Wales’ provisions for board members to disclose their interest up-front in a register.

The provision that we drafted and put before the chamber requires that when a financial disclosure is made under clause 44, this be made publicly available on request for inspection. Accordingly, amendments 9/NC43A, 10/44 and 11/46, which are set out on page 2 of supplementary notice paper 118, issue 5, are a combined package to address that issue. Although I am moving the first one, the three of them go together to create the effect, which was raised in the Assembly and which the government is happy to proceed with.

Hon MICHAEL MISCHIN: I do not have a problem with the clause—just a question. How does one determine a relationship and whether someone is closely associated with a member? What is the range of that sort of relationship?

Hon SUE ELLERY: We anticipate that the board is likely to set its own policy on that matter. However, it is possible to do so by regulation that either of those could set the arrangements that need to be tested to ascertain what constitutes close.

Hon MICHAEL MISCHIN: Let us say, for example, that I am the director of a company that is closely involved with an infrastructure sector of the character that the minister has described. Part of my circle of associates and friends is a director of an infrastructure sector company. Decisions are made planning the state's infrastructure that would benefit that other company. On the face of it, does that indicate a close enough association to fall within the scope of new clause 43A?

Hon SUE ELLERY: As I just explained, I cannot give the member a specific response to that question. The board will either set its own policy on what it deems to meet the definitions of requiring that kind of disclosure or it may be something that is captured in future regulations.

Hon ALISON XAMON: I thank the minister for explaining why she moved to insert new clause 43A. I thought it was very helpful that the minister also foreshadowed the other related amendments because it helps to progress this discussion. I mention that because I have a similar amendment to clause 44. Without wanting to pre-empt that, if we are able to have the discussion as a whole now, depending on the will of the chamber and whether this new clause gets up, it will influence my decision on whether I proceed to move an amendment to clause 44. On that basis, I have been looking at new clause 43A in conjunction with the other foreshadowed amendments that have very helpfully been put forward by the Leader of the House.

I have a couple of comments that I wanted to make that differentiate between those collective amendments and the nature of the amendment that I originally foreshadowed. I would like to get the government's views and its rationale on why it wanted to pursue that different approach. As was correctly identified by the minister, this arose from a debate in the other place. It was suggested that there may be a willingness to look at an amendment of this sort. Effectively, I will refer to the collective government amendments because I think that is more helpful. What the collective amendments do is very different from the amendment that I have foreshadowed. The government's amendments only relate to financial interests whereas the amendment that I have foreshadowed relates to material personal interests, even though that is not specifically defined within the bill. I spoke about that during the second reading debate, and it was responded to. Therefore, the intent of the amendment that I have foreshadowed is broader than simply looking at financial interests.

Another key difference is that the government's amendments mean that someone can get only a summary of the record rather than the record itself. The other difference is that the government amendment means that one is only able to inspect, and even in that instance, only in a way in which the regulations specify. Of course we do not have the benefit of the regulations to determine what that will look like. It could end up being quite onerous. We do not know because we do not have them. It might be quite difficult to obtain. For example, I could foresee a situation in which the regulations would require someone to physically go into offices during certain hours to inspect and they would have no capacity to get a copy of the record or show it to anyone else. They are the key elements in the package of proposed amendments that are different from the broader amendment that I have foreshadowed. I would appreciate it if the government could explain why it is preferable to narrow down the scope of the proposed amendment. There may be a good reason for that. In the event that there is not and that this new clause fails, I advise the chamber that I will move my amendment to clause 44. Even if my amendment does not get up, I still think that the government's proposed amendments are better than not having any amendments in the bill. Either way, I think we are looking at an improvement.

Hon SUE ELLERY: The amendment in my name is drafted to be consistent with the New South Wales model. It is deemed that financial interests as opposed to pecuniary interests require a higher test, if you like, of disclosure. The risk is higher when we are talking about people's finances as opposed to who their second cousin is. This was deemed to be a higher test, and that is why we have chosen to go down this path.

Hon ALISON XAMON: That certainly answered my first concern. The Leader of the House advised the chamber that she believes it sets a higher bar. I also raised issues about the nature of the record that will become available. I am concerned that it is lesser than what would otherwise be proposed within my foreshadowed amendment in the sense that it is only a summary rather than a copy of the record itself. Also, there is still a lack of specificity around how that will be accessed because that is meant to be prescribed by regulation. I would appreciate getting some advice on why it was felt necessary or important to narrow down that scope and also whether any advice can be given to the chamber on the anticipated likely process that will be incorporated within the regulations around inspection.

Hon SUE ELLERY: The advice that I have received is that the nature of the information that is appropriately disclosed is people's private information. If someone specifically wants to see it for the purposes of probity, they should be able to. There is a difference between that and having it open for everybody who wants to see it just as a matter of curiosity.

That is the reason for making it available on request. Part of my amendment to clause 44 states —

(7) Without limiting section 71, the regulations may provide for how the record is to be made available.

For example, we would not want to disadvantage someone who wanted to make a request but lived far from the Infrastructure Western Australia office. It might be that those regulations will give consideration to how that information might be provided electronically on request. The proposal is that that be dealt with by way of regulation so that the people involved can take the time to work out the most practical way to provide the requested information.

New clause put and passed.

Clause 44: Disclosure of material personal interests —

Hon ALISON XAMON: As I indicated in my previous contribution, because the previous new clause has been agreed to by the chamber and is part of the package, I will not be proceeding with the amendment standing in my name.

Hon SUE ELLERY: I move —

Page 28, after line 6 — To insert —

(6) Infrastructure WA must keep a record of each disclosure or determination under this section that relates to a direct or indirect financial interest in a matter, and make a summary of the record available, on request, for inspection.

(7) Without limiting section 71, the regulations may provide for how the record is to be made available.

As I explained, this is the second part of the package of amendments to give effect to disclosure of board members' financial interests.

Amendment put and passed.

Hon MICHAEL MISCHIN: Subclauses (1) and (2) of clause 44 prescribe a penalty for those subclauses of a fine of \$10 000. I take it that that creates an offence for each of those subclauses. If so, who will be able to prosecute?

Hon SUE ELLERY: The responsibility for the act will rest with the Premier. The prosecution or pursuit of the fines will be done by the state—perhaps the Director of Public Prosecutions on behalf of the state. That is the advice I have been given.

Hon MICHAEL MISCHIN: It is a little more complicated than that. No authorised officer is prescribed under the legislation to lay a charge. It may be that something is in the Criminal Investigation Act or the Criminal Procedure Act, but at the moment, this legislation has a provision that requires certain action and prescribes a penalty. Section 72(1) of the Interpretation Act states —

Where in an Act a penalty —

(a) is specified without qualification at the foot of a section of the Act; ...

then, —

Amongst other things —

unless the contrary is expressly provided, a contravention of the section or subsection, or, as the case may be, of any of the subsections, is an offence the penalty on conviction for which is the penalty specified.

That still requires someone with authority to lay the charge. Ordinarily, it would be an authorised officer of some sort. I was hoping that the minister might be able to point us to how, in practical terms, someone would be able to investigate and lay a charge, and under whose authority they would be able to do so. If that has not been covered off, this might be an opportunity for the government to consider whom that ought to be. It seems to me that these are not indictable offences, so they would not, as a matter of course, fall under the responsibility of the Director of Public Prosecutions. It is not clear whether the Western Australia Police Force would be involved. It seems to be just at large. If there is a deficiency, perhaps it ought to be addressed before this bill is passed.

Hon SUE ELLERY: We are seeking further advice. I give the member an undertaking that I will give him an answer to that question before we finish the bill.

Hon MICHAEL MISCHIN: The minister might want to consider another element—that is, whether any consequences will flow from this other than a charge and, following a prosecution, a penalty. Will there be any effects on the person's ability to act on the board thereafter for a breach of that duty?

Hon SUE ELLERY: The relevant clause has already been passed. Clause 30 has a cross-reference to clause 44(1) and (2).

Hon MICHAEL MISCHIN: I understand that the minister is going to explore the answer. It may be that if there is a problem, it will need to be dealt with in that clause.

Hon SUE ELLERY: The advice I have is that the Director of Public Prosecutions would prosecute.

Hon MICHAEL MISCHIN: Can the minister explain why? As I said, the Director of Public Prosecutions is seized of indictable offences. As a general rule, that is the director's responsibility. This does not seem to be an indictable offence. At worst, it seems to be a simple offence.

Hon SUE ELLERY: I told the member I would give him an answer to the question before we finish the bill. Mr Deputy Chair, while we deal with the rest of the bill, one of my advisers might leave the table so she will not have to text and will be able to talk to the person. I give the member an undertaking that I will give him an answer before we finish with the bill.

Clause, as amended, put and passed.

Clause 45 put and passed.

Clause 46: Section 45 may be declared inapplicable —

Hon SUE ELLERY: I move —

Page 29, lines 9 to 13 — To delete the lines.

This is the third part of the package of amendments to give effect to the disclosure of financial interests.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 47 to 63 put and passed.

Clause 64: Confidentiality —

Hon MICHAEL MISCHIN: Once again, in clause 64(1), a penalty is prescribed for a breach of the injunction against the use or disclosure of information. The penalty is a fine of \$10 000, which I presume is the maximum. Once again, we have the question of how that is to be prosecuted and by whom. I simply draw the matter to the minister's attention so that she can assist us with that in due course.

Hon SUE ELLERY: Noted.

Clause put and passed.

Clauses 65 to 71 put and passed.

Clause 72: Review of Act —

Hon ALISON XAMON: I want to, hopefully, expedite this matter by referring to not only the proposed amendments standing in my name, but also the dualling clause that has been proposed by the government, because I think it will help us to have that discussion all at once. Effectively, the only difference between what the government has proposed—which is still an improvement on the current review clause within the bill as it stands before us—and my proposal is my proposed new clause 72(3), which seeks to prescribe particular elements of the review that the Greens would like to see undertaken within the overall review process. I note that the way I have proposed to word that specifies that it is not intended to limit any of the review processes within proposed subclause (1), but I want some specifics to be addressed. From speaking behind the Chair, it is my understanding that part of the government concern about prescribing specifics that need to be part of the review is that they may be interpreted in a future review process as somehow limiting the scope of that review. Respectfully, I have a different view. I think the subclause is worded in a way that makes it clear that it is not intended to limit at all, but is intended to ensure that specific issues are going to be addressed.

The first question I have for the minister, before I deal with the issues around my proposed new clause 72(3), is whether the government's concern is as I have just described, or whether I have misunderstood.

Hon SUE ELLERY: There are a couple of reasons why the government does not support the review provisions set out in proposed new clause 72 in the name of Hon Alison Xamon.

For the benefit of the chamber, I will walk everybody through what is on supplementary notice paper 118. At the bottom of page 2 of the supplementary notice paper is an amendment in the name of Hon Alison Xamon that would have the effect of opposing the existing clause. Immediately below that is one in my name having the same effect—to oppose the existing clause. At page 3 of the supplementary notice paper is a version of a new review clause in the name of Hon Alison Xamon, and immediately below that is the government's preferred version of a review clause. It is a different version from the clause that is in the bill before us. It takes into account one of the key elements raised by Hon Alison Xamon, which is a rolling review, but does not take into account those elements she has identified in her proposed new clause 72(3).

There are a couple of reasons why the member's proposed clause 72(3) is not acceptable to the government. Parts of that proposed subclause are now redundant, given that I have previously confirmed that the bill does not impact

assessment, approval or review processes under other acts, such as environmental impact assessments. The government is of the view that creating a list of factors that future reviews must consider is likely to limit the scope of such reviews in practice, and that would not necessarily be a desirable outcome. The alternative that has been drafted, which appears on the supplementary notice paper in my name, applies subclauses (1), (2) and (4) of the amendment proposed by Hon Alison Xamon, but not subclause (3). Proposed clause 72(3) includes detailed information that a review must address. This is considered inappropriate and in some cases actually beyond the scope of this legislation—for example, the impact on environmental impact assessments—and the government would be concerned about the precedent set for other legislation.

Hon ALISON XAMON: That was very helpful.

Clause put and negatived.

New clause 72 —

Hon ALISON XAMON: I thank the minister for her response. I certainly am persuaded by the comments that she made about proposed subclause 3(c), and she is indeed right, that at the time this particular amendment had been proposed, there was great uncertainty about whether this legislation was likely to impact on environmental assessments. I think the chamber has been fully satisfied that in no way is this legislation able or intended to override our ordinary environmental assessment processes. As such, I heartily concur that that makes this provision completely redundant and, if anything, unhelpful. As such, I will not be moving the amendment standing in my name, but I would like to ask some questions of the minister please, if I may.

I want to confirm that it is likely that a review will incorporate the extent to which the objectives of the act have been achieved. Can the minister please confirm that that is likely to be incorporated within the review?

Hon SUE ELLERY: Yes, I can confirm that.

Hon ALISON XAMON: I thank the minister. Can the minister confirm that a review is likely to also examine the degree to which the act has promoted transparency and public accountability in infrastructure planning and coordination?

Hon SUE ELLERY: I am not sure that I can give the honourable member confirmation of that, because there is not a provision set out in the objectives of the bill before us that goes to those issues. The government says that those elements have been embedded in the course of the various clauses—for example, the ones about publishing certain information. To the extent that the review would look at the operation and effectiveness of the act, it would look at those elements that make up what the government says are the transparency elements. It will be looking at whether the reports have been published and whether there is an issue with publishing the reports in a timely fashion et cetera.

Hon ALISON XAMON: Thank you, minister, that is helpful, because I understand that one of the aims of this bill is to make sure that we have some more transparency around how these decisions are made.

Finally, I would like confirmation of whether it is likely that any future review will also include the adequacy of the provisions of the act that are dealing with the disclosure of material or financial personal interests of the board, the committee members and the CEO?

Hon SUE ELLERY: Given that is a provision of the act, yes, I can confirm that it is likely that that would be considered in the review.

I move —

Page 43, after line 20 — To insert —

72. Review of Act

- (1) The Premier must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which this section comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The obligation under subsection (1) is limited to 3 occasions.
- (3) The Premier must cause each report to be laid before each House of Parliament as soon as practicable after the report is prepared, but not later than 12 months after the 5th anniversary or the expiry of the period of 5 years (whichever is relevant).

As I have explained to the chamber already, this is an alternative review. It picks up the key provision that Hon Alison Xamon was seeking, which is around the rolling review every five years, as I so moved.

New clause put and passed.

Clauses 73 to 76 put and passed.

Postponed clause 10: Annual work programme —

Resumed from an earlier stage of the sitting on the amendment moved by Hon Peter Collier.

Hon SUE ELLERY: I move the amendments standing in my name, at 15/10 and 16/10 of supplementary notice paper 118, issue 5 —

Page 9, line 19 — To delete “may” and substitute —
must

Page 9, after line 20 — To insert —

- (6) Infrastructure WA may remove from an annual work programme any information that it considers to be confidential or otherwise not suitable to be made publicly available, prior to making the programme publicly available.

This will have the effect that was sought by Hon Peter Collier to delete “may” and insert “must” in respect of publishing the annual work program. If I can talk to them as a package, amendment 16/10 has the effect of providing that carve out, which the government sought. It introduces a new subclause (6), which states —

Infrastructure WA may remove from an annual work programme any information that it considers to be confidential or otherwise not suitable to be made publicly available, prior to making the programme publicly available.

Hon PETER COLLIER: I want to thank the minister and the government for those amendments. That does satisfy me; it makes the bill more transparent and open, as we all want, and so the opposition will obviously be supporting this raft of amendments.

Hon ALISON XAMON: I appreciate being able to deal with them as a suite of amendments; it makes it much more efficient. I have a couple of questions. Regarding the amendment proposed by the minister, can the minister confirm whether it is likely that the confidential information, which is going to be removed, will still be able to go through the FOI processes?

Hon SUE ELLERY: The answer is yes. There is nothing in the amendment before the chamber now that diminishes the commitments I made earlier about the coverage of the freedom of information legislation.

Hon ALISON XAMON: Is it likely to be the case that there will be an indicator that information has been removed or will people have to simply speculate on the absence of information? Will it, for example, attach a note or something to it, which will indicate that that information is not there?

Hon SUE ELLERY: This was drafted about an hour ago, so I am not sure that consideration has been given to that level of detail. It is certainly something I can undertake to raise with the Premier.

The DEPUTY CHAIR (Hon Robin Chapple): Is leave granted for Hon Peter Collier to withdraw his amendment?

Amendment, by leave, withdrawn.

The DEPUTY CHAIR: We go back to the amendments before us. The Leader of the House representing the Premier has moved —

Page 9, line 19 — To delete “may” and substitute —
must

Amendment put and passed.

Hon SUE ELLERY: I have moved the second part of that package of amendments, at 16/10 of supplementary notice paper 118, issue 5.

The DEPUTY CHAIR: The Leader of the House has moved —

Page 9, after line 20 — To insert —

- (6) Infrastructure WA may remove from an annual work programme any information that it considers to be confidential or otherwise not suitable to be made publicly available, prior to making the programme publicly available.

Amendment put and passed.

Hon SUE ELLERY: Mr Deputy Chair, if I may, I gave an undertaking that I would seek some information before we finished with the bill. I do not have that information yet, so I ask that you report progress. If that information comes back before we finish, we can come back to this bill and deal with it; otherwise, we might come back and deal with it tomorrow.

Postponed clause, as amended, put and passed.

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

**PUBLIC HEALTH AMENDMENT
(IMMUNISATION REQUIREMENTS FOR ENROLMENT) BILL 2019**

Second Reading

Resumed from 8 May.

HON NICK GOIRAN (South Metropolitan) [8.32 pm]: I rise as the lead speaker for the opposition on the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019. I note that this is the first time that this bill has come on for debate in this place. It was introduced in this place, which is, of course, permissible, albeit not customary, and I note that it was first read into this place on 8 May this year. I have been told by the government that this bill is priority legislation; indeed, as it has been put to me, this is an urgent bill that the government said must be passed by 30 June. I note that in the bill that has just been debated, there was much discussion about the significance of the words “may” and “must”. As I understand it—I stand to be corrected if I am incorrect—the government said that this bill “must” be passed by 30 June and that is why the bill, a piece of legislation that the government says is a priority, was brought on for debate today, 11 June, albeit for the first time.

The opposition’s position on this bill is that we are strongly pro-immunisation; indeed, we, the opposition, support endeavours to lift Western Australia’s vaccination rate. We also wish to put on the public record that we are strongly pro-early childhood education and, indeed, we encourage parents, who have the primary responsibility for the education of their children, to facilitate the attendance and participation of their children in early childhood education. We, the opposition, have little confidence in this government’s ability to get the details right. I note that the government has a strong bad track record of getting the details of legislation right in this fortieth Parliament. Having assessed this bill, the government seems to think that it is appropriate to carve out significant exemptions to this scheme or regime in Western Australia. I particularly draw to members’ attention clauses 4 and 8, in which the government is endeavouring to carve out significant exemptions for childcare services and children. It is a statement of the bleeding obvious that the constituency that will be most affected by this bill will be the children of Western Australia. In prosecuting its case for this bill, the government must explain to the Parliament and the people of Western Australia why it is appropriate to carve out such a multitude of that constituency. If it is indeed the aspiration of this bill to lift Western Australia’s vaccination rate for children, one wonders why the government seeks to provide so many exemptions.

It has been put to me during the course of briefings and the like that the government has allowed for an extravagant delegation of legislative power in this bill because of what has been put to me as “drafting approaches” and “desiring flexibility”. Members opposite know that that has never been persuasive in this chamber. It may well be persuasive in other places, but in this place that type of approach has never been persuasive, no matter who has been in government. Although the opposition supports the passage of this bill, nevertheless, as I have foreshadowed, we have significant concerns with the scope of the government’s exemptions. The government will need to explain why it is appropriate that such a significant number of children be exempted from the scheme. With the few examples that I will put to the minister with the carriage of this bill in this place, I would like a cogent explanation about why it is appropriate to exempt children in state care. I refer to a child in the care of the state; in other words, a child who is the responsibility of the chief executive officer of the Department of Communities. The state of Western Australia says in one moment, “We want you to vaccinate your children”, but in the next moment it says, “We have certain children in our care but we are going to exempt them from the scheme.” I ask the minister with carriage of this bill to explain why it is not good enough for the state when it has the responsibility for children in its care to participate in the regime, but it is good enough for other Western Australians to do so. Why is it the case that the government will do everything it can to ensure that other Western Australian children are vaccinated but those in the care of the state will be exempted?

Indeed, one of the more curious exemptions that the government proposes is that if a parent of a child is on some kind of commonwealth payment, the child will be exempted from the scheme. Why would that be the case? Why would it be necessary for a child whose parent happens to have a commonwealth Health Care Card to be exempted from this scheme? It is not obvious to the opposition why the government would have such a broad range of exemptions in this endeavour to lift Western Australia’s vaccination rate. In addition, the opposition’s position is that the government needs to explain why these broad exemptions that it wants to bring in should be left to the regulations and not enshrined in the act. We want an explanation of that.

I note that a small number of other jurisdictions in Australia also have a model along these lines but two of those jurisdictions do not have exemptions without limitation. New South Wales, as I understand it, allows a 12-week grace period and Victoria allows a 16-week grace period, whereas the exemptions put forward by the WA government would be without limitation. I hasten to add that I do not want the government’s response to this to be that New South Wales and Victoria do not enforce those grace periods. That is not a satisfactory explanation. We need to know why the government has decided not to have a limitation on the exemptions. New South Wales and Victoria, in effect, having fake limitation periods does not justify the WA government having no limitation period. Why was consideration not given to providing a 12 or 16-week limitation period as in New South Wales and Victoria but, unlike them, ensuring that our limitation period was enforced? We seek an explanation about that from the government.

In addition, the opposition would like an explanation from the government about the extent to which it considered and contemplated implementing the inconvenience model for exemptions. By way of explanation, for the benefit of members, some legal academics have suggested that if we are really going to try to boost our vaccination rate through this type of regime, the best thing that we can do is make it inconvenient and difficult for those people who want to claim an exemption. Rather than simply granting a person an exemption because they meet a particular type of criteria, we should make them do some work in order to be granted that particular exemption. In other words, it is the inconvenience model. I look forward to an explanation from the government about to what extent it considered that type of approach.

I would like to know from the government what initiatives other states have implemented to lift their vaccination rates. As I said earlier, not all states have taken this approach, so I would like the government to explain to the house what those other states have done to lift their rates. As I understand the second reading speech, one of the government's concerns, which is shared by the opposition, is that Western Australia has the lowest rate. If we have the lowest rate, and some states have decided to implement a model such as this and some states have decided not to implement such a model, what have those other states done to enable them to lift their vaccination rate to a far superior rate to that of Western Australia?

I also call on the government to advise us what the Commissioner for Children and Young People had to say about this bill. In particular, what has the Commissioner for Children and Young People had to say about the collision of rights that is taking place on this issue? On the one hand, it is in the best interests of children to deny them access to one right—education—in order to increase another right, which is health. I assume a competent government would have put this question to the Commissioner for Children and Young People and I look forward to hearing what the commissioner had to say on that issue.

I ask the government to release the modelling that it would no doubt have done for this bill. It would be incomprehensible to think that a government would bring in a bill of this significance without having done any modelling whatsoever. The opposition would like to know what modelling has been done to assess the impact of this bill. In particular, what is the expected uplift in the vaccination rate? The opposition is shoulder to shoulder with the government in its desire to increase the vaccination rate in Western Australia. If the government, with its massive resources, has come to the conclusion that one way in which this can be done is through this bill, the opposition will support it. We will continue to be shoulder to shoulder with it in that aspiration, but we simply ask the government to release its modelling, which will indicate to us the expected uplift in the vaccination rate. We would like to know exactly how many childcare services would be exempted by virtue of the significant exemptions in this bill, and in particular we would like to know how many Western Australian children would be exempted as a result of the government's extremely generous regime.

It would be helpful for members, as they are contemplating the passage of this bill, to understand from the government what health and social problems can be created for those excluded from early childhood education. The government has put to me during the course of briefings prior to today's debate that the rationale for at least some of the exemptions that the government wishes to put forward is that health and social problems can be created if we exclude certain children from early childhood education. If that is the case—it seems to me that it most probably is—we would like the government to articulate what those health and social problems are that it says justified this massive list of exemptions that the government proposes to put in, at this stage by way of regulation.

We must not forget that this scheme that has been put together by the government will have an impact on childcare services and the operations of community kindergartens and schools. We ask the government to release to Parliament what exactly those impacts will be. What will be the impact on the operations of those particular industries and organisations as a result of this bill? It would be remiss of me not to add that the opposition, although supportive of the passage of this bill and the government's aspiration to lift the vaccination rate, joins the government in concluding that it is appropriate for there to be medical exemptions. Although we agree that there should be an eligibility criteria for medical exemptions, we call on the government to release its modelling to determine how many people would be eligible for this medical exemption process.

We may tease this out. Indeed, we will tease this out during the Committee of the Whole House because, as members will be aware, a number of amendments are on the supplementary notice paper. I foreshadow to the government that I would like an explanation of how a parent will deal with an enrolment situation when their child has been rejected from enrolment, for example, in kindergarten due to incompetence or because of a mistake. By way of explanation, I understand that the passage of this legislation will result in a school not being able to enrol a student for a kindergarten program if the student's immunisation certificate is not up to date or subject to other criteria and exemptions. How will a parent deal with the situation in which a school is not competently across this regime and therefore incompetently rejects their application for enrolment? What mechanisms will be available to a parent to allow them to provide a copy of their child's immunisation certificate that states that their immunisations are up to date to somebody who will then be able to competently understand what has taken place? I have no doubt that the various agencies and individuals who will be responsible for the administration of this scheme, whether they are in childcare services, community kindergartens or schools, will, in large part—beyond 99 per cent—be able to do so competently. I am concerned about those rare occasions when somebody does not

understand the scheme and the mechanics of it, and an injustice takes place, and a child misses out on early education due to some form of incompetence or mistake.

Indeed, will there be any capacity for a parent to appeal a refused request for a medical exemption? Imagine for a moment a parent who has had a very traumatic experience with their first child having an adverse reaction to an immunisation and, as a result, has grave concerns about their second child. They apply for a medical exemption for their second child and it is rejected. What would be the right of appeal on that initial refusal for a parent in that untenable situation? I ask the government to explain how that situation would be dealt with under the provisions of this bill. It is not obvious to me that a parent would have any capacity to do anything whatsoever. If there is some capacity for a parent to appeal a decision, I ask the government to explain what that mechanism and procedure would be.

I have a number of smaller technical queries, but they can be addressed in the Committee of the Whole House, since, in any event, we will be going into the committee phase to deal with the amendments on supplementary notice paper 127, as foreshadowed by me, Hon Rick Mazza and, I understand, the government. It seems to me that a better way forward for this bill, which clearly is not going to happen, would have been for it to be referred to the Standing Committee on Legislation to consider the massive list of exemptions the government proposes for this bill and determine which, if any, of those exemptions are justified. The rest of the house would then have the benefit of that committee's inquiry. I put forward that proposal to members behind the Chair during the course of the last sitting week, but it was made clear to me that the government has no appetite whatsoever for that to be done. I think that is a missed opportunity, but I respect that this government desires that this bill will come into effect express, pronto. I have no qualms about that; however, I express my disappointment that the government brought on the legislation for debate for the first time only on 11 June, in circumstances in which it says that it is priority legislation that must be passed by 30 June. We have, frankly, wasted weeks of parliamentary sitting time because of this government's incompetence over the course of this year, so to now be put in the undesirable position of an important bill being brought on for debate for the first time on 11 June is very disappointing. It is because of that late provision of the bill to this house that we are now, in effect, hamstrung on referring the bill to a committee.

If this bill had been brought on in February or March, there would have been ample time for it to go to a committee to look at the government's massive list of exemptions. I have counted at least eight categories of exemptions that the government wants; for example, the government says that one of the exemptions should be for Aboriginal children. Members will have an opinion on whether that is appropriate. The opposition's position is that that exemption should be tested by a parliamentary committee. If it is the case that there is a cogent explanation for Aboriginal children to be provided with an exemption, a committee of this Parliament should look at that particular issue and make a finding and a recommendation and come back to Parliament. We do not have that opportunity; all we have is the very limited information given to us by the government. We are simply expected to agree to those exemptions.

I have already outlined a couple of other scenarios, including children in state care. On the surface, it is not obvious why that exemption would be needed, but it is also clear that the government, with its significant resources, has considered that issue and come to the considered position that it is appropriate for children in state care to be granted an exemption. We would much prefer that a committee have the opportunity to test that exemption. That is a missed opportunity indeed. If this matter had gone to a parliamentary committee to be considered, I note that the hardworking Standing Committee on Legislation, chaired by Hon Dr Sally Talbot, in its customary way, would have looked at the fundamental legislative scrutiny principles that it often looks at. I note that there are 11 questions that the committee uses to consider any piece of legislation under the broad heading of whether the bill has sufficient regard to the rights and liberties of individuals. I will take members through those 11 questions. The first question is: are rights, freedoms or obligations, dependent on administrative power, sufficiently defined and subject to appropriate review? On the face of it, no, they are not subject to appropriate review. It is not obvious to me that they are subject to any review whatsoever. That is something that would have been teased out by a parliamentary committee.

The second question is: is the bill consistent with principles of natural justice? The answer to that question is no. The bill is not consistent with principles of natural justice, because, as I outlined earlier, it is not obvious to me that there is any appeal mechanism or dispute resolution procedure in the provisions of the bill. In effect, if a person applies for a medical exemption and the Chief Health Officer agrees with them, they will be given an exemption. If the Chief Health Officer says no, that is the end of the matter. Under no-one's definition of natural justice would that process be considered consistent with the principles normally sought by the Standing Committee on Legislation. That is a missed opportunity, members.

The third question is: does the bill allow the delegation of administrative power only in appropriate cases and to appropriate persons? I think it does. In fairness to the government, it is appropriate that the Chief Health Officer is delegated this duty, or responsibility, to issue or declare immunisation certificates. On that note, I think the government has done a good job with this bill. It is disappointing on the first two questions, but on the third one, I think that is right.

The fourth question is: does the bill reverse the onus of proof in criminal proceedings without adequate justification? No, it does not. We have no concerns there. The fifth question is: does the bill confer power to enter premises and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer?

Perhaps in reply, the Leader of the House can tell us whether the bill confers any such power. The sixth question is: does the bill provide appropriate protection against self-incrimination? That is not applicable with this bill. The seventh question is: does the bill adversely affect rights and liberties, or impose obligations, retrospectively? I say that it is clear that it does affect rights and liberties and impose obligations, but I cannot say that it does so retrospectively. The eighth question is: does the bill confer immunity from proceeding or prosecution without adequate justification? No, it does not. The ninth question is: does the bill provide for the compulsory acquisition of property only with fair compensation? That is not applicable. The tenth question is: does the bill have sufficient regard to Aboriginal tradition and island custom? I thought that was a very good question. Does it? Perhaps the government can indicate what consideration has been given to that matter. As a passing comment, it has been suggested to me that Aboriginal and Torres Strait Islander children have very high immunisation rates in Western Australia.

Hon Donna Faragher: Above 95 per cent.

Hon NICK GOIRAN: I am told by my colleague the very knowledgeable Hon Donna Faragher that it is above 95 per cent. I ask the government: does the bill give sufficient regard to Aboriginal traditional island custom? We will see what the government has to say about that.

The eleventh question is: is the bill unambiguous and drafted in a sufficiently clear and precise way? Generally, yes. However, I note that a number of amendments are on the supplementary notice paper, some of which I would like to think members will support, including one that I think is a typographical error. Generally speaking, it is unambiguous and drafted in a sufficiently clear and precise way.

The second tranche of matters that the Standing Committee on Legislation would ordinarily consider when it looks at the fundamental legislative scrutiny principles is five questions under the heading “Does the Bill have sufficient regard to the institution of Parliament?” The first of those questions is: does the bill allow the delegation of legislative power only in appropriate cases and to appropriate persons? No, I do not think it does. With all due respect to the government, there are junior Henry VIII clauses in this bill. The carving out of such a massive constituency by this government and the breadth of the exemptions relating to children are quite extravagant. It is true that that does not amend an act only by another act, as would ordinarily be the definition for a Henry VIII clause, but the carve-out of the constituency by this bill is so significant that the best way I can describe it for members is that the bill contains junior Henry VIII clauses. I do not think that the bill allows delegation of legislative power in appropriate cases and to appropriate persons. Why should the executive of government be able to, at the stroke of a pen in effect, exempt every single child in Western Australia? Why would that be an appropriate delegation of legislative power? I look forward to an explanation from the government about why it says that this is necessary. Please do not say it is because of futureproofing or flexibility or any of those usual catchphrases. We want a cogent, proper explanation that would be sufficient to persuade members of the Standing Committee on Legislation had this matter been brought before it.

The next question is: does the bill sufficiently subject the exercise of a proposed delegated legislative power—instrument—to the scrutiny of the Legislative Council? I think that is a good question. In a number of instances it does. I am not sure that it does in every instance, and no doubt we will tease that out during Committee of the Whole House. The third of the five questions in the second part of the fundamental legislative scrutiny principles is: does the bill allow or authorise the amendment of an act only by another act? In other words, are there any Henry VIII clauses? I do not think there are. For the reasons that I have already articulated —

The ACTING PRESIDENT: Order, members! There is a lot of chatter around the chamber, which of course makes it difficult for Hansard. If people wish to have a conversation, they might like to take it into the corridors. Please keep it to a dull roar.

Hon NICK GOIRAN: I can well understand that members are curious to look at the bill and scrutinise it for the junior Henry VIII clauses that are contained within it.

The fourth of the five questions is: does the bill affect parliamentary privilege in any manner? It clearly does not. The last of the questions relates to uniform legislation, and clearly that would not be applicable in this instance. I have taken the time to go through each of those 16 questions that would ordinarily be considered by the Standing Committee on Legislation if the bill was referred to it. I trust that members can therefore see that a number of areas would ordinarily enliven the interest of the Standing Committee on Legislation. It is plainly a missed opportunity that this bill will not go to the committee for further consideration.

In summary, I indicate that the opposition will be supporting the passage of this bill. We are very disappointed that the government has left it so late to bring this bill on in the autumn sittings. We now find ourselves with fewer than two sitting weeks prior to the winter recess. We are told by the government that this is a priority, urgent piece of legislation. The opposition is very disappointed by that lack of legislative planning and programming by the government. Notwithstanding that, we support the passage of the bill because the opposition is strongly pro-immunisation. I reiterate that the opposition is strongly pro-early education. The opposition calls on the government to explain why it is appropriate and why the government has decided to allow itself the flexibility to, in effect, exclude every child in Western Australia from this scheme and why it has already telegraphed that it will have a massive list of exemptions for children. We call on the government to explain why it has chosen that way forward.

HON RICK MAZZA (Agricultural) [9.07 pm]: I rise to make some comments on the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019. In principle, I support this bill.

I think immunisation is a very important function that is undertaken in Australia. Vaccinations in general for diseases, particularly childhood diseases, have saved thousands of lives throughout the state. As a young child just starting school in the early 1960s, I remember that we all lined up for our pink sugar cube to protect us against polio. At that time, some students in classes above me displayed the ravages of polio and the disabilities that polio had wrought on them. That was only a few years before my age group. In my age group, I cannot remember one person who had polio during their childhood. It is a great success story as far as that is concerned. It is very disturbing to hear that there are signs of polio returning in First World countries such as the United States. We would like to think that polio is pretty much extinct in Australia and that people are not contracting it. For various reasons, there are signs that that disease is returning in some countries. I hope that Australia does not see any cases of it in the future. Cases of measles have also been reported. An article on 1 and 2 June in *The Weekend West* stated —

US measles cases at 971

The US has recorded 971 cases of measles in the first five months of this year, surpassing the total for any year since 1994, the US Centres for Disease Control and Prevention say.

There were a total of 963 US cases of measles in 1994, the CDC said.

Public health officials blame the resurgence on the spread of misinformation about vaccines. A vocal fringe of parents oppose vaccines. Although the virus was eliminated from the US in 2000, outbreaks occur because of travellers from countries ...

In recent times we have heard of cases of people in Australia with measles as well. It is important that there are vaccination programs in this state, and the purpose of this bill is to increase the number of children who are vaccinated. Some children cannot be vaccinated for medical reasons. That is the case with my daughter, who had some birthing difficulties. The staff at Princess Margaret Hospital for Children said that she would not be able to have a whooping cough vaccination. We took comfort from the fact that pretty much every other kid would have had a whooping cough vaccination so the chances of her contracting whooping cough would be very low. However, in recent years, whooping cough has made a comeback. A couple of infants died tragically from whooping cough because people had failed to keep up the immunisation against whooping cough. I accept that a school of thought among some people out there is that there have been issues with adverse reactions to vaccinations. Those occur extremely rarely and people must balance the benefits with the risks. The risk of contracting a childhood disease because people are not immunised is far greater than the risk of an adverse reaction to a vaccine. Therefore, it is very important that we keep up those vaccinations.

This bill requires that for non-compulsory schooling—that is, kindergarten or child care—children must present with an immunisation history statement that is issued by the federal government. There will be some scope for the Chief Health Officer to also issue a certificate in certain circumstances. The explanatory memorandum refers to cases in which vaccines may not be available for a time, so children will be able to get a certificate that states that they can attend school in those circumstances because their failure to be immunised is through no fault of their own. An extensive list of exemptions for children is proposed, but I have some difficulty with that. At the end of the day, we are trying to ensure that children who attend kindergarten or child care are vaccinated. In this day and age, I do not see why there should be certain circumstances in which children are not vaccinated. If a child does not have a vaccination certificate and a parent or guardian intends to enrol them at school, it is not difficult to get their child immunised.

Unfortunately, the bill does not prevent children who have not been vaccinated from attending compulsory school such as preschool or year 1. If people decide to not have their children vaccinated, their children may be prevented from attending kindergarten, but they will not be prevented from attending compulsory schooling. That may cause issues later. When I had the briefing with the department, I asked a few questions about this bill. I got a response from the department that was quite interesting. One question I asked was —

The immunisation enrolment requirements are applicable to enrolments in pre-compulsory years of early education and care only, up to and including kindergarten. Is it possible for children to attend compulsory school without being full vaccinated?

The answer stated —

Yes, the new immunisation enrolment requirements do not apply to compulsory years of schooling. However, as of 1 January 2019, new regulations came into effect under the Public Health Act 2016 to provide that when a child is enrolled at a school, the parent/guardian for the child is required to give to the person in charge of the school the immunisation status of the child.

I will not read the entire answer. I also asked —

Would the exempt group be likely to attend kindergarten anyway?

The answer was —

Department of Education estimates that more than 96% (34,296) of kindergarten aged children in 2019 are enrolled in kindergarten programs.

I then asked —

If a child applies to enrol without their AIR Statement indicating an ‘up to date’ immunisation status, will they be turned away?

For enrolments into child care services, community kindergartens and school-based kindergarten programs, if a child applies to enrol and does not meet one of the following criteria, the child care service, community kindergarten or school will be unable to enrol the child:

- i. The child’s immunisation status on their AIR certificate is ‘up to date’;
- ii. The Chief Health Officer has issued an alternative immunisation certificate to the child, declaring the child’s immunisation status would be ‘up to date’ but for a particular circumstance;
- iii. The immunisation certificate for the child is a document, or in a class of documents declared by the Chief Health Officer to be an immunisation certificate;
- iv. The child is on a prescribed catch up schedule;
- iv. The person in charge is satisfied that the child is an exempt child.

Then I asked whether someone could set up a school or kindergarten that did not require a vaccination certificate. The answer I got back was basically no, and that there would be a \$10 000 fine if someone was running a kindergarten that did not require an immunisation certificate.

It is voluntary for children to attend a kindergarten. If someone has an issue with vaccination of their children, they do not need to send them to kindergarten. However, when it gets to compulsory education, they must send them. I think that the policy of this bill is sound. It is very important for many reasons that vaccinations are up to date. Since I was at school, a lot of new vaccinations have been introduced. There are vaccinations for things like cervical cancer, which was developed in Australia, and a number of other vaccinations.

I am a great supporter of vaccinations. I support the bill. I have an amendment on the supplementary notice paper that would delete the exempt child status. I really do not think we need to have that. If a child is to attend a kindergarten or a preschool, they can get an immunisation certificate. Perth Children’s Hospital has explained to me that if for some reason a child is unable to have a vaccination due to a medical condition, they will still be issued with an immunisation certificate that can be presented as part of their enrolment. Also, there is provision in the bill for the Chief Health Officer to issue a certificate. I think there are a lot of safeguards in the bill. I would like to see that all kids who attend kindergarten or preschool are vaccinated in an attempt to ensure that we do not see the ravages of childhood diseases that we have seen in the past.

HON DONNA FARAGHER (East Metropolitan) [9.18 pm]: I rise also to say a few words in the second reading debate on the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019. I have given very careful consideration to this bill with regard to my perspectives on immunisation, which I will say a little bit about, and also in my role as shadow education minister. I also apologise for my voice. I have the cold or something like that, but I have had the flu shot.

Members who have been in this place for some time will know that I have spoken in this place on many occasions in support of our national immunisation program. I am the mother of two small children, albeit they are growing up fairly rapidly, and have had my fair share of visits to doctors for vaccinations over the past few years. Much like the vast majority of our community, I know the importance of immunising our children against vaccine-preventable diseases. There is absolutely no doubt that the national immunisation program is very comprehensive. I will refer to the schedule. Childhood vaccinations are scheduled to be given at birth, two months, four months, six months, 12 months, 18 months and four years. At six months and 12 months, there are additional vaccines for Aboriginal and Torres Strait Islander children and certain vaccines for medically at-risk children. That Western Australia’s immunisation coverage rate continues to lag behind most other states is of ongoing concern to me and, I am sure, all members of this house. As I think was reflected in the second reading speech, it is considered that at least 95 per cent of children should have an up-to-date immunisation status to effectively prevent outbreaks of contagious diseases.

I will quote from the very helpful “Decision Regulatory Impact Statement Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019: Recommendations for strengthening immunisation requirements for enrolment into childcare services and kindergarten programs in Western Australia” dated April 2019. On herd immunity, it states —

Known as herd immunity, the 95% immunisation rate is important to protect others in our community, including those who are too young to be vaccinated and those who are unable to be vaccinated for medical reasons, including pregnant women, children with immune disorders and some cancer patients.

However, WA is below the target of 95% immunisation coverage for each age group reported in AIR, and immunisation coverage rates in WA have lagged behind those for other Australian states and territories. In data extracted on 31 December 2018, WA had the ... lowest immunisation rates compared to other jurisdictions for 12 ≤15 months (93.4%) and 24 ≤27 month old children (90.0%), and the lowest immunisation coverage for children aged 60 ≤63 months (93.6%) ...

As has been noted by other speakers, I recognise that various reasons can explain these rates and why we do not have 100 per cent herd immunity or close to it. It is recognised that we will never get to 100 per cent. Obviously, there will be children who for certain medical reasons would be deemed exempt, such as those with medical contraindication for immunisation or who are immunocompromised for live vaccines. I think everyone understands that situation. Of course, some parents make a conscious decision to not immunise their children; others might just forget the critical times for vaccinations. Around the four-year vaccination time, parents are less likely to have regular contact with child health nurses and other opportunities for reminders, so they may well be a little late getting those vaccinations. I will quote from the regulatory impact statement again. It refers to comments from the Australian Medical Association of Western Australia on the latter. I think this is an important part of dealing with the consideration of this bill. It states —

The AMAWA believes that for the most part, families of under-vaccinated children do not object to vaccination, but are more likely to be too busy, unaware of the vital importance of vaccination, or may simply not have gotten around to keeping on top of their children's' vaccination schedules. It is anticipated that this policy will provide the motivation for these families to get their children's immunisation status 'up to date.' This viewpoint is also consistent with respondents who supported Option B.

Option B, which was discussed in the regulatory impact statement, relates to the enactment of the legislation we are debating now. Notwithstanding those reasons, I am concerned that not immunising a child not only increases that child's risk of contracting a disease, but also puts other innocent children and others at risk, particularly those children who might be too young to be protected or cannot be immunised for medical reasons, some of which I have already outlined. Whooping cough is a particularly strong example of the devastating consequences that can occur. The minister is nodding in agreement, and we have both talked about examples of that, tragically, happening in this state. Statistics show that children under the age of five have some of the highest disease rates for a number of vaccine-preventable diseases. According to the regulatory impact statement, children under five represented 45 per cent of all meningococcal notifications. On measles, it states —

Measles cases notified in WA from 2014 to 2018 were associated with importations from overseas (49%) and subsequent local transmissions (51%). The age groups with the highest number of measles cases were children under 5 years (16 cases), teenagers 15 to 19 years (15 cases), and adults aged 20 to 39 years (62 cases).

Importantly, it states —

All of the young children infected with measles had not received a measles vaccination.

For all those reasons and many more I support the bill. It is an important bill and I think that the intent is right. I recognise that some in our community do not support this legislation. They have contacted me along with all other members in this house. Notwithstanding that, I respectfully disagree. I believe in the importance of the immunisation program that we have in this country.

Notwithstanding that this is a step in the right direction, I have some concerns. I echo the comments on the time frame made by our lead speaker, Hon Nick Goiran. I also agree that it would be useful for this matter to be considered by a committee. It is a very important piece of legislation. Parliament should focus on matters such as this, which will impact many people in our community for a wide variety of reasons. My first concern is that the government has indicated that this bill is urgent and it would like it through by 30 June. It wants this law in place for the 2020 school year. This bill deals with two groups of children—that is, those who may be in the childcare or alternative care system, and those who will enrol in kindy. In this instance, my focus will be on the kindy kids, for want of a better word. The second reading speech states —

It is proposed that the bill is to be in effect in time for the July 2019 enrolment for 2020.

Therein lies the first problem. If the government wanted this in place in time for the 2020 school year—I do not have a problem with that—it should not have introduced this bill now, but at the very beginning of the year. Enrolments for kindy kids are already happening now. In my view—the minister may correct me—the government saying “in time for the July 2019 enrolment” does not deal with those who are enrolling now. We are going to have two groups of kids already. I appreciate that the minister may well say that children can be enrolled at any time, and I accept that. But on the Department of Education website there is some very handy documentation titled “How to enrol — a step by step guide”. One of the pages is titled “Enrolling your child in Kindergarten or Community Kindergarten”. It states —

If your child is four years old by 30 June 2019 you can apply to enrol them in Kindergarten for 2019.

Visit your local school and apply to enrol as soon as possible.

There is another section titled “Enrolling in school”. Underneath the heading “Who needs to enrol?”, it states —

Enrolments are now open. Please return your application to your local school by Friday 26 July 2019.

I am happy to be corrected on this. The minister may tell me that enrolments are not finalised until a later point in the year when a letter is received from the school advising that the enrolment has been confirmed. But there is

a case—the minister will know this, and I would suggest that most members in this house would know—that school newsletters are going out now saying, “Enrol your children”, in particular with respect to kindergarten and preprimary. There are families who are enrolling their children now, prior to this legislation even passing this house of state Parliament. My first question to the minister is: is it correct that those children will not be captured by this legislation? I cannot see that they would be, because even if they have enrolled now and they do not receive a confirmation letter until later, their families have already provided all the student’s enrolment information to the schools. I appreciate that not everyone enrolls this early, but certainly there is a very strong push, generally by schools—they want to get things in order, and that is completely understandable—for families to get their enrolments in place now. Certainly in the case of community kindergartens—the minister knows I ask a few questions about community kindies—there are very clear requirements for when they are required to put enrolments in. I do not understand why a piece of legislation like this was not brought in earlier, prior to us being at the critical point when enrolments have probably already been taken and will continue to be taken between now and the passage of this legislation. The minister needs to respond clearly to that issue.

With regard to the exemptions, I absolutely agree that we need and want to minimise the impact on children from an early education sense. I know the government will say that this might be a bit unwieldy—perhaps the minister might explain it and I might be convinced otherwise—but, in fact, when we are talking about early education from a kindergarten sense, I think it would have been far more sensible to at least consider the notion of a conditional enrolment for kindergarten children. Bearing in mind the comments that I have already made, which have been backed up by others and even through the regulation impact statement, that for many, it is not the case that they are against immunisation and the program itself, but they simply have not kept up to date for whatever reason. I would argue that for those who might seek to enrol in July, those children will not start school until probably the first week of February next year. Therefore, there is ample opportunity between the point of enrolment and the commencement of the next school year for their immunisation status to become up to date. I appreciate that their enrolment might be knocked back; that gives them the opportunity to go and get their immunisation up to date, then come back and seek to enrol again. Maybe that is what the government is saying. If that is correct, I want to know what type of communication will be given to those families to ensure that that is the case. I think a conditional enrolment would have been another way to go, because it would have been a proactive way to say, “Your child will be enrolled if their immunisation becomes up to date in time for the 2020 school year”, or every other school year thereafter.

I recognise that there are certain cases when an exemption may be warranted. However, I have concerns with the breadth of exemptions that have been put forward, which we have been made aware of both in the second reading speech and the briefings that have been provided. I am concerned that it potentially weakens the system that the government is seeking to put in. I do not believe that is the intent of the government. That is my concern. It is not just the opposition that has those concerns; indeed, again, the RIS stated that with respect to legislation —

Of those who supported Option B, the vast majority agreed that, with rare exception, there should be a requirement for a child’s immunisation status to be ‘up to date’ as a condition of enrolment into child care services and kindergarten programs.

That is a “rare exception”. It goes on to say —

Notably, only 37% of Option B supporters agreed with the provision of exemptions for vulnerable and/disadvantaged children, believing that these children are a priority for vaccination. Such responses demonstrated a misunderstanding of the Proposal, in that it is the full intention of the DoH to ensure these exempt children are in fact supported to be fully immunised ...

I do not disagree that is what the Department of Health wants, but why is it a misunderstanding? Is this a preventive health bill or not? I believe that there are opportunities for children to become up to date in time for the start of the following school year. Between the time of potential enrolment and the beginning of the school year, there is ample opportunity for a child to become up to date.

I would argue that because of the vulnerability of some children, we absolutely need to make sure that their immunisation status is up to date. Hon Nick Goiran has gone through a couple of matters and we can go through some of these issues during the Committee of the Whole. In the case of Aboriginal and Torres Strait Islander children, I absolutely accept from an educational perspective that they fall within the vulnerable category, if I can put it that way. Equally, though, it is incredibly important that their immunisation status is up to date as well, because from a health perspective they are also vulnerable to infectious diseases, such as the ones that we are referring to. In fact, we know that at six and 12 months, as I have already indicated, they receive additional vaccines, and that is incredibly important. In saying that, and I think Hon Nick Goiran referred to this, it is important to note that, very pleasingly, Aboriginal and Torres Strait Islander five-year-olds are above the 95 per cent target. That is absolutely what we want. Indeed, as at December 2018, the coverage rates were a little below the target at 92.62 per cent for one-year-old Aboriginal and Torres Strait Islander children. Further work needs to be done for two-year-olds, at 88.2 per cent, but for five-year-olds, 96.66 per cent are fully immunised and are up to date. That is what we want our entire community to be at, and I appreciate that that is the intent of this legislation.

I simply want to say to the government that I support the intent of the legislation. I recognise the importance of ensuring that our children are up to date from an immunisation perspective, to reduce not only their risk but also the risk of others who might be innocently affected by the actions of those not taking the steps that we all want them to take. I strongly support the immunisation program. I strongly support actions that are taken to increase the coverage rates, but it remains my very strong view—I have said this in this place and many other places on many occasions—that it is incumbent upon all of us in our community, not just some of us, to support the comprehensive immunisation program that is in place in this country. This legislation is absolutely a step in the right direction. I am concerned, though, that its intent is diminished somewhat with both the timing of the legislation, certainly for the next school year, and the breadth of the exemptions. Again I indicate that I believe that some exemptions are necessary, or we can argue why there might be cause for exemption, but I have some concerns with some others, and we need to discuss that through the Committee of the Whole House. With those comments, I support the bill, notwithstanding some concerns that I have.

HON AARON STONEHOUSE (South Metropolitan) [9.43 pm]: I rise tonight to talk to the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019. To be honest, I cannot really say at this point whether I support this bill, because not only are there quite a few tricky ethical questions around it, not to mention questions around the effectiveness of the policy of this bill, but also we now have a rather complex and lengthy supplementary notice paper with a few amendments, including one from me. Whether members support this bill should really depend on what the bill looks like by the time it gets out of Committee of the Whole House. It would look like a substantially different bill if a number of these amendments are agreed to. Not to foreshadow the Committee of the Whole House process too much, but, for example, I am aware of discussions behind the Chair about the long list of exemptions from this scheme. There was a conversation about having these exemptions removed from subsidiary legislation, from regulations, and placed within the primary bill. I am glad to see the government has agreed to that suggestion and has introduced its own amendments to that effect, but it does not end there. There are also conversations about whether those exemptions have merit. I admit that I am a little confused by some of these exemptions because some of them do not seem to make much sense. I am a little confused about why some of them exist in the first place. There will definitely be a lot of questions around that. We can leave that for when we get to the Committee of the Whole House stage.

Debate adjourned, pursuant to standing orders.

HON CHARLES SMITH — PAULINE HANSON'S ONE NATION — RESIGNATION

Statement by President

THE PRESIDENT (Hon Kate Doust) [9.45 pm]: Before members rise to their feet to make statements, I want to advise you that today I have received a message from Hon Charles Smith, MLC. It says —

Dear Madam President,

Please be advised that I have resigned from Pauline Hanson's One Nation party and intend from today to sit as an independent Member.

Yours sincerely,

Hon Charles Smith, MLC.

Statement

HON CHARLES SMITH (East Metropolitan) [9.45 pm]: Madam President, thank you for reading the message out. Today is the end of a long line of frustrations for me, and I advise the house that I have resigned from Pauline Hanson's One Nation and stand as an Independent member.

EMERGENCY SERVICE ANNOUNCEMENTS — HEARING-IMPAIRED

Statement

HON SIMON O'BRIEN (South Metropolitan) [9.46 pm]: Before we rise, I would like to address some remarks in a constructive way to the Minister for Disability Services, who is aware I am raising these matters. I am hopeful that other members might get something out of it as well. On 25 October last year, the president of the Deafness Council Western Australia wrote to the strategic communications coordinator of the Department of Fire and Emergency Services in terms such as this. I will relate those terms so that it gives the whole picture. In substance, the letter reads —

We understand that arrangements are in place to ensure that major emergency services announcements are to include Auslan interpreters to enable people who are Deaf and rely on Auslan communications to receive the message. We are fully in agreement with this initiative.

However there are a large number of Western Australians, particularly older people, who are hard of hearing and use hearing aids or cochlear implants to assist with their hearing. Many of these people rely on the closed captions now available on most tv shows and news services to assist them to understand the dialogue contained in the program.

We would like to suggest that consideration be given to also OPEN caption these major emergency service announcements, so that what is being spoken is not just being interpreted in Auslan but also written across the screen. For those whom are hard of hearing and do not know Auslan and for all other members of the public the accurate OPEN captions will enable them to know and react to what is going on right away. These services are now readily available and able to be accessed for this purpose.

This will then ensure that these important messages are available to hard of hearing and Deaf Western Australians.

I think members can relate to all of that. We are all familiar with those very important emergency services announcements—particularly when done by DFES about a fire emergency—when it has an Auslan interpreter signing to the profoundly deaf community who use Auslan. There are so many other members of our community who have a hearing impairment that does not date from birth and who do not use Auslan—they have simply gone deaf through processes of age, for example. They would benefit greatly from captions on the television, clearly spelling out the nature of the emergency. That seemed a perfectly reasonable letter for the president of the Deafness Council to write to DFES on 25 October 2018.

On 15 February, having heard nothing, the same president of the Deafness Council of Western Australia wrote to the Minister for Emergency Services in these terms —

Dear Minister,

In October last year we wrote to the Department of Fire and Emergency Services suggesting that consideration be given to ensuring all emergency services announcements broadcast by television be open captioned. A copy of that correspondence is attached.

As we have indicated in that letter, we are very supportive of these announcements being accompanied by an Auslan interpreter. However, there are a large number of Western Australians who are hard of hearing that do not use or understand Auslan. A significant number of these people are the more elderly in the community. We would appreciate it if you could consider our request and indicate to us your views on our suggestion.

Thank you.

Yours sincerely,

Having heard nothing, on Wednesday, 17 April this year, the president of the Deafness Council sent an email, again to Minister Logan, which said —

Please find attached a letter we forwarded to you in February this year.

To date we have not received any response to this request.

Are you able to advise us if you have been able to give this matter your attention; and, if so, your position on our request?

More recently, the president of the Deafness Council of Western Australia came to see me and said, “Here are the communications I’ve had. Here is what we’re trying to do. I can’t get any acknowledgment at all. Simon, can you raise the matter in one of the forums available to you?” So I did. On Tuesday last, I asked a question of the Minister for Environment representing the Minister for Emergency Services. I thought that was a good synergy because, of course, the minister representing the Minister for Emergency Services is the Minister for Disability Services. My question was quite simple, and reads —

I refer to correspondence from the president of the Deafness Council Western Australia to the Department of Fire and Emergency Services’ strategic communications coordinator on 25 October 2018 and to the Minister for Emergency Services on 17 April 2019.

I asked quite simply —

Will future emergency services announcements broadcast by television be open-captioned; and, if not, why not?

I wanted to get this important matter acknowledged because I thought the president of the Deafness Council had been treated quite disrespectfully and, through him, the rest of the community. I thought, “Here we are. I’ll just bowl it up and it’ll go through a couple of ministers’ hands, a couple of their officers’ hands and they’ll presumably, in the course of researching the answer, go back to the correspondence I nominated and realise there has been an oversight and the nature of that oversight.” In the answer I received on Tuesday, instead of just answering yes or no and explaining why, I got another long explanation. The person who drafted the answer probably had reasonably good intent but, honestly, the soft soap was not required. There are clear references to what was being proposed: “Are you going to do it—yes or no; and, if not, why not?” I received a very long description about media outlets doing this and that, about the WA deaf society working in partnership, the department working in partnership with

the WA deaf society and “We have Auslan WA deaf society interpreters and what have you”, but none of it addressed the simple question that I asked. Both the president of the Deafness Council and I have a long history with the WA deaf society. I hold it in the highest regard—no question about that. But I was not asking about that and that was not the important matter that was being raised. I thought I would raise the matter with the Minister for Disability Services, who is here now. He is a gentleman. I am sure he will give me an answer in due course.

The president of the WA Deafness Council is one Barry MacKinnon. A lot of members would know Barry MacKinnon and, if not, then by repute; he is a decent fellow. Heck, years ago in another capacity, I appointed him to chair the board of the taxi industry—and despite that, he still talks to me! He is sometimes a bit abrupt admittedly, but I cannot blame him for that.

Hon Sue Ellery: He once said, “I didn’t realise you are Peter Ellery’s daughter. He’s so nice.”

Hon SIMON O’BRIEN: When he repeated the story to me, he said, “You know, Simon, it runs in the family, just like Peter Ellery.”

To conclude, in his day, Barry MacKinnon was the chairman of the Fire and Emergency Services Authority board. He was also the chairman—appointed by a Labor government, I might add—of the Disability Services Commission. When this guy on behalf of the Deafness Council of WA raises as politely and persistently as this a decent and simple suggestion, I think he should be taken more seriously. I am not suggesting that anyone is being deliberately rude, but, clearly in this case, proprieties, as well as good advice, have been allowed to fall through the gaps. I turn to the minister and hope that he will retrieve the situation.

PROFESSOR SYLVIA JOY HALLAM — TRIBUTE

Statement

HON ROBIN CHAPPLE (Mining and Pastoral) [9.55 pm]: I rise tonight to make some brief and heartfelt comments on the passing of Professor Sylvia Joy Hallam, MA, PhD, Cambridge, and Fellow of the Australian Academy of Humanities. I advise that I am reading from notes that I prepared before. Sylvia passed away on 3 June. She died peacefully in her sleep at the age of 92. She was a wonderful woman and I can still remember lengthy discussions with and tutoring by Sylvia at 133 Fairway on matters of archaeology and prehistory. In 2007, I had the privilege of accompanying Sylvia and Dr Carmen Lawrence on a tour of the Burrup, an area which she studied and provided advice on in the 1970s.

Sylvia was born in 1927. Her brother, Roy, was born two years later in a small terrace house with a bathroom—members might ask why I have mentioned that the house had a bathroom—on Broadway, Kettering, in Northamptonshire. I mention the bath because at the time it was considered something of a luxury. In fact, Sylvia pointed out to me rather humorously that when they later moved, she and her brother were relegated to having a bath in a great metal tub in front of the living room fire on Saturdays. So was the lot of many in England at that time.

At the age of 18, Newnham College, which was at the heart of the University of Cambridge, accepted Sylvia to read for the Natural Sciences Tripos. She was awarded a state scholarship—one of 360 in England and Wales to be awarded a state scholarship. It paid her tuition fees and board at Newnham, but no more. Her headmistress contacted various charitable bodies, and the society for the daughters of indigent gentlewomen gave her another £25 a year.

Herbert Enoch Hallam, whom she was later to meet and marry, was 23 years old and just out of the Royal Air Force. He went to Jesus College in Cambridge on a miners’ scholarship from his home town of Swadlincote, part of the sprawling suburbs of the South Derbyshire and Leicestershire coalfields. From 1949, Sylvia stayed at Cambridge with a Newnham studentship and continued state funding. She worked from Spalding in South Lincolnshire to map the Romano–British settlement pattern on the silts around the Wash in East Anglia from air photographs and then carried out an extensive field survey, eventually analysing and publishing in the Royal Geographical Society Memoir, “The Fenland in Roman Times”, which was edited by C.W. Phillips.

I understand that the family moved to Western Australia in the early 1960s. Herbert came to the University of Western Australia in 1961 to teach medieval history. There was no archaeological department in Western Australia when the Hallams arrived in 1961, but Sylvia quickly became a familiar face at UWA, lecturing in the departments of classics and ancient history, geography and anthropology. In 1973, she founded and developed the first department of prehistoric archaeology, within the university’s department of anthropology. After campaigning for UWA to create a separate department of archaeology, she stated —

“Romans being rather thin on the ground, I had switched to research and teach in Aboriginal archaeology, but with a continuing emphasis on landscapes changes through time.”

In 1975, Sylvia published *Fire and Hearth*, a history of Aboriginal burning in the south-western corner of the continent. Although written nearly 45 years ago, the ideas in *Fire and Hearth* continue to burn brightly. In a powerful opening passage, Sylvia declared —

The land the English settled was not as God made it. It was as the Aborigines made it.

After an attack of diphtheria and partial paralysis, Sylvia shifted her emphasis from field studies to documentary studies. Lois Tilbrook and Sylvia compiled a dictionary of the lives of all Aborigines known by name from the 1830s in the west. That is referred to as *Aborigines of the southwest region, 1829–1840: The Bicentennial Dictionary of Western Australians, Volume VIII*, and includes genealogies of the families of Yellowgonga and Midgeooroo.

I had the privilege of working with Sylvia Hallam at the National Trust of Western Australia when she, Caroline Bird and I reviewed and collated what was known about the place then called the Burrup—now Murujuga—within the Dampier Archipelago. Her work for the National Trust with Dr Caroline Bird on the rock art of the Dampier Archipelago and Murujuga–Burrup Peninsula also gave impetus to Friends of Australian Rock Art’s successful campaign for national heritage listing and now world heritage listing of the Dampier Archipelago.

She will be remembered by her colleagues and the community as someone of endless vigour and determination. Her interests spanned archaeology, ethnography and important questions concerning fire and its impact. She sought to open up our minds to explore new possibilities. Farewell, dear friend.

SUDAN — UNREST

Statement

HON ALISON XAMON (North Metropolitan) [10.03 pm]: I rise tonight to bring members’ attention to the situation in Sudan. That might sound like an unusual issue to be raising within the state Parliament, but this has been brought to my attention by members of the Sudanese Australian community who are living in Western Australia. I need to acknowledge the distress that they are experiencing, recognising that many Sudanese Australians arrived in Australia precisely to escape the sort of oppression that is occurring. They have family and friends who are being directly affected by these violent actions.

Members may remember that in April this year, Omar al-Bashir was removed from power after months of protest and civil disobedience. Members may also recall that the Transitional Military Council installed itself and has resisted all local and international calls to hand over power to a civilian transitional government. What is happening now in Khartoum is devastating. The people of Sudan are now protesting for the Transitional Military Council to hand back power to civilian leaders. Last week, more than 100 people staging a week-long sitting outside army headquarters in Khartoum were killed. They were killed and injured simply for peacefully protesting. These people and many others in Sudan have been pursuing dialogue and they are calling for the generals who overthrew Omar al-Bashir to hand over power to a civilian government. We need to remember that people have a right to peacefully protest no matter where they are in the world. They have a right to publicly express their concerns and to call for civilian government. This week, we have seen that the general strike that started on Sunday is ongoing, and more killings are being reported.

The Greens stand in this place to be very clear that we condemn these deaths of unarmed civilians at the hands of government-supported militias and the Sudanese Army. We call on the federal government also to condemn this. We call on the military council to end its use of lethal force against its own people and to hand over power to a civilian transitional government. We want to see an independent investigation into these atrocities and we want to see justice for the victims. People are going to have to be held accountable for their crimes. It is very important that we do not remain silent while peaceful protesters are being killed. We should not stay silent in the face of reports that Sudanese authorities are beating up medical professionals and volunteers, and ambulances are being prevented from reaching the injured. Bodies are reportedly being dumped in the Nile.

The Greens are deeply concerned by the human rights situation in Sudan and we express our sincere solidarity with the Sudanese people. The Greens fully support Australia’s Sudanese community and the community’s family and friends who are back in Sudan. We acknowledge the distress that is being felt here in Australia by Sudanese Australians and everyone who has family and friends in Sudan. Australians must speak up for democracy and human rights in Sudan.

GLYPHOSATE USE

Statement

HON DIANE EVERS (South West) [10.05 pm]: I rise briefly to remind the chamber that the world is changing and, in many ways, we are standing still. I am still hoping we will jump on the boat some day and make some changes. As many members might know, recent events in the courts have awarded substantial amounts of money to people who have been adversely affected by the use of the weedkiller glyphosate. That has happened in a number of cases in the US and there are a few thousand lined up to happen. I understand that it will be happening here soon as well. In addition, there is growing concern about using weedkillers in and around our communities. A number of councils are beginning to phase out the use of it, which shows that they are starting to abandon this. There is another good reason for that today.

In reference to a graph that was printed in the *Farm Weekly* just a week ago on 6 June, I want to point out that the price of non-GM canola is at \$600 a tonne and GM canola is at \$510 a tonne. If we look back just four months to February, we see that there was only a \$40 differential and now there is a \$90 differential. That makes it more and

more likely that fewer people will grow GM canola. This has already happened with CBH having to segregate not the canola, but its barley, based on whether it has been desiccated with chemicals—glyphosate—before harvest. We should keep in mind that these glyphosate cases will be affecting this country and we will be doing something about it. Those people will be compensated, hopefully, in the future. This is as we continue to allow not only GM canola to be grown; there is a growing interest in bringing in GM wheat as well. We will need to really assess things not only for today, next week or next year, but for what implications they may have 20 years on, as we are now seeing with glyphosate.

APPROPRIATION (RECURRENT 2019–20) BILL 2019

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [10.08 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for recurrent services and purposes during the 2019–20 financial year as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2019–20 *Budget Statements*.

Total expenditure is estimated to be \$23 002 043 000, of which \$2 685 556 000 is permanently appropriated under other statutes, leaving an amount of \$20 316 487 000, which is to be appropriated to the services and purposes identified in the schedule to this bill.

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

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

[See paper 2774.]

Debate adjourned, pursuant to standing orders.

APPROPRIATION (CAPITAL 2019–20) BILL 2019

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [10.10 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for capital purposes during the 2019–20 financial year as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2019–20 *Budget Statements*. Included in the capital expenditure and financing transactions estimates of \$4 275 221 000 is an amount of \$1 630 512 000 authorised by other statutes, leaving an amount of \$2 644 709 000, which is to be appropriated in the manner shown in the schedule to Appropriation (Capital 2019–20) Bill 2019.

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

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

[See paper 2775.]

Debate adjourned, pursuant to standing orders.

House adjourned at 10.11 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FAMILY AND DOMESTIC VIOLENCE — DOWRY-RELATED ABUSE

2079. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to Recommendation 2 of the *Practice of dowry and the incidence of dowry abuse in Australia* inquiry report by the Senate’s Legal and Constitutional Affairs References Committee, regarding the harmonisation of domestic violence order legislation to explicitly recognise dowry abuse as family violence or economic abuse, and I ask:

- (a) does the Minister support this recommendation;
- (b) if no to (a), why not;
- (c) if yes to (a), has any work begun to action the Committee’s recommendations; and
- (d) if yes to (b), what work has been undertaken?

Hon Sue Ellery replied:

- (a)–(d) The Department of Communities and the Department of Justice are currently reviewing the work of the Senate’s Legal and Constitutional Affairs Committee to increase understanding about the incidence of dowry abuse in Australia, and the recommendations from the inquiry report.

**WESTERN AUSTRALIAN PLANNING COMMISSION —
CITY OF ALBANY LOCAL PLANNING SCHEME 1**

2095. Hon Diane Evers to the minister representing the Minister for Planning:

- (1) I refer to the City of Albany’s amendment to its Local Planning Scheme in 2014 when a number of ‘motel’ zoned lots were rezoned to ‘residential’, and I ask:
 - (a) is a council required to consult with landowners when zoning changes occur;
 - (b) if no to (a), why not;
 - (c) if yes to (a), does the Western Australia Planning Commission (WAPC) confirm that the council has consulted with landowners when reviewing proposed amendments;
 - (d) is the Minister aware that in this instance a number of properties zoned ‘motel’ were rezoned to residential;
 - (e) does the WAPC confirm if any value losses occur to properties when reviewing zoning amendments; and
 - (f) if no to (e), why not?
- (2) The City of Albany has since stated that property previously zoned motel and changed to residential is now likely to be rezoned to ‘tourism’ in the next review, does this category enable the same level of development as the former ‘motel’ zoning?
- (3) Will the Minister consider expediting the consideration of this amendment given that effected landowners are now unable to continue with the planning and development of their property as accommodation facilities until the zoning is rectified?

Hon Stephen Dawson replied:

- (1)
 - (a) Yes.
 - (b) Not applicable.
 - (c) The draft City of Albany Local Planning Scheme No.1 was advertised between 3 April and 3 August 2012.
 - (d)–(e) No.
 - (f) There is no requirement to do so in the Planning and Development Act 2005.
- (2) A review of City of Albany Local Planning Scheme No. 1 has not commenced.
- (3) There is no current amendment proposal nor scheme review for the Minister to consider.

GREENPATCH DEVELOPMENT — DALYELLUP

2097. Hon Diane Evers to the Minister for Environment:

I refer to a letter from the Department of Water and Environmental Regulation to the Department of Communities on 19 September 2018 (Ref DMO10781), which outlines visual identification of residual treated solid residue was found at the Greenpatch site, and I ask:

- (a) will the Minister advise details of the specific area that it was found;

- (b) will the Minister please submit a map showing this information; and
- (c) if no to (a) and/or (b), why not?

Hon Stephen Dawson replied:

- (1) Residual treated solid residue was visually identified in a small area of the Greenpatch development site, at what is known as Area 8 and at the Eastern Turning Circle, during two site walkovers completed in 2018 by Department of Water and Environmental Regulation officers. Treated solid residue material was identified at the surface and at shallow depths in several locations within this area.
- (2) [See tabled paper no 2768.] Map showing the approximate location of the observed treated solid residue material in Area 8 and the Eastern Turning Circle during the 2018 site walkovers. The blue circles indicate where treated solid residue material was identified at the surface. The red circles indicate where treated solid residue material was identified at shallow depths.
- (3) Not applicable.

ENVIRONMENT — YARA PILBARA NITRATES — TECHNICAL AMMONIUM NITRATE PLANT

2098. Hon Robin Chapple to the Minister for Environment; Disability Services; Electoral Affairs:

I refer to a question without notice asked in the Legislative Council by Hon Robin Chapple to the Minister for Environment on 4 April 2019, and ask:

- (a) will the Minister table all of the Works Approvals, Licences to operate and Amendment Notices for the Yara Pilbara Fertiliser Plant (formerly Burrup Fertiliser Plant) and the Yara Technical Ammonium Nitrate Plant; and
- (b) if no to (a), why not?

Hon Stephen Dawson replied:

- (a) Yes. I refer to question C323 answered on 4 April 2019 at which time I tabled the active works approval, licences and amendment notices issued to Yara Pilbara Fertilisers Pty Ltd and Yara Pilbara Nitrates Pty Ltd for the Yara Pilbara fertiliser plant, [see tabled paper no 2563].

Further to this, a number of superseded licences and works approvals have been issued for these premises since 2003. Of these, I table those that were available from the Department of Water and Environmental Regulation's electronic archive. [See tabled paper no 2770.]

A search through hardcopy archives continues for superseded versions 1, 2, 3, 5 and 9 of the Licence. I will table these documents once they have been located.

- (b) Not applicable.

FOREST MANAGEMENT PLAN 2014–2023 — TIMBER YIELD

2099. Hon Diane Evers to the Minister for Environment; Disability Services; Electoral Affairs:

I refer to the Minister's response to question on notice No. 1900 about the 2004–2013 Forest Management Plan, in which he states that although the Government does not undertake a forest-wide cumulative review of timber removals against predictions, records are kept of the timber yield by species and log grade from cut-over coupes versus the predicted yield from those coupes, and I ask:

- (a) will the Minister please provide:
 - (i) the numerical record detailing predicted species volumes and log grades per year for each cut-over coupe; and
 - (ii) the numerical record detailing the actual species volumes and log grades obtained from each cut-over coupe per year; and
- (b) will the Minister provide the “comprehensive review of predictions ... performed as part of the calculation of the sustained yield estimates for each Forest Management Plan” for the 2014–2023 Forest Management Plan?

Hon Stephen Dawson replied:

- (a)
 - (i) This question should be directed to the Minister for Forestry.
 - (ii) This question should be directed to the Minister for Forestry.
- (b) [See tabled paper no 2769] which is the Background Note – Inventory detailing the review of predictions (and subsequent adjustments) performed as part of the calculation of the sustained yields for the Forest Management Plan 2014–2023.

[See tabled paper no 2769] which is the report of the independent expert panel that reviewed the sustained yield calculations. Section 3.5 of the report also discusses the reconciliation of estimated against actual volumes harvested.

MINES AND PETROLEUM — MINING LEASES 38/1274, 38/1275 AND 38/1276

2100. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to Mining Lease 38/1274–1276 inclusive, and I ask:

- (a) is the Minister aware that:
- (i) the tenements for Mining Lease 38/1274; 38/1275; and 38/1276 were applied for on 18 December 2016;
 - (ii) the mineralisation reports for the three sites, despite being created on 16 December 2016, are signed and dated 24 January 2017; and
 - (iii) the supporting statements are signed as 15 December 2016, despite a creation date given as the 16 December 2016; and
- (b) is the Minister aware that the date signed on the mineralisation report for Mining Lease 38/1274–1276 is in excess of the fourteen day limit prescribed by *The Mining Act (1978) (WA)* (The Act), as confirmed by the High Court in the *Forrest and Forrest Pty Ltd vs Wilson* [2017] HCA 30?

Hon Alannah MacTiernan replied:

- (a) (i) No – Mining Leases 38/1274, 38/1275 and 38/1276 were applied for on 19 December 2016.
- (ii) Yes – Mineralisation Reports and supporting statements were lodged on 19 December 2016, and additional information was subsequently lodged on 24 January 2017.
- (iii) The supporting statements are dated 15 December 2016 and have a lodgement date of 19 December 2016. Amended statements were received 25 January 2017.
- (b) There is no time period prescribed in the *Mining Act 1978* for the lodgement of a mineralisation report.

TREASURY AND FINANCE — LAND TAX

2101. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:

In tabular form, for each financial year: 2015–16; 2016–17; 2017–18; and, 2018–19 (to date), will the Minister please provide the land tax revenue received by the State Government for according for each of the following land tax scales:

- (a) \$300,001 – \$420,000;
- (b) \$420,000 – \$1,000,000;
- (c) \$1,000,000 – \$1,800,000;
- (d) \$1,800,000 – \$5,000,000;
- (e) \$5,000,000 – \$11,000,000; and
- (f) \$11,000,000+?

Hon Stephen Dawson replied:

(a)–(f)

Land Tax Revenue Raised				
Land Tax Scales	2015–16	2016–17	2017–18	2018–19
\$	\$	\$	\$	(to 20 May 2019)
				\$
300,001 – 420,000	12,550,692	12,439,992	12,153,150	11,989,050
420,001 – 1,000,000	51,868,970	50,569,957	48,795,101	46,936,767
1,000,001 – 1,800,000	69,138,081	66,127,750	63,070,974	61,245,419
1,800,001 – 5,000,000	201,363,642	189,220,889	176,841,051	169,545,655
5,000,001 – 11,000,000	152,071,267	144,916,139	137,455,478	131,387,835
11,000,001+	469,672,903	888,850,924	406,465,322	393,713,244

For the Member's information, the dramatic increase in the \$11,000,001+ bracket, in 2016–17 is due to the previous Government's decision to change the land tax rates. The decline from 2017–18 is due to the drop in unimproved values of land in the land tax base.

WORKSAFE — DIRECTIONS AND NOTICES

2102. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Industrial Relations:

For the years 2017, 2018 and 2019 (year to date), can the Minister advise by industry sector:

- (a) how many verbal directions were issued by WorkSafe;
- (b) how many improvement notices were issued by WorkSafe;
- (c) how many prohibition notices were issued by WorkSafe; and
- (d) how many provisional improvement notices (PINs) were confirmed, modified or cancelled by WorkSafe?

Hon Alannah MacTiernan replied:

- (a) A Verbal Direction can only be issued in situations where a breach of the *Occupational Safety and Health Act 1984*, and its accompanying regulations, can be immediately fixed and inspected prior to the WorkSafe inspector leaving the site. The WorkSafe Information Systems Environment (WISE) does not record Verbal Directions in a searchable field. It is not feasible to search through 13,699 workplace visit records to identify all the verbal directions that may have been issued by WorkSafe.
- (b) [See tabled paper no 2773] outlining the total number of improvement notices issued according to current Australian and New Zealand Standard Industrial Classifications (ANZSIC) for the full years 2017, 2018; and 2019 (up to 17 May 2019).
- (c) [See tabled paper no 2773] outlining the total number of prohibition notices issued according to current Australian and New Zealand Standard Industrial Classifications (ANZSIC) for the full years 2017, 2018; and 2019 (up to 17 May 2019).
- (d) WorkSafe has reviewed the following provisional improvement notices (PINs):
 - 2017: Nil PINs confirmed; 2 PINs cancelled and nil PINs modified.
 - 2018: Nil PINs confirmed; 5 PINs cancelled and nil PINs modified.
 - 2019 (up to 17 May 2019): Nil PIN review requests received.

FAMILY AND DOMESTIC VIOLENCE — FUNDING

2103. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the media statement on 29 March 2019 in which it is stated “The McGowan Government has committed more than \$21 million of new funding during this term of government, as part of a comprehensive policy package to address family and domestic violence”, and I ask:

- (a) how much of the \$21 million was spent in the period:
 - (i) commencing on the day after polling day in 2017 and 30 June 2017;
 - (ii) 1 July 2017 to 30 June 2018; and
 - (iii) in the current financial year to-date;
- (b) further to (a), what were the items of expenditure in each of those three periods;
- (c) how much of the \$21 million is intended to be spent in:
 - (i) the balance of the current financial year;
 - (ii) 2019–20; and
 - (iii) the period commencing 1 July 2020 and ending on polling day in 2021; and
- (d) further to (c), what are the items of expenditure committed to for each of those three periods?

Hon Sue Ellery replied:

- (a)
 - (i) Nil.
 - (ii) \$1.145 million
 - (iii) As at 30 April 2019, \$3.658 million
- (b) Respectful relationship teaching support programs in schools; family and domestic violence counselling services; national our watch membership; two additional women's refuges and financial counselling.
- (c)
 - (i) \$2.228 million
 - (ii) \$9.934 million
 - (iii) \$3.194 million

- (d) Respectful relationship teaching support programs in schools, family and domestic violence counselling services; national our watch membership; two additional women's refuges; culturally appropriate support services for victims of family and domestic violence; a second breathing space service for perpetrators; additional financial counselling; and implementation of the National Domestic Violence Order Scheme.

MINISTER FOR TOURISM — SOUTH METROPOLITAN REGION VISIT

2104. Hon Nick Goiran to the minister representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

I refer to the email from the Minister's office, dated 23 April 2019 and received at 1:29pm from the Minister's appointments secretary, 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?

Hon Alannah MacTiernan replied:

- (a) 2:00 PM to 4:00 PM
- (b) (i) 1
- (ii) Minister's Senior Policy Advisor and a representative from the Department of Jobs, Tourism, Science and Innovation.
- (b)(iii)–(f) At the time of notification of the Minister's visit the Honourable Member was given a contact number if he required subsequent information.

MINISTER FOR TOURISM — SOUTH METROPOLITAN REGION VISIT

2105. Hon Nick Goiran to the minister representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

I refer to the email from the Minister's office, dated 30 April 2019 and received at 4:14pm from the Minister's appointments secretary, 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?

Hon Alannah MacTiernan replied:

- (a) 8:45 AM to 9:45 AM
- (b) (i) 1
- (ii) Minister's Senior Media Advisor.
- (b)(iii)–(f) At the time of notification of the Minister's visit the Honourable Member was given a contact number if he required subsequent information.

ENVIRONMENT — CONTROLLED BURN — MANJIMUP

2107. Hon Dr Steve Thomas to the Minister for Environment; Disability Services; Electoral Affairs:

I refer to the Department of Parks and Wildlife (DPAW) controlled burn east of Manjimup on 16 November 2018, and I ask:

- (a) was the burn referenced on the DPAW website;
- (b) if yes to (a), on what date and time;
- (c) if yes to (a), was it identified as a controlled burn; and
- (d) if no to (a), why not?

Hon Stephen Dawson replied:

- (a) Yes.
- (b) There were a number of prescribed burns in the area on that day. These were displayed as part of the annual indicative prescribed burning program from 27 August 2018 on the Department of Biodiversity, Conservation and Attractions' (DBCA) prescribed burning webpage. As ignitions were made, they were also displayed on the prescribed burning webpage. DBCA did have a number of system issues around the date in question and these issues impacted the display of map products associated with the 'today's burn' section of the website. The system issues were resolved as soon as they were identified.
- (c) Yes.
- (d) Not applicable.

MINISTER FOR ASIAN ENGAGEMENT — VIETNAM VISIT

2108. Hon Robin Chapple to the minister representing the Minister for Asian Engagement:

I refer to Ministerial Statements released on 1 March 2019, "Minster's first formal trip to Vietnam aims to deepen trade links" and 21 April 2019, "Vietnam hosts first visit by McGowan Government Minister", and ask:

- (a) how much did the trip cost;
- (b) what were the outcomes of the trip; and
- (c) will the Minister table the travel report?

Hon Stephen Dawson replied:

- (a) Details and costs associated with this trip have not yet been collated and will be provided in due course through the Quarterly Overseas Travel Reports that are periodically tabled in Parliament.
- (b) The outcomes of the Ministerial visit will be included in Minister's travel report.
- (c) The Minister's travel report will be submitted to the Director General of the Premier and Cabinet as per the Ministerial Code of Conduct – March 2017 and tabled in Parliament.

PUBLIC TRANSPORT AUTHORITY — ADVERTISEMENTS

2111. Hon Nick Goiran to the minister representing the Minister for Transport; Planning:

I refer to the Minister's response to question on notice No. 1961, in which the Minister tabled complaints made in the calendar years 2017 and 2018 to the Public Transport Authority regarding advertising on buses, and in reference to the complaints with ID numbers 385349 and 387725, I ask:

- (a) what action was taken as a result of each of these two complaints;
- (b) was any written communication exchanged with the complainants;
- (c) if yes to (b), will the Minister table those documents;
- (d) was a record made of any verbal communication with the complainants;
- (e) if yes to (d), will the Minister table those records;
- (f) has the Minister been briefed regarding either of these two complaints;
- (g) if yes to (f), will the Minister table the briefing documents;
- (h) has there been any other communication between the Public Transport Authority and any other person about these two complaints; and
- (i) if yes to (h), will the Minister table the documents and records of that communication?

Hon Stephen Dawson replied:

- (a) Each complainant was sent information providing background on the third party advertising arrangements used by the Public Transport Authority and the process for directing complaints about advertising content to the Advertising Standards Bureau.
- (b) Yes – Communication between the parties was electronic.
- (c) [See tabled paper no 2771.]
- (d)–(e) Not applicable.
- (f) No.
- (g) Not applicable.
- (h) No.
- (i) Not applicable.

FORESTRY — REGROWTH KARRI THINNING

2113. Hon Diane Evers to the minister representing the Minister for Forestry:

For the year for which the most recent figures are available:

- (a) how many hectares of regrowth karri were thinned;
- (b) what volume of logs resulting from the thinning was sold; and
- (c) of the volume sold, what volume was:
 - (i) first and second grade karri sawlogs;
 - (ii) other grade of karri sawlogs;
 - (iii) karri chiplogs;
 - (iv) marri sawlogs;
 - (v) marri chiplogs; and
 - (vi) other grades and species of logs (please specify)?

Hon Alannah MacTiernan replied:

The following data is for regrowth karri thinned during the 2018 calendar year.

- (a) 720 hectares.
- (b) 56 545 cubic metres.
- (c)
 - (i) 556 cubic metres.
 - (ii) 7 783 cubic metres.
 - (iii) 48 206 cubic metres.
 - (iv) Nil.
 - (v) Nil.
 - (vi) Nil.

WOODSIDE — AIR EMISSIONS

2114. Hon Robin Chapple to the Minister for Environment:

I refer to the ASX announcement, dated 30 January 2004 by Woodside Petroleum Ltd entitled, “North West Shelf to Reduce Air Emissions” found here: <https://robinchapple.com/sites/default/files/2004-01-30%20ASX%20Woodside.pdf>, and ask:

- (a) were the oxides of nitrogen (NOx) emissions reduced from the North West Shelf Venture plant by 25 percent;
- (b) if yes to (a), what were the NOx emissions prior to the work being undertaken and what were the NOx emissions after the work was carried out;
- (c) what are the current NOx emissions;
- (d) if no answer is provided for (c), why not;
- (e) were the benzene, toluene and xylene (BTX) emissions reduced from the North West Shelf Venture plant by up to 75 percent;

- (f) if yes to (e), what were the BTX emissions prior to the work being undertaken and what were the BTX emissions after the work was carried out;
- (g) what are the current BTX emissions;
- (h) if no answer is provided for (g), why not;
- (i) were the results of the 12 month monitoring program, which concluded in late 2004 reported to regulatory authorities as stated;
- (j) if yes to (i), to which regulatory authorities were the results of the monitoring program(s) provided;
- (k) if yes to (i), will the Minister table the results of the 12 month monitoring program; and
- (l) if no to (k), why not?

Hon Stephen Dawson replied:

- (a)–(b) The provision of the report referred to in the ASX announcement of January 2004 was not a requirement of any environmental approval granted under the *Environmental Protection Act 1986*. The Department of Water and Environmental Regulation has been unable to locate a 2004 twelve-month monitoring program report referred to in the ASX announcement of January 2004.
- (c) The annual environmental report provided as a requirement of Ministerial Statement 757 and Licence 8752/2013/2 for the 2018 calendar year details a NOx emission intensity of 0.32 tonnes of NOx per kilotonne of gas produced.
- (d) Not applicable.
- (e)–(f) Refer to response (a)–(b).
- (g)–(h) Under Ministerial Statement 757, Woodside is required to prepare an air quality management plan and report annually on emissions levels. BTX was initially monitored and in 2014 an independent review submitted to the then Office of the Environmental Protection Authority (OEPA) found that BTX emissions were below standards set to protect human health. At that time, the OEPA confirmed that no additional monitoring of BTX was required.
- (i)–(l) Refer to response (a)–(b).

WOODSIDE — AIR EMISSIONS

2116. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to the ASX announcement, dated 30 January 2004 by Woodside Petroleum Ltd entitled, “North West Shelf to Reduce Air Emissions” found here: <https://robinchapple.com/sites/default/files/2004-01-30%20ASX%20Woodside.pdf>, and ask:

- (a) were the oxides of nitrogen (NOx) emissions reduced from the North West Shelf Venture plant by 25 percent;
- (b) if yes to (a), what were the NOx emissions prior to the work being undertaken and what were the NOx emissions after the work was carried out;
- (c) what are the current NOx emissions;
- (d) if no answer is provided for (c), why not;
- (e) were the benzene, toluene and xylene (BTX) emissions reduced from the North West Shelf Venture plant by up to 75 percent;
- (f) if yes to (e), what were the BTX emissions prior to the work being undertaken and what were the BTX emissions after the work was carried out;
- (g) what are the current BTX emissions;
- (h) if no answer is provided for (g), why not;
- (i) were the results of the 12 month monitoring program, which concluded in late 2004 reported to regulatory authorities as stated;
- (j) if yes to (i), to which regulatory authorities were the results of the monitoring program(s) provided;
- (k) if yes to (i), will the Minister table the results of the 12 month monitoring program; and
- (l) if no to (k), why not?

Hon Alannah MacTiernan replied:

- (a)–(l) Please refer to Legislative Council Question on Notice 2114.

EDUCATION AND TRAINING — ABUSED AND NEGLECTED CHILDREN

2118. Hon Alison Xamon to the Minister for Education and Training:

I refer to the Royal Commission into Institutional Responses to Child Sexual Abuse 2018 Progress report, Action Area 1 and the Department's commitment to provide 'support to children who have been abused, or are affected by abuse or neglect', and I ask:

- (a) how are these students identified;
- (b) how many students have been identified in 2019;
- (c) what support is being delivered to these students; and
- (d) who is providing the support?

Hon Sue Ellery replied:

- (a) The Department of Education requires all of its teaching and support staff, and line managers of staff who work with children, to complete the online Child Protection and Abuse Prevention professional learning (PL) within six months of employment. Through this, staff are trained to identify signs of abuse and neglect. Further support is provided to staff via the online fact sheet, Possible Indicators of Abuse, which details possible physical and behavioural indicators. Families may also inform the school that a student has been subject to, or affected by, abuse or neglect.
- (b) 308 public school students were the subject of mandatory reports by Department of Education staff between 1 Jan and 30 Apr 2019. This information has been provided by the Department of Communities.
- (c) Schools engage in case management processes to support individual students where appropriate. In addition, schools deliver protective behaviours and respectful relationships education.
- (d) Principals determine who is involved in providing support for case management. This may include student support staff, school psychologists, and interagency services as appropriate. The Department of Communities funds and manages the Child Sexual Abuse Therapeutic Services (CSATs).

PRISONS AND DETENTION CENTRES — ROLLING LOCKDOWNS

2120. Hon Alison Xamon to the minister representing the Minister for Emergency Services; Corrective Services:

I refer to rolling lock downs in Western Australian prisons and in Banksia Hill Detention Centre, and I ask:

- (a) which facilities currently have rolling lockdown regimes;
- (b) for each of the facilities in (a), are rolling lockdowns currently being used because of understaffing; and
- (c) if no to (b) for any facility, why are rolling lockdowns currently being used at that facility?

Hon Stephen Dawson replied:

- (a) When managing staffing shortfalls or changes in daily operations, an adaptive regime, which may include 'lockdowns', may be utilized. Adaptive regimes are a framework for the Superintendent to modify staff placement and service delivery where required for the purpose of maintaining good order and security of the prisons.

'Lockdown' regimes exist at the following facilities:

Albany Regional Prison
 Bandyup Women's Prison
 Broome Regional Prison
 Bunbury Regional Prison
 Casuarina Prison
 Eastern Goldfields Regional Prison
 Greenough Regional Prison
 Hakea Prison
 Roebourne Regional Prison
 West Kimberley Regional Prison.

- (b) Changes to staffing routines are used to manage daily staff absences, vacancies, changes to prison operations or for the good order and security of the prison.
 All prisons listed above use adaptive regimes in these circumstances.
- (c) Not applicable.

CORRECTIVE SERVICES — JUVENILE DETAINEES

2121. Hon Alison Xamon to the minister representing the Minister for Emergency Services; Corrective Services:

I refer to young people in the youth justice system, and I ask what percentage of young people return to sentenced detention or adult sentenced custody within five years of being released from sentenced detention in Banksia Hill Detention Centre?

Hon Stephen Dawson replied:

81.72% of sentenced young people released from detention (including Banksia Hill Detention Centre, Hakea Juvenile Security and Rangeview Remand Centre) in 2012–2013 returned to either sentence detention or adult sentenced custody within five years.

CHILD PROTECTION — CHILD SEXUAL ABUSE — THERAPY SERVICES

2122. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the provision of child sexual abuse therapy services in Western Australia, and I ask how much State Government funding was provided for the provision of these services for each financial year from 2009–10 to 2018–19?

Hon Sue Ellery replied:

From 2009–10 to 2016–17 this funding came under the former Department for Child Protection and Family Support. Funding is specific to the Department of Communities provision. Services may also be provided by other State or Commonwealth agencies.

FINANCIAL YEAR	FUNDING PROVIDED
2009–10	\$2,451,980.00
2010–11	\$3,010,495.86
2011–12	\$3,600,553.05
2012–13	\$3,753,578.04
2013–14	\$4,094,953.34
2014–15	\$4,238,276.71
2015–16	\$3,734,190.32
2016–17	\$3,793,937.35
2017–18	\$3,825,427.05
2018–19	\$3,857,178.12

CHILD PROTECTION — YOUNG PEOPLE IN RESIDENTIAL CARE — CRIMINALISATION

2123. Hon Alison Xamon to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to research from New South Wales regarding the criminalisation of young people in residential care, and I ask:

- (a) how many young people are currently in out of home residential care in Western Australia;
- (b) will the Minister please advise the ages of the young people currently in residential care;
- (c) how many of the young people currently in residential care have been sentenced to a period of youth justice detention since being placed in residential care; and
- (d) how many of the young people currently in residential care have been sentenced to a community based order since being placed in residential care?

Hon Sue Ellery replied:

- (a) As at 7 May 2019, there were 388 children in out-of-home residential care.
- (b) Of the 388 children in residential care:

One child was less than one year of age
 13 children were between one and four years of age
 73 children were between five and nine years of age
 180 children were between ten and 14 years of age, and
 121 children were 15 years of age or over.

- (c) 75 of the children in residential care have had at least one recorded period of detention while in care.
- Not all children who enter a period of detention will have been “sentenced”. Within Communities’ client information system, the reasons a young person can be recorded as being in detention include instances where they:
- have been arrested and are waiting for a first court appearance or bail determination
 - are waiting for their court case if they have been denied bail
 - are waiting to be sentenced after being convicted, or
 - have been sentenced to a period of detention.
- (d) The information requested is not readily available from the Department of Communities’ (Communities) child protection information system. As this information is held on individual case files, it would impose a significant administration burden on Communities to source this data.
-

