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LEGISLATIVE ASSEMBLY

Tuesday, 3 August 2021

Legislative Assembly

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THE SPEAKER (Mrs M.H. Roberts) took the chair at 2.00 pm, acknowledged country and read prayers.

PUBLIC SECTOR COMMISSION — AGENCY CAPABILITY REVIEW PROGRAM

Statement by Minister for Public Sector Management

MR M. McGOWAN (Rockingham — Minister for Public Sector Management) [2.02 pm]: I rise today to inform the house that the Public Sector Commission will soon commence a two-year trial of a new program to drive improvement in our public sector—that is, the agency capability review program. Over the next two years, the Public Sector Commission will trial the program with eight reviews of government departments. Each review will be led by a highly regarded, trained and experienced independent reviewer who is external to the agency. The reviews will be designed to understand the capability of agencies and what can be done to improve performance. They will look at the extent to which agencies have the right structures, processes, resource uses, systems and governance in place for them to deliver the very best services possible. The reviews will also be an opportunity to identify and share important lessons and practices with other agencies.

This is the first time that Western Australia has had a program of proactive, regular and comprehensive health checks of the overall capability of public sector departments and agencies. It will also be the first time that standards of what constitutes a high-performing agency will be set for our public sector. The past 18 months have reinforced how essential a well-functioning public sector is in the modern world. These reviews will ensure that Western Australians not only receive the kinds of services they deserve, but also have a public sector that can continue to meet future challenges.

PERTH CASINO ROYAL COMMISSION: INTERIM REPORT ON THE REGULATORY FRAMEWORK

Statement by Premier

MR M. McGOWAN (Rockingham — Premier) [2.04 pm]: On 5 March 2021, my government announced a royal commission to examine Crown's suitability to operate its casino at Burswood following the findings of the Bergin inquiry in New South Wales. The Perth Casino Royal Commission was established to inquire into the affairs of Crown casino Perth and its close associates to determine its suitability to hold a casino gaming licence. In addition, the royal commission will assess the regulatory framework for casinos and casino gaming in Western Australia and identify matters that might enhance that regulatory framework.

The royal commission has now provided the government with its interim report. The *Perth Casino Royal Commission: Interim report on the regulatory framework* does not express any final or concluded views. It focuses on the conduct of its inquiry and establishing the foundation of the history of the Perth casino and casino regulation in WA, and provides a comparative analysis of the WA legislative framework with other Australian and international jurisdictions. Although the interim report makes no findings or recommendations, it does make commentary on a number of matters, including the regulatory framework, the performance of the Gaming and Wagering Commission, and social and economic concerns, as well as opportunities for improvement. These matters will be considered fully on the release of the Perth Casino Royal Commission's final report.

The Department of Local Government, Sport and Cultural Industries has been working to assist the royal commission since its establishment in March and will continue to do so. The royal commission has already commenced the next phase of its inquiry, with hearings having resumed in mid-July. In the next phase, I understand the royal commission will further inquire into regulatory framework issues, as well as the suitability of the licensee and the regulation of its operations in WA. The Perth Casino Royal Commission will report all findings and make recommendations in its final report in March 2022. I now table the *Perth Casino Royal Commission: Interim report on the regulatory framework*.

[See paper 408.]

FUTURE BATTERY INDUSTRY

Statement by Minister for Mines and Petroleum

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [2.06 pm]: I rise today to inform the house that Tesla, the world's largest producer of electric vehicles, will soon be using Western Australian nickel to make its batteries. BHP Nickel West Australia will supply Tesla with nickel from its mines at Leinster and Mt Keith, in the member for Kalgoorlie's electorate. BHP and Tesla have agreed to collaborate on ways to make the battery supply chain more sustainable, with end-to-end raw material traceability one of the focuses. The announcement highlights that Western Australia hosts the best quality raw materials integral to the world's decarbonisation efforts. It also reinforces the level of comfort that global brands have in investing in the state knowing that raw materials are responsibly sourced.

The growing demand for battery technologies presents an opportunity for Western Australia to build on its expertise in the resources industry and move further along the value chain into downstream processing. Western Australia is the only state to have a clear strategy to support the development of the battery industry. Our state also has all the minerals needed to make batteries. The McGowan government's future battery industry strategy signifies our commitment to establishing a world-leading sustainable battery industry in our state. The supply agreement struck by Tesla and BHP further emphasises Western Australia's standing as the number one mining jurisdiction in the world. It illustrates the potential of future battery industries to create WA jobs, contribute to skills development and economic diversification, and deliver benefits to regional communities. On behalf of the McGowan government, I welcome the agreement and I look forward to our state becoming a leader in the future battery industry.

LEGISLATIVE ASSEMBLY CHAMBER — *EDITH* PERFORMANCE

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.08 pm]: Members, I would like to remind you that there will be a short theatrical performance tonight in the Legislative Assembly chamber commemorating Edith Cowan taking her seat in this place 100 years ago. As you are aware, Edith Cowan was the first woman in Australia to become a member of Parliament, so it is certainly an event to be celebrated. The performance will take place from 6.15 to 6.45 pm and you are all welcome to attend. As members from the Legislative Council have also been invited to watch the performance from the floor of the house, may I please request that you remove papers and laptops from your desks before the play begins. Given the performance cuts across the dinner break, Parliamentary Services will serve food and drinks in the courtyard before and after the play.

QUESTIONS WITHOUT NOTICE

AMBULANCE RAMPING

311. Ms M.J. DAVIES to the Minister for Health:

I refer to the ABC *7.30* report exposé regarding ambulance ramping, including insights from the Western Australian faculty chair for the Australasian College for Emergency Medicine, Dr Peter Allely.

(1) Is it not time that the minister acknowledged the health system in WA is in crisis, given the critique of industry leader Dr Allely that, and I quote, "most departments are running at almost disaster level"?

(2) If ramping hours that exceed 5 000 hours do not constitute a crisis, what does?

Mr R.H. COOK replied:

(1)–(2) I thank the member for the question. It is the same question that was asked just prior to the break, so it is good to see the material is updated!

Several members interjected.

Mr R.H. COOK: My answer —

Several members interjected.

Mr R.H. COOK: You will shush—the lot of you—and listen, because you clearly could not listen the last time! You clearly could not listen the last time, so I am going to tell you this time: we are in the blast zone of a global pandemic. As a result of that, our hospitals are under significant demand pressures. Our hospitals are under the same pressures as all hospitals around this country. We have had a significant increase in demand—14 per cent in emergency department presentations this year alone compared with last year. There is a significant increase in demand, so what is the way we respond to increased demand?

Mr V.A. Catania: Fund it properly!

Ms J.J. Shaw interjected.

The SPEAKER: Order, please! Member for Swan Hills, I ask you not to interject.

Mr R.H. COOK: The way we respond to increased demand is increased supply. Sadly for the member for North West Central, that is exactly what is going on. Over 2 000 nurses will be recruited this year, which will include an extra 600 newly qualified nurses over two years. We already have 200 of these nurses on the wards. We will have 400 registered enrolled nurses and 200 mental health nurses come on board. Normally, we have 720 graduates, so there will be a significant increase of 300 nurses on the previous year.

We had 2 000 people a day attending metropolitan emergency departments, plus 1 000 a day in regional hospitals. We are increasing the number of ED beds and chairs by about 100. That is a significant increase in the capacity of EDs. We need to increase the number of beds available, which is exactly what we are doing.

Dr D.J. Honey: You have done nothing for four years —

Several members interjected.

The SPEAKER: Order, please!

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale!

Mr R.H. COOK: For the benefit of members opposite, but particularly for the hapless member for Cottesloe, I repeat that we are increasing the number of beds by over 500. This will comprise 117 beds from existing capacity across the Perth metropolitan area and 100 new ED beds. We have committed to over 300 new inpatient beds as part of our infrastructure development at Joondalup, Geraldton, Peel and Bunbury. Of those 300 beds, 200 will be in the metro area and 100 beds will be in the mental health area. This is all part of our infrastructure expansion, which includes $256.7 million at Joondalup Health Campus, $152 million at Peel Health Campus and, of course, $1.8 billion for a new women's and newborns' hospital. No government has had such an expansive and deliberate response to increased demand in our hospitals than this government. The reason why we can do this is that we got the finances back under control. It is through that clear leadership from the Premier and with strong stewardship of the state finances that we are now in a position to significantly invest in our hospital system.

AMBULANCE RAMPING

312. Ms M.J. DAVIES to the Minister for Health:

I have a supplementary question. In 2017, the minister characterised 1 030 ramping hours as being a crisis point. How does the minister characterise the catastrophic record this government is setting, which is more than five times the figure that the minister so harshly critiqued back then? How does the minister characterise it?

Mr R.H. COOK replied:

It is because this is not 2017! Something has happened since 2017, Leader of the Opposition. It is called a global pandemic.

Dr D.J. Honey interjected.

The SPEAKER: Member for Cottesloe, you have not asked the question, so I ask you not to interject.

Mr R.H. COOK: There is one born every day, Madam Speaker!

There has been a global pandemic that has changed the way that people are consuming health services. We have had an increase in the volume of presentations, specifically an increase in acuity. That means we have had a significant increase in the number of category 1 patients presenting to our EDs. That has led to a 17 per cent increase in the length of episodes of care in our emergency departments, which is significantly challenging the flow of patients. In addition, we have had a significant increase in the number of mental health patients. As we know—although the member for Cottesloe would not appreciate or even attempt to understand this—as a result of the pandemic, anxiety levels have increased in the community, which has increased the number of presentations of mental health patients. I thought members opposite would be a bit more sensitive about these issues. The government will stand by patients and make sure that we get more resources in play. We will increase services and we will make sure that our great doctors and nurses working on the front line will have the resources they need to provide the world-class health care that Western Australians expect and deserve.

CORONAVIRUS — VACCINATIONS

313. Ms C.M. ROWE to the Premier:

I refer to Western Australia's COVID-19 vaccination program and the state's effort to get as many eligible Western Australians vaccinated as quickly as possible.

(1) Can the Premier update the house on the two-week vaccination blitz announced today and what that will mean for Western Australians?

(2) Can the Premier outline why all eligible Western Australians should get vaccinated?

Mr M. McGOWAN replied:

I thank the member for Belmont for the question. I also welcome everyone back after the break in the middle of the year. I acknowledge our Australian Olympians, who are doing so well in Tokyo as we speak. I would like to especially acknowledge our swimmers, particularly the women's swimming team, who have done outstandingly well. I also acknowledge Western Australia's own Annabelle McIntyre, who started out at the Fremantle Rowing Club and who has now won gold in the women's coxless four. What a terrific achievement! I also acknowledge Matt Wearn from the Fremantle Sailing Club, who won gold in the sailing Laser class. That was a brilliant achievement. And, of course, I know that we are all cheering for Peter Bol tomorrow. What a great story and what a great human being. Like everyone, I hope that he does well tomorrow in the 800 metres.

(1)–(2) The government is determined to get as many people vaccinated as possible. COVID-19 is out there—in the eastern states, around the world and on planes and ships. Last week, we had a record week for vaccinations, with more than 57 000 COVID-19 vaccines administered in our state-run community clinics. That means that over 1.1 million vaccines have been administered in Western Australia. But we need to continue this momentum, so this morning the Minister for Health and I announced that from 16 August

the state will undertake a two-week vaccination blitz. That will mean that Western Australians aged between 30 and 39 years of age who have already registered can book an appointment at one of our state-run clinics. As of just now, 12 685 eligible 30 to 39-year-olds had made a booking since this morning's announcement. This will be for the Pfizer vaccination, which, of course, these people are eligible for. All other Western Australians who were not already registered will be able to book an appointment from 9 August, which is about a week from now. Over the two-week blitz period, 140 000 appointments for the Pfizer vaccine will be on offer for eligible Western Australians. That will be the highest number that we have offered so far. Also, on 16 August, we will open a CBD clinic at the Perth Convention Centre. We will also expand the opening hours and staffing levels at state-run clinics as we get more vaccine supplies to hand, particularly supplies of the Pfizer vaccine.

We urge all Western Australians when they become eligible to get themselves vaccinated. We have not had as strong a vaccination take-up as New South Wales, but as a state we have not received the extra supply that New South Wales has, nor have we have had the big outbreak that occurred in NSW, which, of course, encourages more people to get vaccinated. Obviously, we do not want an outbreak and we are fighting as hard as we can to stop an outbreak coming this way. At the same time, we need Western Australians to go out and get vaccinated. I urge every member in this place to encourage your family and friends, your community and your electorate to go and get vaccinated as soon as they possibly can. It will save lives. It will save your family, your parents and your grandparents, and potentially yourself. Go and get vaccinated!

HOSPITALS — CODE YELLOW DECLARATIONS

314. Dr D.J. HONEY to the Minister for Health:

I refer to June this year, when it was revealed that there were no inpatient beds available across five of the state's busiest hospital emergency departments combined. Why is the government refusing to provide the number and duration of code yellows across each hospital in real time?

Mr R.H. COOK replied:

The answer to that question is very simple. Code yellows are an internal mechanism that doctors and nurses use to manage the number of beds available for patients. As we have made patently clear to everyone, we are witnessing a significant increase in the number of patients wanting to get care from our world-class public hospital system. That is because we are coming off the back of a global pandemic that has led to more acute episodes of disease and other illness and a situation in which hospitals are under significant pressure.

HOSPITALS — CODE YELLOW DECLARATIONS

315. Dr D.J. HONEY to the Minister for Health:

I have a supplementary question. Given that the public of Western Australia has a right to know whether or not hospitals are under duress, how does the minister's refusal to provide this information sit with the Labor Party's commitment in 2017 that its government was committed to improving accessibility to, and transparency of, information about the Western Australian public health system?

Mr R.H. COOK replied:

The transparency and reporting of public accounts and details of our health system has never been more prolific than it has been under our government. There are a whole range of metrics, whether they be emergency departments, wait times, emergency departments' performance compared with that in other jurisdictions, elective surgeries or a whole range of metrics about outpatients. Indeed, we introduced Care Opinion, which is an online public record of people's candid, unedited thoughts about the care they received in the public hospital system, which is something the former government never did. In fact, we have made our system much more transparent and accountable to the WA public and much more responsive to its needs than the Liberal Party ever did in its time in government.

CYCLONE SEROJA — ASSISTANCE PACKAGE

316. Mr K.J.J. MICHEL to the Minister for Emergency Services:

I refer to the recent announcement that communities devastated by tropical cyclone Seroja will receive the largest commonwealth–state disaster recovery package in Western Australian history.

(1) Can the minister update the house on how this historic $104.5 million in funds will support those affected communities?

(2) Can the minister advise how this will help residents, small businesses and primary producers during the next stage of recovery?

Mr R.R. WHITBY replied:

(1)–(2) I thank the member for Pilbara for his excellent question. I am always amazed by his brilliant advocacy and work as a local member. Whenever I am in Karratha and the Pilbara, I am blown away at the stature of this gentleman—the way he is held in regard. He is a local superhero. I rarely see it in any of the regions.

I really see the appreciation that there is for his work. Members really have to go along to Karratha to experience it, because it is something else. Thank you, member. Only when I go to Baldivis do I see such local adulation—only then!

I thank the member for the question. Indeed, he is correct that the state and federal governments announced last week the biggest recovery funding arrangements for any disaster event in Western Australian history. It took a lot of work between local, federal and state governments, and it involved cooperation at the federal and local levels. I worked very closely with emergency services ministers at the federal level, including David Littleproud and Bridget McKenzie and, of course, shire presidents at the local level. It is so rewarding to see that cooperation between all sides of politics when Western Australians are in need of support. It is a massive response to a massive disaster—an unprecedented disaster that deserved an unprecedented recovery package, and that is what that $104.5 million joint recovery arrangement is providing. It includes community welfare and outreach programs located at various hubs across the region, because this was a very impactful cyclone. It was one of the most devastating in our history, so that those hubs are located in places including Northampton, Kalbarri and Morawa. They will operate for two years to provide financial assistance, emergency and temporary accommodation, and psychological support services, because this disaster has had a huge impact on individuals in communities where there has been an impact. It also includes recovery and resilience grants for residents of up to $20 000 to build back better when they are rebuilding their homes—maybe extra security to make them more able to withstand the impacts of weather and cyclone in the future. Importantly, there are also primary producer recovery grants of up to $25 000. So many of the people impacted across the Seroja impact zone were farmers—primary producers. About 90 per cent of farmers were impacted in some way. It has been a very difficult and challenging time for them, with seeding beginning at the time that Seroja hit. As a constant visitor to the region, I am heartened to say how green the environment is there and how much of a bumper crop we are going to get. It is a silver lining to a very challenging time, and I am sure that the many regional members in our party will appreciate the importance of primary produce in this state and country and the contribution it makes to our state. Another grant available is the small business recovery grant of up to $25 000 to help the many small businesses impacted across the midwest. Importantly, there is an in-principle agreement with the federal government to get assistance for the establishment of workers accommodation, which will be critical to the rebuild.

This is a multi-tranched approach to assistance. We saw the first tranche when the cyclone hit. We needed to respond to the emergency and the clean-up. The second tranche was the first elements of the disaster recovery funding arrangements, which involved more clean-up support and support for shires across the region. This tranche, the most important yet, is a record, as I have described. It is about the recovery and rebuilding process. No-one denies that this is a significant disaster that has impacted Western Australia, and it will be felt for a long time to come. It is a long road, but the announcement on Thursday for this record contribution by both the state and federal governments and that record cooperation between state, federal and local governments for a community-based response to this disaster is crucial and significant. I thank the member for the question.

CORONAVIRUS — VACCINATIONS — REGIONS

317. Mr P.J. RUNDLE to the Minister for Health:

I refer to the Premier’s recent announcement regarding the Perth Royal Show vaccination hub and the provision of incentives to participants. Will the government establish the same scheme for regional agricultural shows such as the Dowerin field days and the Newdegate field days, which are two of our largest shows, with attendance of thousands of regional people who do not have the same access to vaccinations as those who live in the metropolitan area?

Mr R.H. COOK replied:

I might invite an interjection from the member so he can explain what incentives he was referring to.

Mr P.J. Rundle: Show bags.

Mr R.H. COOK: I was at the press conference where the Premier made this announcement. I think the incentive he offered was to Western Australian parents who would have their kids at the Royal Show that they could get away from the kids for a little while! I think the idea is that you park the kids with one parent in front of the log chopping and then the other parent goes off and gets themselves vaccinated. You then swap over and perhaps the other parent could take the kids to sideshow alley while the other parent gets themselves vaccinated. This is an important message delivered in a light-hearted way that I think the Western Australian community understands. We need to make getting vaccinated a habit and an opportunity for all of us. We have to get 80 per cent of the adult Western Australian population vaccinated by the end of this year. That is the only way we are going to get out of this pandemic. That is the only way we will get to the situation whereby we can avoid lockdowns and can consider travel once again. I invite everyone to take the opportunity to get themselves vaccinated, because they will keep themselves and the community safe.

Dr A.D. Buti interjected.

The SPEAKER: Minister for Sport and Recreation, someone is about to ask a supplementary question. We do not need your interjection. Member for Roe.

Several members interjected.

The SPEAKER: Order, please!

CORONAVIRUS — VACCINATIONS — REGIONS

318. Mr P.J. RUNDLE to the Minister for Health:

I have a supplementary question. Madam Speaker, this is a serious issue, and the minister has not answered my question on the Dowerin field days and the Newdegate field days, especially with the important emphasis on regional men's health. Will the minister be providing the same access to vaccination hubs for those regional citizens at the Dowerin field days and the Newdegate field days?

Mr R.H. COOK replied:

The Royal Show is famous as the days that the country comes to the city. It is an opportunity for people from the country to be able to come and showcase their great industries and take the opportunity to spend some time with their families at the Royal Show. Obviously, that is a great opportunity for people to get themselves vaccinated. As the member well knows, we have upwards of 90 different regional vaccination centres right across this great state, in addition to teams that are moving around smaller communities to make sure that everyone has the opportunity to get themselves vaccinated. In addition to that, we have the commonwealth program around Aboriginal communities, which is working with the Aboriginal medical services to ensure that those people as well have access to vaccines.

I am flabbergasted by this question. We have had three questions now from members of the opposition. After six weeks of opportunity to do research and investigation and get their lines of attack right, they have asked the same question as they previously asked. They ask questions which, quite frankly, are laughable, and now they ask questions that are completely baseless.

SWAN RIVER CROSSINGS PROJECT

319. Ms K.E. GIDDENS to the Minister for Transport:

I refer to the McGowan Labor government's record investment in job-creating transport projects, including the $230 million Swan River crossings project that will replace the old and deteriorating Fremantle Traffic Bridge. Can the minister update the house on the work underway to deliver this project, including the decision on the preferred alignment for the new bridges, and can the minister outline to the house how this project will support local jobs, local businesses and the local economy?

Ms R. SAFFIOTI replied:

I thank the member for Bateman for that question. Yesterday I joined the Premier, the member for Fremantle, the member for Bicton and, of course, the federal member for Swan as we announced the preferred alignment for the new Swan River crossing. This new bridge will replace what is a very, very old bridge that needs replacement. We will be introducing the new traffic bridge; two new rail lines to service the passenger network for generations to come; new dedicated pedestrian and cycling paths; and, of course, we will also make it easier for boaties to navigate through the waters. This bridge will be delivering for motorists, public transport users, cyclists and pedestrians. Basically, we have it all covered. The only thing it does not have is a landing strip!

This is a very complicated project to deliver. As I said, there are a number of constraints and a number of different users, and, of course, there have been a number of false starts on this project in the past. Many people will remember the soap opera that played out around the funding and then defunding of the Fremantle Traffic Bridge. The member for Fremantle will be happy to know that all she had to do was ask for the funding for this bridge.

We have undertaken a lot of consultation to get this bridge right. Of course, we have taken feedback from the community. Originally, there was an eastern alignment; we changed the alignment to minimise the impact in north Fremantle. We have been working with the community and the council about the alignment and also about the retention of part of the existing bridge. For example, if the council wants to take some ownership and manage that in the future as a community asset, we will be very, very keen to do that. As part of this project, we will also be lighting up that bridge. Members know that I love lighting up bridges, but I will make a commitment that this one will be permanently lit purple!

SAFEWA APP — OPTUS STADIUM

320. Mr V.A. CATANIA to the Premier:

Before I ask my question, I would like to acknowledge Shire of Carnarvon president, Mr Eddie Smith, and CEO, Andrea Selvey, for being here in Parliament today.

I refer to the Premier's office rejecting requests by the media for information under FOI regarding the use of the SafeWA app, specifically the data that will demonstrate the number of attendees at major events at Optus Stadium versus the check-ins with the app. Why has the government refused to release this information?

Mr M. McGOWAN replied:

I am not aware of what the member is referring to, but I will say this: the SafeWA app has been a tremendous success. If members look at the app that the commonwealth government put out, which is still on my phone, it did not work. I am not going to attack the commonwealth government for it; it did that early on and it did not work. Our app works perfectly well; it has been a wonderful system, and it has ensured that when we need to, we can contact trace people across the community. I have been very pleased with both the technology and the way that it has worked across the community. I still see good take-up. Despite the fact that we currently have no COVID in Western Australia, I still see a good take-up of the app, and it has been an effective system. We have put some legislative protection in around the app as well.

I do not understand why the opposition is trying to politicise this. I do not get it; I do not get their questions at all. I do not get how the opposition can ask a question about show bag incentives that do not exist. After a six-week break, the opposition asked a question about show bags being given to people who are getting vaccinated, when that does not happen. I do not understand it. I do not understand why they would criticise us for underwriting the Royal Show, making sure that the COVID vaccination clinic operates—which actually operates from Claremont Showground, because it is a central location—and then attacks us for doing so. I do not get their questions. I do not get this opposition. Honestly, there the member is, sitting on his own. It is an embarrassment. He is an embarrassment. I look forward to the Liberal Party report on 28 August. It will be interesting reading what it says about him. I look forward to the supplementary question.

Dr D.J. Honey interjected.

Mr M. McGOWAN: A voice in the wilderness over there, going further into the wilderness! I also welcome the shire president, Eddie, if he is here, from Carnarvon. He is a great local shire president. I enjoy working with him.

SAFEWA APP — OPTUS STADIUM

321. Mr V.A. CATANIA to the Premier:

I have a supplementary question. I refer to the data used to demonstrate the number of attendees at major events at Optus Stadium versus the check-ins with the app. Will the Premier table that data tomorrow?

Mr M. McGOWAN replied:

Again, I do not know what the member is talking about. The minister advises me that when people go to Optus Stadium, the attendees do not use the app because it is ticketed; so we know who went as a consequence. I do not know what point opposition members are trying to make. What is their strategy? What are their tactics? They are attacking us over putting in place the SafeWA app, which has kept people safe. It is a bit like last term, last year, when opposition members attacked us over borders, and were supporting Clive Palmer. What is their strategy? Where are their thinking caps? What are they about? No-one knows what the Liberals and Nationals are about, because they come in here and flounder around, attacking this and attacking that. People are happy that we have the SafeWA app. The only people who seem unhappy about it is the state opposition.

FIONA STANLEY HOSPITAL — STAFF

322. Mr C.J. TALLENTIRE to the Minister for Health:

I refer to the privatisation of frontline services by the Nationals and Liberals, and the McGowan Labor government's commitment to bringing those services back into public hands. Can the minister update the house on the work underway of bringing non-clinical services at Fiona Stanley Hospital back into the public sector; and can the minister outline to the house how this government's responsible financial management has allowed this important policy to be delivered?

Mr R.H. COOK replied:

I thank the member for the question. I am very proud to say, on behalf of the McGowan government, that this is another commitment signed, sealed and delivered.

Government members: Hear, hear!

Mr R.H. COOK: This government is committed to putting patients first, and we want to make sure that we bring as many of these public-facing services back into the public sector as is humanly possible. As of yesterday, staff working in the cleaning, patient catering and internal logistics areas of Fiona Stanley Hospital are officially back in public hands. We have been able to deliver on this important policy because of the financial management to which the member refers. It is only because we have properly stewarded the state's finances that we can use the state's finances in the interests of the WA public to improve public sector services. I am very proud to welcome 633 new staff to the South Metropolitan Health Service as part of the Fiona Stanley Hospital team.

We all remember the debacle of the commissioning of Fiona Stanley Hospital, overseen by members opposite. It was a woeful performance, driven by the previous government's ideological commitment to privatising wherever it could, much to the detriment of our public services. As was said by the director general at the time, patient-facing services should be run as part of a hospital team, not hived off for profit by the private sector.

I am very proud of the commitment we made and I am even prouder now of the great work that has gone into delivering on this commitment. I want to thank the Department of Health, the South Metropolitan Health Service and Serco for the great work they have done together to make sure we bring these important healthcare services back into the public sector and back into public hands to put patients first.

CORONAVIRUS — HOSPITALS — BREACHES

323. Mr R.S. LOVE to the Minister for Health:

I refer to recent COVID-19 breaches at Fiona Stanley Hospital, Geraldton Health Campus and earlier at Royal Perth Hospital.

(1) Does the minister agree with the Premier's assertion that a relatively small hospital like Geraldton Health Campus could safely maintain normal services when 24 staff were in quarantine, especially given current staff shortages?

(2) Does the minister agree that it is unacceptable that breaches like these continue to be made when he and his government have had 18 months in which to prepare?

Mr R.H. COOK replied:

(1)–(2) I want to take the opportunity to thank all the doctors, nurses, hospital leaders and the WA public—and particularly the Western Australia Police Force—for the incredible work they have done over the past 18 months to make sure that Western Australians live in one of the safest parts of the world with regard to COVID-19. I want to thank all our health workers for the work they do, day in, day out, under difficult circumstances, dealing with some of the sickest patients in our system; and, in addition to that, dealing with the added dangers associated with managing patients who are COVID-19-positive. I want to commend them for their work. The number of incidents we have had has been infinitesimally small. A small number of incidents were discovered because of the failsafe systems we have in place, and because of those failsafe systems, we were able to detect the breaches and get the situation under control.

Maybe we could have swept this under the carpet; maybe we could have pretended that the public did not have a right to know about all these things. But as the member for North West Central said, transparency is an important part of what we do in the WA health system. We made sure that the public were aware of these breaches. We owned them and we learnt from them. Each of those incidents were very individual in terms of the circumstances that led to them and the breaches that they represented. In one situation, it was simply a mechanical fault with the lifts at Fiona Stanley Hospital. That was detected because we have spotters in place to ensure that we understand whenever these breaches occur. We continue to learn from them and we continue to provide a great service on behalf of the Western Australian community. I want to thank and commend everyone in the health services, who have done such a great job to keep the situation under control.

CORONAVIRUS — HOSPITALS — BREACHES

324. Mr R.S. LOVE to the Minister for Health:

I have a supplementary question. I, too, would like to thank our frontline workers. We know that they are desperately overworked, underpaid and under-supported, and that the Minister for Health is not afraid of throwing them under the bus when there is a problem. What is the minister going to do to ensure that he adequately supports these staff so that we do not see these breaches occurring into the future?

Mr R.H. COOK replied:

As I detailed in answer to the first question that was asked of me today, we are undertaking record recruitment of nurses and increasing the number of beds to make sure we continue to grow the resources available to our health system. We will continue to work with all our teams to ensure they have the protocols, the personal protective equipment and the procedures in place to make sure that they can keep themselves safe and their patients safe. That is what we have done all the way along. If the member looks at the record on COVID-19, I think he will agree that they have done a really, really good job.

FUTURE BATTERY INDUSTRY

325. Ms A.E. KENT to the Minister for Mines and Petroleum:

I refer to the McGowan Labor government's commitment to diversify the Western Australian economy and create local jobs. Can the minister update the house on the work underway to make WA a world leader in the future batteries industry; and can the minister outline to the house how our state can benefit from growing demand for electric vehicles and renewable energy storage systems?

Mr W.J. JOHNSTON replied:

An excellent question, and I congratulate the member for asking a question that is so relevant to the goldfields because many of the raw materials are being extracted in her electorate.

We have a once-in-a-lifetime opportunity to make a real change to global supply chains through the decarbonisation process. This is a unique opportunity for Western Australia. WA is the only place that has all the materials that go into a battery. We have a stable and robust investment environment, we are a jurisdiction with very low sovereign risk, and we are a world leader in research and development. The McGowan government has a clear strategy to support the battery industry and move resource processing further down the value chain.

I am pleased that Future Battery Industries CRC Ltd, which is headquartered here in Western Australia and is being partnered by the Western Australian state government, is building a demonstration plant to show how we can convert our materials into precursor chemicals and cathode active materials, because we want to go even further down the value chain. Future Battery Industries CRC recently published a report, *Future charge: Building Australia's battery industries*, which shows that Western Australia has a real chance to go even further down the battery value chain.

We have some real success stories. A little while ago I reported on Nickel West's deal with Tesla, which will take advantage of Nickel West's nickel value chain. It goes through the smelter in Kalgoorlie and includes the refinery in the Premier's electorate, which is the world's largest nickel refinery. That has now been converted to make nickel sulphate, which is the material that goes into batteries.

Albemarle Corporation and Tianqi Lithium are both well advanced in the construction of their plants in Kemerton and Kwinana, and we know that Covalent Lithium is also getting closer to making a decision for that project. The good news is that for all those projects, Western Australian industry has shareholding partners. Mineral Resources Ltd is partnered with Albemarle; IGO is partnered with Tianqi; and Wesfarmers is a 50–50 joint venture partner with SQM. We know that other projects are being looked at in Kalgoorlie and the eastern goldfields as well.

Of course, Kalgoorlie is likely to be the site of the Lynas cracking and leaching plant, which is outside the battery industry but in the critical mineral space. The $500 million investment into a rare earth plant will create high-skill, high-wages jobs and change the nature of the economy in Kalgoorlie. We also have Hastings Technology Metals Ltd examining a project in the Ashburton industrial estate, and Iluka looking at the midwest, so we can have a real footprint beyond the battery metals chain and into rare earths as well. EcoGraf is getting its project ready, again in the Premier's electorate, and International Graphite is going into Collie. We are spreading the jobs around the state and welcoming investment from these important international partners. We are pleased that Australian businesses are participating. We are looking forward to the transfer of technology so that we can become an even more valuable contributor to the global battery chain with critical minerals.

I want to finish by pointing out that already 13 000 Western Australians earn a living from the battery industry. We think we can double that. We think it is a really genuine opportunity to create high-skilled, high-wage jobs here in Western Australia. The things driving investment are our high level of environmental expectations, our high level of expectations in labour relations, our high safety standards and our highly skilled workforce. They are the things driving it. They are the advantages. We are really pleased that we can take every opportunity to support this important industry.

CORONAVIRUS — INTERNATIONAL SHIPPING

326. Dr D.J. HONEY to the Minister for State Development, Jobs and Trade:

I refer to the Premier's comment that the government will turn away ships from Indonesia and other countries.

(1) Was the Minister for State Development, Jobs and Trade consulted prior to the decision; and, if so, which industry bodies were consulted and what ships and commodities will be impacted?

(2) Did the minister have any conversation informing our important international trade partners before the decision was announced?

Mr R.H. COOK replied:

(1)–(2) I do not know whether it has escaped the member's attention but I am also the Minister for Health and a member of the emergency management team, so I am fairly confident that I was involved in the discussions on the ongoing strategies to fight COVID-19. I admit that I am not always at the centre of attention, but I think I need to be just a little bit involved in these things. Yes, member; I was involved and we did have discussions about the implications of this and the importance of the decisions.

Obviously, most of this revolves around the Minister for Transport's area, and I want to commend the work she and her department did in relation to this decision. I understand that she consulted with industry bodies, including the Chamber of Minerals and Energy, the Australian Petroleum Production and Exploration Association, the rural livestock association and the CBH Group. Obviously, we consulted widely across government on this.

Dr D.J. Honey: What about the trading partners?

Mr R.H. COOK: Which trading partner is the member for Cottesloe talking about?

Dr D.J. Honey: Indonesia in particular.

Mr R.H. COOK: We did not talk about any specific country in relation to these measures.

Mr M. McGowan: High-risk countries.

Mr R.H. COOK: It was an announcement about high-risk countries. However, the Chief Health Officer would define those. It is a sensible approach of minimising the risk to the WA public. Let us place on the record that the Liberal Party does not endorse strong measures to keep the people of Western Australia safe from COVID-19.

CORONAVIRUS — INTERNATIONAL SHIPPING

327. Dr D.J. HONEY to the Minister for State Development, Jobs and Trade:

I have a supplementary question.

Mr W.J. Johnston: Apologise.

Dr D.J. HONEY: Grow up!

Mr D.J. Kelly interjected.

The SPEAKER: Minister for Water!

Dr D.J. HONEY: It may have escaped the Minister for State Development, Jobs and Trade, but given exports are critical to the state and national economy, has he assessed the impact that turning the boats will have on Western Australian primary production and miners, and will he table that analysis so that we understand the impact this is expected to have on the Western Australian economy?

Mr R.H. COOK replied:

We have improved the protocols, working with industry groups, to ensure that the situation the member for Cottesloe just predicted does not take place.

Dr D.J. Honey: You've already turned back ships.

Mr R.H. COOK: Which ones?

Mr M. McGowan: Those packed with COVID; absolutely we have.

Several members interjected.

Mr R.H. COOK: This is about the proper management of a real and present danger and risk to the WA public. We know the track record of the member for Cottesloe as the Leader of the Liberal Party. We know who he likes to get into bed with on these issues. He likes to work with Clive Palmer and other people who would tear down the measures that we have put in place to keep the people of Western Australia safe, and we realise now, through his ongoing commentary, that he still supports those very tactics.

LEGISLATIVE ASSEMBLY — HISTORICAL PHOTOGRAPHS

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.54 pm]: Members, I am sure that you will have noticed the refurbished *Premiers Historical Portrait Collection* as you entered the chamber today, as well as the 360-degree panorama shot of the Legislative Assembly members of the forty-first Parliament.

The reframed Premiers' collection now features the Legislative Assembly's historical corporate blue livery, and photographic portraits, many of which were previously of extremely poor quality. They have now been meticulously restored by Garry Sarre and printed on archival quality paper. The photographs and frames have also been reduced in size to enable the collection to be added to over time. Prior to the reframing, there was space for only an additional four Premiers' shots. We might not have needed the space!

The 360-degree panorama shot above the vestibule to the chamber captures the Legislative Assembly members of the forty-first Parliament for the historical record. Again, I would like to thank Garry Sarre for his beautiful and painstaking work. It is almost impossible to detect which member, who was unavoidably absent on the day of the shoot, was subsequently photoshopped into the photograph.

The *Speakers Historical Portrait Collection* now includes my portrait, and I thank Frances Andrijich for the photograph. Next to my portrait you will find the legendary Government House "staircase shot", which was taken after my presentation to the Governor, Hon Kim Beazley, AC, following my election as Speaker. It is the only photograph of the presentation of the Speaker to be taken with all the participants, including the Governor, wearing face masks and, as such, it is very much part of the Assembly's historical records.

Finally, on the subject of photography, I have given permission for Abigail Harman to be on the floor of the chamber for the duration of question time tomorrow to take photographs of the proceedings for use on Parliament's website and in parliamentary publications.

QUESTIONS ON NOTICE 174, 176, 178, 179, 181, 183, 184, 186, 187, 188, 189 AND 190

Answer Advice

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [2.56 pm]: Speaker, I seek advice under standing order 80(2). Am I too late?

The SPEAKER: I will accept it.

Ms M.J. DAVIES: Thank you. I refer to outstanding questions on notice, due on 24 July. With your indulgence, Speaker, I will list the questions: 174 and 178 to the Minister for Regional Development; Minister for Agriculture and Food; 176 to the Deputy Premier; 179 to the Minister for Tourism; 181 to the Minister for Police; 183 to the Minister for Transport; 184 to the Minister for Finance; 186 to the Minister for Water; 187 to the Minister for Environment; 188 to the Minister for Housing; 189 to the Minister for Disability Services; and 190 to the Minister for Emergency Services. Their responses are all now past their due date and I ask: when am I likely to receive answers to these questions?

MR D.A. TEMPLEMAN (Mandurah — Minister for Tourism) [2.57 pm]: One of those questions relates to my portfolio.

The SPEAKER: Can I suggest that for expediency, you might like to respond on everyone's behalf.

Mr D.A. TEMPLEMAN: Yes, and I will follow up all the others.

QUESTIONS ON NOTICE 31, 33, 39, 40, 41, 42, 43 AND 44

Answer Advice

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [2.58 pm]: I rise under standing order 80(2) to ask the Minister for Transport when I might receive an answer to questions 31, 33, 39, 40, 41, 42, 43 and 44, which were all due on 24 July.

MS R. SAFFIOTI (West Swan — Minister for Transport) [2.58 pm]: I signed off on all those questions, I think, this morning, so they should be on the way to the member. I think most of the questions relate to information that is available in media statements, so he might be able to do some research and find out some of those answers anyway.

CLIMATE ACTION — PORTFOLIO

Question on Notice 45 — Answer Advice

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [2.58 pm]: I rise under standing order 80(2) to ask the Minister for Climate Action when I might receive an answer to question on notice 45.

MS A. SANDERSON (Morley — Minister for Climate Action) [2.59 pm]: I believe I have recently signed off on that answer and it should be with the member very soon.

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2021

Returned

Bill returned from the Council without amendment.

BILLS

Assent

Message from the Governor received and read notifying assent to the following bills —

1. Building and Construction Industry (Security of Payment) Bill 2021.
2. Supply Bill 2021.
3. Sunday Entertainments Repeal Bill 2021.
4. Corruption, Crime and Misconduct Amendment Bill 2021.

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following bills —

1. Arts and Culture Trust Bill 2021.
2. Health Services Amendment Bill 2021.
3. Legal Profession Uniform Law Application Bill 2021.

PAPERS TABLED

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

AUDIT RESULTS REPORT — ANNUAL REPORT 2019–20 FINANCIAL AUDITS OF LOCAL GOVERNMENT ENTITIES

Correction — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [3.07 pm]: Members, I have received a letter dated 20 July 2021 from the Auditor General requesting that an erratum be added to the *Audit Results Report — Annual 2019–20 financial audits of local government entities* tabled on 16 June 2021. The erratum corrects an error in the number of information system control weaknesses identified in the audited entities. Originally, the number was reported as 382, whereas the correct number is 328. Under the provisions of standing order 156, I authorise the necessary corrections to be attached as an erratum to the tabled paper.

[See paper 409.]

WITTENOOM CLOSURE BILL 2021

Notice of Motion to Introduce

Notice of motion given by **Dr A.D. Buti (Minister for Lands)**.

McGOWAN GOVERNMENT — HEALTH — PERFORMANCE

Notice of Motion

Ms M.J. Davies (Leader of the Opposition) gave notice that at the next sitting of the house she would move —

> That this house condemns the Labor government for its failure to prioritise a safe and efficient health service for Western Australians, resulting in a broad range of economic and social impacts.

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Inquiry into Sexual Harassment against Women in the FIFO Mining Industry — Terms of Reference — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [3.10 pm]: I have two further statements before we move on to the matter of public interest. There are new inquiries with terms of references for a couple of our committees that I need to acquaint the house with.

The Community Development and Justice Standing Committee has agreed to inquire into sexual harassment against women in the fly-in fly-out mining industry, with the following terms of reference —

i. Is there a clear understanding of the prevalence, nature, outcomes and reporting of sexual harassment in FIFO workplaces?

ii. Do existing workplace characteristics and practices—including but not limited to workplace cultures, rosters, drug and alcohol policies and recruitment practices—adequately protect against sexual harassment?

iii. Are current legislation, regulations, policies and practices adequate for FIFO workplaces in Western Australia?

iv. What actions are being taken by industry and government to improve the situation, and are there any examples of good practice?

The committee will report to the Assembly by 28 April 2022.

ECONOMICS AND INDUSTRY STANDING COMMITTEE

Inquiry into Identified Intergenerational Challenges and Opportunities for the Western Australian Economy — Terms of Reference — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [3.11 pm]: The Economics and Industry Standing Committee has resolved to inquire into identified intergenerational challenges and opportunities for the Western Australian economy out to 2041. The committee will take into consideration —

- the current structure of the WA economy;
- key factors driving current demand for WA exports;
- key factors that will affect demand for WA exports into the future;
- actions being undertaken by relevant stakeholders to plan for identified trends in demand for WA exports; and
- key factors affecting inbound investment in major sectors of the WA economy.

The committee will report to the house by 28 February 2022.

McGOWAN GOVERNMENT — HEALTH — INVESTMENT

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) informed the Assembly that she was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [3.12 pm]: Madam Speaker —

Mr D.J. Kelly interjected.

The SPEAKER: Minister for Water! We are about to go into an important matter in the house—a matter of public interest. The Leader of the Opposition has given notice of it.

Mr V.A. Catania interjected.

The SPEAKER: Member for North West Central, I want to hear from only the Leader of the Opposition at this time.

Ms M.J. DAVIES: Thank you, Madam Speaker. I move —

> That this house condemns the Labor government for its failure to invest in our health system, putting health workers under enormous pressure and the people of Western Australia at risk, and impacting key sectors of our state's economy.

There is a reason that this is the first matter of public interest that the opposition has brought after the break. It is because, yes, we raised these issues prior to the winter break, and yes, we raised them nearly every day when we were in the chamber, from the day of the election to the first winter break, because these issues are getting worse, not better. While the eyes of the nation and the globe are trained at the moment on the amazing sporting performances of our Australians in Tokyo, the only way I can think to describe what this minister has done over the last five years is to put it into sporting parlance. It has been an absolute shocker. The minister is behind the eight ball, down-and-out and punch-drunk. The system is broken.

Mr R.H. Cook: A gold-winning performance.

Ms M.J. DAVIES: There is nothing like a bit of self-reflection, minister!

I do not think there is any other way to describe the performance of the Minister for Health as our health system lurches from one crisis to the next. As I said, as our nation's eyes are trained on our sporting heroes in Tokyo, who, I think everyone will admit, celebrate their achievements with humility and grace, we in this state are watching the health minister fumble the ball, miss the pass and pass the buck when it comes to the issues and the performance that our health system is suffering under. Five years in and it is only the Minister for Health and this government who can own what is happening right now. They have to own the fact that we are seeing some of the worst statistics and markers that show that our health system is in crisis—no-one else. It is your responsibility, minister. There is no gold medal for the Labor government for health. It is failing our community and putting the people of Australia at risk because it has failed to invest. At the risk of taking the analogy too far, the statistics do not lie, the commentators are not pulling their punches and it might just be time for the Premier to send this minister to the bench and call in the substitute.

Let us look at how we do a health check on the system, because there are a number of different measures to assess the healthiness of our health system. Ramping numbers —

Mr D.J. Kelly interjected.

Ms M.J. DAVIES: Listen and you might learn something, Minister for Water.

Ramping numbers are a fairly standard measure, and they were used by the Minister for Health to great effect when he was in opposition. The number of code yellows in our major tertiary hospitals is another measure that indicates the resilience of the system. The government's own benchmark for treating emergency patients within four hours—the four-hour rule—is another indicator of the health of the system. Add stakeholder reviews into the mix, both internal and external, and the report card for the McGowan government and the Minister for Health is very grim indeed. The system continues to deteriorate, the indicators continue to blow out and the minister continues to deny the crisis. In the face of some of the worst results recorded in years, the minister and the government maintain that there are still unprecedented levels of demand, but they will not concede or say the word "crisis". Everyone else does. Everyone else is prepared to say it. Call it for what it is so that we can actually get on and deal with it. But they will not say the word. It is political spin at best and, at worst, it is wilfully ignorant and is putting staff and patients at risk. That is the truth. The failure of this government to adequately invest in our public health system is putting people's lives at risk.

Who is to blame? The dizzying heights of creativity the minister reaches when deciding who is to blame is remarkable. Last year, despite having no COVID in the community, he said it was due to COVID. The blame this

year has been the increase in mental health patients and National Disability Insurance Scheme clients. In the last few days the minister has blamed the people who were turning up to the emergency departments for the overcrowding of our hospitals, saying that 17 per cent of the people who turn up to the emergency department doors should be treated by a general practitioner. I have to say that to me that sounds like the minister is trying to blame everyone but himself and his department for the management of the health system.

Let us look methodically at the indicators that I just spoke about. I want to go through each measure so that it is on the record for the minister to address in his reply. The latest ambulance figures under the minister's watch are triple those that when he was the shadow Minister for Health he referred to as a horror story. He referred to it as a horror story when we were government. Ambulances spent 3 713 hours ramped outside our hospitals last month. That is the highest figure on record for the month of July. Alarmingly, this figure included 99 hours of ambulance ramping around the state's country hospitals, and for more than 13 months this government has consistently recorded ramping figures above 1 030 hours. These figures are triple what he as the shadow Minister for Health referred to as a horror story when we were in government, and that is despite the reduction that we have seen in elective surgery, no influx of influenza in our state and no COVID present in our community.

The minister is failing to meet his own target to treat emergency patients within four hours under the four-hour rule. The latest figures show that the state's monthly average has slipped to its worst level for at least a year. The target, as I understand it, is for 90 per cent of patients in our public hospital system to be admitted, discharged or transferred within four hours. Last month, that figure fell to 66 per cent across all WA public emergency departments. The figures were 49 per cent at Royal Perth Hospital, 53 per cent at St John of God in Midland, 57 per cent at Joondalup Health Campus and 58 per cent at Fiona Stanley and Sir Charles Gairdner Hospitals. Added to which is the Australian Institute of Health and Welfare data that has been published. That data reveals that only 52 per cent of urgent ED patients at WA hospitals were seen within the 30-minute maximum waiting time in 2019–20 compared with a national average of 67 per cent. In Western Australia, 52 per cent of urgent ED patients who turned up to our emergency department requiring assistance were seen within 30 minutes compared with the national average of 67 per cent.

If members read the commentary in *The West Australian* by Angela Pownall, they will see that she quite rightly points out that WA used to lead the nation on the four-hour rule because it was first implemented here 12 years ago and was then rolled out nationally. She reported in an article printed online yesterday that this measure was found to have saved lives because it spread the workload around the hospital and made every area more efficient. So, 66 per cent, when we are aiming for 90 and the national average is 67. Sorry, it is 52 per cent; I am getting my percentages—66 per cent for the four-hour rule is not good enough and those efficiencies clearly are not there. What exactly is the government going to do to improve those statistics? The government is blaming it on too many people turning up to emergency departments when we know the ED presentations are both on trend and predictable. The government is deflecting blame from its own failure to invest in and implement reform. Perhaps people would be more aware of alternatives like urgent care clinics if the government had not botched that rollout. The minister has to acknowledge that that was a thought bubble that was not well thought through. There were delays in rolling that out across the state, and people are still confused about whether they can access urgent care clinics.

The number of code yellows is the other measure used. Today, we heard the minister refuse to provide that information, despite still pushing the line that the government is transparent and accountable. If the data is collected, I am not sure why the government, if it is transparent and accountable, will not release it so that we can understand exactly what is happening within these hospitals. In June this year, it was revealed that there were no inpatient beds available across five of the state's busiest hospital emergency departments combined. According to the daily projection report, there were more patients than staff could look after at the Armadale Health Service, Fiona Stanley Hospital, Rockingham General Hospital, Royal Perth Hospital and Sir Charles Gairdner Hospital. On 9 June, three of those five hospitals were operating with no capacity for any further patients. That is when we start to see the ambulance ramping statistics increase.

I have not talked about the St John Ambulance review, but, again, it is another piece of deflection by this government. It is not St John's fault that its ambulances are ramped up and unable to respond to calls from our community. It is the fault of the Minister for Health and this government for failing to invest in the health system so that people can be admitted to hospital through the emergency department. That is causing ambulances to spend so much time on the ramp outside the emergency department. When this was reported on 9 June, it was the second day that patient intake had been higher than hospital staff were able to cope with, and that followed a week when hospitals had been operating at capacity. That combined with the incident members may remember of expectant mothers being turned away the state's premier maternity hospital, King Edward Memorial Hospital for Women, should have set off alarm bells. It should have set off alarm bells that there were not enough beds and healthcare workers.

It does not appear to us, and certainly not to the community, that there is any immediate plan to resolve this. The emergency doctors and key stakeholders who we deal with on a regular basis are telling us what many know already—that is, our departments are running on empty. Staff are tired and feeling exposed, anxious and nervous. Code yellows—the disaster level that we talked about—being called regularly reflects this, as does the ramping and

the failure to meet the benchmark of the four-hour rule, yet we see this government continue to deflect blame and wheel out excuses. Given the lack of COVID in the state at the moment and the slow uptake of vaccination, it is of enormous concern that we have hospitals that cannot cope. That is without an influx of influenza or the impact of COVID-19. It is enormously concerning that we cannot cope as it is and that any outbreak would be disastrous for a health system that has been run down for the past four years under the Labor government.

If I can, I will put on record the investment that we made when we were in government. It is important to make sure that people understand that when we were in government, between 2008 and 2017, we invested significantly. We opened two new hospitals for the Perth metropolitan area—Fiona Stanley Hospital and Midland Public Hospital. We made improvements to facilities for children at 10 public hospitals across WA, plus funded and built a new hospital for children. We opened new major health campuses in Albany and Busselton, and built the state-of-the-art Karratha Health Campus, which is the single biggest investment in a public hospital in regional WA ever undertaken. We made upgrades to and expanded a further 30 regional sites across the state, invested significantly to create bigger and more responsive emergency departments at 25 locations across the state, and built the $54 million state cancer centre, Harry Perkins Institute at Queen Elizabeth II Medical Centre, plus new and improved facilities at six Perth hospitals and six regional locations. There was more accommodation provided for staff and visiting specialists in regional areas. We created incentives for doctors and allied health workers to attract and retain staff in hard-to-staff areas.

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms M.J. DAVIES: Our record in government in health was significant and it was acknowledged by the WA Department of Health that we made the most significant and biggest investment in regional health —

Mr D.J. Kelly: What a load of rubbish! Self-reflection, member.

The DEPUTY SPEAKER: Minister!

Ms M.J. DAVIES: Do a little bit of your own, minister.

Our record in government investing in health was that we left infrastructure and staffing at good levels —

Mr D.J. Kelly interjected.

The DEPUTY SPEAKER: Member for Bassendean!

Ms M.J. DAVIES: There was more to be done, but it has not followed under this government. There has been underinvestment and under-resourcing, and that is why we see rallies of staff continuing to roll out and hear commentary from key stakeholders that we are at catastrophic and disastrous levels in our public health system. It is appalling by any measure. This government is failing. The minister has taken on health; state development, jobs and trade; medical research; and science. Those four portfolios are important to this state's future, but the minister needs to be focused on health, because the failures are there for everyone to see. When in opposition, the current Premier led the debate calling for the minister at the time, Kim Hames, former member for Dawesville, to be stripped of his tourism portfolio so that he could focus on health. The Premier did that. This Premier, in the middle of the pandemic, when health is clearly front of mind for every Western Australian, has appointed a minister to four portfolios. I suggest that the state government and the Premier need to take some of their own advice and allow the minister to focus on health so that some of those statistics that we have listed today, those measures that are open for everyone to critique, can be improved. We need to see them moving in the right direction. In the words of the current Premier when in opposition —

> … it would be far better if he dedicated himself to one of those portfolios so the people of Western Australia know they have someone who is truly committed to the job over the next three and a half years.

Without that happening, I have great fears. I have great fears for our workforce, our community and our hospitals, which into the farthest corners of Western Australia and here in our metropolitan centre are under stress and under pressure. Disaster is right on our doorstep and that is sheeted home to the minister, because he has been in charge for the last four and a half years. It is time for us to see the resourcing and policy that we need as a state to make sure that we have a safe, healthy and secure health system for the people of Western Australia.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.26 pm]: I rise to join the debate on this motion. This government has the wrong priorities; it is more focused on spin and announcements than delivering critical services for the people of Western Australia. Might I say, we know a government is under pressure when the two most senior members of the government, the Premier and the Deputy Premier; Minister for Health, make gratuitous personal insults to members on this side of the chamber. The government has its hand on the tiller because it is ascendant in numbers, but what we hear from the Premier and the Minister for Health is nasty personal insults. It is unbecoming of the Minister for Health. It is not something that he did in the last term of government.

Mr R.H. Cook interjected.

Dr D.J. HONEY: The minister should read what he said in *Hansard*. The minister is under pressure. The opposition has said before that the minister should do the right thing—as was done in the last term of government—and shed those other responsibilities that clearly will not be managed properly and focus on health. The minister has not done that and we are seeing the results of that in the suffering of people in Western Australia.

We alerted this government to this crisis three years ago. We raised the problem of ramping at hospitals and that people across Western Australia could not access critical health services. What did this government do? It did what it is doing now; that is, it insulted and belittled the opposition and diverted attention away. There was no problem to see because the minister was either blindsided or ignoring his own departmental advisers. It is one or the other. The government did nothing about it whatsoever. We should have seen another major hospital delivered by now. What we have seen is a decimation of the hospital system across the state of Western Australia.

I have used my time wisely in this term of Parliament, since I became Leader of the Liberal Party, to travel quite literally the length and breadth of this state. I have been from Esperance to Kununurra and all points in between. I was in Kalgoorlie yesterday for Diggers and Dealers and to meet with community members in that electorate. They told me the same story that I have heard in every other centre. It does not matter whether it is Mt Barker, Albany, Esperance, Geraldton, Kununurra, Halls Creek, Fitzroy Crossing, Broome or any of the other centres across this state, because people in every single centre tell me that their health system is in crisis. In Kalgoorlie, people said there was no point even making an appointment and that they would travel to Perth! I understand that the Royal Flying Doctor Service is constantly streaming traffic to Perth from Geraldton, Kalgoorlie and other regional centres because regional hospitals cannot cope. Those areas do not have the staff, specialists or visiting doctors that they should have. This Minister for Health has been the minister for four years and he was the shadow minister in opposition for a good number of years—four years or seven years, or whatever it was—before coming to government. This minister should understand the crisis in the health system and should have responded, but he has not responded.

The ramping hours is not just a number. It represents people who are desperately sick—some are fighting for their lives—and are waiting in ambulances. Those ambulance officers are trained as first responders. They are not there to provide ongoing critical care for someone who may be desperately ill or dying. Those patients need to be in emergency departments so they can be treated by specialists.

We have a lack of resources in emergency departments. We hear the government attacking St John Ambulance. The government is making people wait in ambulances and has tried to divert the attention of the people of Western Australia whose loved ones are waiting in ambulances by attacking St John Ambulance. I notice a theme emerging from this government—maybe it is a way to get union membership numbers up! The government wants to get rid of all those volunteers who help at St John's Ambulance so it can create a few more union members. I will go through this in detail, because this government has focused on driving increases in union membership.

Mr M.J. Folkard: You're union bashing, mate! How about you hand back your superannuation!

Dr D.J. HONEY: I am not inviting interjection from this member.

The DEPUTY SPEAKER: Member for Burns Beach; thank you.

Dr D.J. HONEY: This government is focused on driving union memberships; and on spin, announcements, committees and whatever, but it is not delivering services.

Mr M.J. Folkard interjected.

The DEPUTY SPEAKER: Member for Burns Beach!

Dr D.J. HONEY: I can tell the member that one thing I admire is a good, hardworking union steward and I doubt he was ever one!

Mr M.J. Folkard: You haven't seen one! You wouldn't know!

Dr D.J. HONEY: Wouldn't I just? Some people in this place know the facts, and it is not the member.

This government is obsessed with building union membership. The Minister for Health should have recused himself from this decision, being a member of the United Workers Union.

I am grateful for the Dorothy Dixer today, because we heard that the minister will be insourcing 633 positions into Fiona Stanley hospital. The minister insourced 633 positions with no evidence that any of those services were being delivered in other than the utmost professional, expert way that they should be delivered. This is at a cost of $93 million to the taxpayers of Western Australian.

I know some members here who could use $93 million in their communities to provide real services. I was in Halls Creek, where children were running around the streets until four or five o'clock in the morning. There was not one child, but hundreds of children in the streets, racing cars that almost certainly were not theirs. That $93 million could be valuably spent there. But this minister has spent $93 million insourcing 633 staff and replacing staff who were doing a perfectly good job under the previous arrangement. This is at a cost of $93 million. What will this

do? It will increase union membership! The Minister for Water has left the chamber, but previously he set the gold standard by insourcing 500 jobs at the Water Corporation at an increased cost to water users right across the state who are paying inflated water charges. That provided no improvement in services.

We heard spin today. We heard what the government is going to do in the future. The government is heading into its fifth year in government and it is "going to do" something about the health crisis. It needed to start doing something four years ago. It was told about it. The government knew it was in crisis. It did nothing and now it is blaming everyone but itself for that.

This government makes fun of the hospital system, but it inherited a rebuilt hospital system from the former government. There were some minor building issues on some of those sites, but let us compare that with this government's delivery of Metronet. That project was budgeted at less than $3 billion. That has blown out to $7 billion and is heading to $10 billion and the government has not delivered an inch of track. You guys are hopeless at delivering anything in this state! The former government delivered a rebuilt hospital system in this state that this government inherited. In almost five years this government has done nothing about the crisis that is causing harm and hardship to the people of Western Australia.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.35 pm]: I rise to speak in support of this motion by the Leader of the Opposition condemning the Labor government for its failure to invest in our health system and putting not only health workers under enormous pressure but also the people of Western Australia at risk. The opposition has been warning about the risks that the people of Western Australia have faced for quite some time. On 17 March 2020 the Nationals WA's spokesperson for ports, Hon Colin de Grussa, asked questions in the other place about protocols around the protection of workers and members of the community in our port cities. He asked what was being done about potential points of contact for the transfer of COVID-19, including when ships are piloted and interactions with stevedores, mooring crews, service providers et cetera. He asked what had been put in place to protect people in communities, especially in regional communities at ports such as Geraldton and Esperance.

Throughout 2020 we repeatedly asked what was being done to protect communities, what would be done if there was an outbreak and whether people would be well taken care of. What did we see? On 7 July the MV *Emerald Indah* showed up in Geraldton with a very sick crew member on board who was transferred to the hospital in Geraldton. What we saw after that shocked the community in Geraldton, which is an area very close to my electorate. Many of the people who live in my electorate receive services in Geraldton and work at the Geraldton Health Campus. This area is very close to my own experience, indeed. We saw simple things such as people being put into lifts without adequate protocols in place to prevent a breach when someone else entered this lift. Staff members were not wearing adequate personal protective equipment. We saw that a person spent up to three hours in the emergency department with a vast number of other people. That led to the infection of many people, and putting at risk 28 staff and 18 patients. At the time that this was reported locally, it caused a great deal of concern, as members would imagine. The local community did not know what was going on. The local mayor reported that the City of Geraldton had not been informed of this breach. People who had potentially been exposed to COVID who were at risk of not only contracting the disease but also spreading it to others were possibly using the city's facilities. The city should have been made aware straightaway that this was an issue.

This occurred 16 to 18 months after the start of this pandemic when the opposition had raised these questions. We had asked the government what was being done to prevent these types of situations. We got nothing but bland assurances and a belittling of our concerns. We have raised our concerns about these matters many, many times in this Parliament, yet the first time that a COVID situation occurred at Geraldton, one of our regional ports, we had a failure by the local authority. It was not a failure of the workers; they do their job as best they can. It was a failure of the WA Country Health Service and of the protocols that this government should have put in place to ensure the community is kept safe. That led to a situation in which a small regional hospital with a limited workforce had 28 staff who were unavailable for service. The Premier said he did not think that placing 25 staff—as it was at that time—in isolation would affect the running of the hospital. I cannot see how it could possibly not affect the running of the hospital. That is an enormous number of staff to be taken out of a very limited pool. Of course, we could potentially have seen a disaster in Geraldton had there been community spread as a result of that impact. They are the types of risks that we asked to be assessed and taken into account very early on in the piece.

Today, we have heard very bland assurances and a batting off of legitimate concerns. In question time the Leader of the Nationals WA raised the matter of ambulance ramping, and we heard the minister batting off the issue again, even though this situation is extremely dire. We have extreme ambulance ramping compared with the rates referred to in this media release of Sunday, 12 February 2017, in which the then shadow Minister for Health claimed that the Barnett Liberals had failed in health. It said "record ambulance ramping, record waitlists", yet we know that he was talking then about a fraction, about one-fifth, of the level of ambulance ramping we now see. The only decent reaction the government seems to have to this is to call an inquiry into St John Ambulance, completely erroneously believing that there is something wrong with St John Ambulance.

Again in question time today, a legitimate question was asked by the member for Roe about why the opportunity is not being taken to encourage vaccination at major field days in country Western Australia. We heard some

comments from the Premier and the Minister for Health trying to belittle the member for Roe for bringing a very, very good suggestion to the Parliament that would have enabled tens of thousands of regional people to have access to a vaccine. This government is failing to achieve a decent vaccination outcome. An ABC news report posted very recently showed that Western Australia's vaccination rates are lacking terribly. In fact, the most vulnerable areas of Western Australia are those far-flung regional areas in our north, and they have the lowest vaccination rates in the entire country, with only 8.6 per cent of people of eligible age having received the vaccine. This government has failed to deliver on its priorities of ensuring that Western Australia has a proper health service to protect it.

MR R.H. COOK (Kwinana — Minister for Health) [3.42 pm]: I rise to speak on the motion. It will not surprise members to hear that the government will not support it. We do not support it because it is based on falsehoods that the opposition continues to try to prosecute. Day after day, we respond to its arguments. We explain the pattern of demand on our hospitals at the moment. We go through the measures we are putting in place—measures that we can put in place because we have done the hard work to get the finances back under control—yet the opposition each day still comes out with the same motion. It is the same motion the opposition came up with six weeks ago. To utilise the Leader of the Opposition's parlance, which is to reach into sporting analogies, the opposition is not match fit, it did not do the hard yards in the preseason and it simply did not bring its game face. All we see —

Mr R.S. Love: You did not get a gold medal on *7.30*.

The DEPUTY SPEAKER: Deputy Leader of the Opposition, you have had your time. It is the minister's opportunity to respond.

Mr R.H. COOK: I was going to observe that perhaps the opposition's research started last night when it was watching the reports on the ABC. If the opposition wants to get ahead in this game, it has to put in the hard yards. It actually has to do the work. It has to do the yakka, the research and the investigation. It has to do the hard work that makes an effective opposition. The first thing the opposition has to do, of course, is get its facts right. That is called "dropping the ball at the kick-off". The fact of the matter remains that annual spending on health has increased by more than $1.1 billion per year, or 13 per cent, between 2016–17 and 2020–21, to about $10 billion in 2021, so the first contention of the motion, which condemns the Labor government for its failure to invest in the health system, is basically wrong. It is fundamentally wrong. I would have thought that if the opposition had spent six weeks crafting a motion to move in this place that it would have at least got the basic facts correct, because the fact of the matter is that we have invested and we have invested wisely. To put more flesh on the bones of that issue, there has been a 12.9 per cent increase in FTE nurses between 2016 and 2021—the highest number of nurses in the WA health system on record. That is an increase of 750 FTE nurses in the last year alone. In fact, the only time there has been a decrease in frontline healthcare workers in the past six years was under the Liberals and the Nationals. They should not come to this place and say that we have not invested in our health system. We, and the people of Western Australia, know who looks after the health care of this state and that is the Labor Party and Labor governments. How dare the opposition, in its first opportunity to propose a debate, get the fundamental proposition of its argument wrong. Fundamentally, the very first utterances of its motion were wrong and factually incorrect.

Speaking of being factually incorrect, we listened to the member for Cottesloe saying that people were dying in the back of ambulances.

Dr D.J. Honey: I did not say that.

Mr R.H. COOK: It is just fundamentally wrong.

Dr D.J. Honey: Go and read *Hansard*.

Mr R.S. Love: I think he said "lying".

Mr R.H. COOK: I think he basically suggested that people with life-threatening illnesses or injuries were lying in the back of ambulances, which is fundamentally wrong. They are priority one patients and they are sent straight into the emergency department. That does not surprise me, because this is the same member who said that Fiona Stanley Hospital was working a treat prior to the WA Labor government's policy to bring back a number of its services in-house. I do not know whether the member for Cottesloe was watching public debates in those days, but day after day there were failures associated with the outsourcing of a whole range of services. I think Serco had about $1 million in fees withheld at one point simply because it failed to provide the services it was contracted for at Fiona Stanley Hospital. I do not blame Serco; I blame the flawed decisions of an ideologically driven Liberal–National government that just sought to privatise our health services whenever it could. It is the reason that it privatised the then Wanneroo Hospital and the Peel hospital, and we all saw what a disaster that was before Ramsay Health Care stepped in.

The former government gave a 20-year $4.8 billion contract to Serco at a hospital. What government in its right mind thinks it has an idea of what health care will look like in 20 years' time? The former government lashed us to the mast of a $4.8 billion contract, the biggest in the state's history all for one thing and one thing only, and that is a flight of ideological fancy. That is what the opposition over there represents. It does not care about how we deliver health services. The opposition does not care about public health. It is an anathema to the opposition and

everything it stands for. The fact of the matter is that we brought those services back in-house to make sure that we had the hospital working as a team, not as a series of dysfunctional contracts and private operators versus public services. We do not resile from the investment to make sure that we bring those services back in-house; indeed, we are proud of it. It is a very important measure to make sure that we continue to have a health system that can respond to the needs of the Western Australian community.

Our emergency departments have operated very well. Our four-hour rule access targets have equalled or bettered those that existed under the previous government, and they were the best in the nation. We have now slipped to just behind Queensland—I hate being beaten by Queensland!—because something has happened between the time that we took office and where we are today. For the benefit of those opposite, who seem completely oblivious to these things, it is called a global pandemic, and it has led to significant pressures on our hospital system, in the context of the blast zone of the impacts of that pandemic. Everyone can see that happening around the world, but we can see it particularly in Australia, because in Australia we have had relative freedom from COVID-19. Even what we see happening on the east coast is pretty mild by world standards, but we can see the impact that it has had on our health systems. We have seen a strong surge of demand, and it is a different sort of demand than that that existed previous to the pandemic.

The planning that goes into the health system is based upon what is called age-weighted population growth. It is a formula used by the Department of Health and Treasury to plan what we need to invest in the health system based upon a projected trajectory of demand based on normal activity in the community—that is, the ageing of the population and population growth. The department extrapolates from that what it predicts will be the demand on healthcare services in the future. All that is out of the window, because we now have a completely unique dimension that is having a unique impact on our health system. This same thing is going on around the country. If the South Australian Parliament is sitting today, it will be having the same debate. If the Queensland Parliament is sitting today, it will be having the same debate. I am not sure whether the New South Wales Parliament is sitting, because it has other issues to contend with, but this is going on right around the country. Ambulance ramping is the key issue of the day in South Australia. Overcrowded emergency departments in Brisbane is the key issue of the day in Queensland. This is going on everywhere in our healthcare system. But the one thing we have in Western Australia is a capacity to respond, because we have the finances under control. By getting the finances under control, we have the financial strength to make sure that we can continue to invest in our health system. That includes an additional $1.5 billion of further spending on health that has been approved since the 2020–21 budget. This includes the COVID-19 WA recovery plan and key system priorities initiatives, which will continue to make sure that we can recover from the COVID pandemic and that we have a healthcare system that can respond to the demand that is characterised by this period.

I will go through some of the measures that are taking place as a result of this new demand matrix. First of all, I want to paint a clear picture of what is going on with that demand. We have seen a significant increase in the volume of patients particularly in our triage 1 and triage 2 categories. My understanding is that triage 2 has increased by about 10 per cent on the 2019–20 level, which means that we have had a significant increase in the number of acutely unwell patients coming to our emergency departments. In addition to that, there has been an increase in the number of mental health patients coming to our EDs. These are particularly difficult patients to treat because they often have complex needs, and they increase our link of episodes of care significantly. ED attendances grew by almost 14 per cent from January to June this year compared with the same period last year, with the growth in categories 2 and 3—that is, patients who generally require hospital care within 10 minutes or 30 minutes respectively. We have had an 8.5 per cent increase in ambulance attendances across all sites.

This is a step change in the way that people are consuming health services. This is impacting upon St John Ambulance, which is doing a magnificent job responding to these demand pressures, and it has had a significant impact on the Royal Flying Doctor Service and its work. In addition to that activity in our EDs, we also have some acutely unwell patients who are awaiting National Disability Insurance Scheme or aged-care assessment who are occupying beds. There are regularly 130 WA hospital beds occupied by patients who no longer need hospital care and are awaiting NDIS services and appropriate accommodation. Similarly, there are often in excess of 30 older patients waiting in hospital for aged-care services on any given day. We have to contend with these sorts of pressures, but we know that a range of people come to our EDs who have the capacity to be treated in a more appropriate environment, such as by their general practitioner or, as we discussed earlier, the urgent care network. At any point in time, anywhere between 10 and 50 per cent of the patients who come to EDs could otherwise be treated in a primary care environment, and that represents an opportunity that our GP networks obviously need to keep themselves busy.

What short-term measures are we undertaking to meet this demand? The WA health system is expanding bed capacity, with more than 80 of the 158 beds to be opened by September now online across Royal Perth, Fremantle, Sir Charles Gairdner and Perth Children's Hospitals. We have initiatives to increase the number of newly qualified nurses and midwives in the WA health system, which could see close to 700 new graduates by the end of 2022. That is on top of our usual graduate intake. We are implementing national and international recruitment strategies to complement recruitment processes at individual hospitals and support the medical, nursing and midwifery workforce within the state. We are reviewing and improving patient care pathways and streaming, including the optimisation

of admission processes. Individual health services are also implementing their own innovative strategies. We are finalising plans to trial a standalone touchscreen kiosk in a number of ED waiting rooms so that the public can engage with GP urgent care clinics where appropriate. There are a number of new mental health initiatives to improve care and keep people out of hospital, including safe havens at Royal Perth and Kununurra Hospitals. We have active recovery teams, who go out and spend time with people who have come to EDs with mental health issues to ensure that they can continue to receive better care in the community so that they do not need to re-present to an emergency department within a short period of time. Obviously, we need to continue to make sure that we provide the resources that our frontline doctors and nurses need to ensure that they can continue to provide the world-class health care that people expect. We know that the best way we can do that is to continue to recruit people to ensure that we have the staff to draw upon to meet the needs of our hospital system. That is why we brought in policies at the election to recruit extra nurses into our hospital system. We will recruit about 1 000 nurses in 2021 and 1 000 in 2022—that is on top of our normal intake of about 700, and so is already a significant increase. Today, 200 of those nurses are walking the corridors, supplying extra support and services to their colleagues and to the community that they are there to serve.

A lot is going on to respond to the current situation, but the situation was not born of lack of investment. As I said, over the time of this government, there has been a significant increase in investment. There is significant planning around the expansion of hospitals, including $256.7 million into the expansion of Joondalup Health Campus, $150 million into the expansion of Peel Health Campus and $1.8 billion committed to a new women's and babies' hospital at the QEII Medical Centre. That is a significant increase in the capacity of our overall system.

While this is going on, we continue to see strong performances in elective surgery. In June 2021, we had 2 282 category 1 surgeries, as opposed to only 1 924 in June 2019. There were 2 445 category 2 surgeries, as opposed to only 2 291 in June 2019. There were 2 280 surgeries undertaken in June 2021. We continue to make sure that we are providing the health services that people need, and making sure that we are getting to patients when they need to be cared for in a manner that continues to ensure that Western Australia provides world-class health care. Compared with other states, Western Australia has a median wait time of around 36 days; I suspect that that has increased a little as a result of the pandemic, but it is below the national average of 39 days and is second only to Victoria in terms of performance for median wait times.

We continue to see our emergency departments perform well under very difficult circumstances. In June 2021, there were 58 211 attendances at metropolitan public hospital EDs. Statewide, there were 5 068 mental health–related ED attendances in June 2021. There were 187 mental health attendances with a length of episode greater than 24 hours in June 2021—62 more than in June 2019. Our hospitals have been impacted by a different but significant level of demand, and that is putting pressure on our hospital system.

We will continue to make sure that we invest in our healthcare system, whether it is the $26 million we invested in extra elective surgery last year, the new recruitment of extra nurses and midwives, or the commissioning of 158 of the 200 extra hospital beds we committed to. Sure, ambulance ramping is high, but that is not a measure of lack of investment; that is a measure of the significant burden our hospital system is under at the moment. That is not the result of a lack of investment or a lack of planning; it is the result of a global pandemic that is now having a significant impact upon our hospital services.

The government will continue to invest in new beds, more staff, more resources, more equipment and bigger, expanded hospitals. I hope we will continue to see a downward trajectory in ambulance ramping, but let us not be under any illusion: this is a unique set of circumstances. COVID-19 is not a pandemic that we could have predicted, and we could not have predicted the impact it would have on other aspects of our lives, such as the patient acuity we are now seeing in our hospitals, the mental health issues and the complexities we are seeing in terms of numbers.

Western Australia needs a government that will continue to invest in our health system, and that is why we have a Labor government. We are not like the previous mob who, through a lack of planning and lack of preparation and investment, saw ambulance ramping increase. This is simply because we have a situation that is —

Mr R.S. Love: Ambulance ramping is five times as much!

Mr R.H. COOK: The member for Moore is just not listening.

We continue to confront a unique set of circumstances—circumstances that no-one could have predicted. The only thing we can predict is that the Labor government will stand by its health service and the staff that work in it. I, like everyone, hope we will continue to see an improvement in the way in which our hospitals respond to this demand, but we cannot underestimate the pressure that our hospitals are under at the moment. That is why we have a government that is committed to making sure that we increase the number of hospital beds. There has been an increase of 158 beds since the increase in demand began. We have also increased the number of staff by 200 nurses, and there will be a significant increase in the number of nurses over the coming 18 months. There has also been an increase in the level of investment so that we can make sure that patients continue to be seen in a timely fashion for elective surgery. The government will continue to stand by its health system. We will continue to put patients first and we will continue to make sure that we keep people safe from COVID-19.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [4.04 pm]: I rise to speak in opposition to this motion brought by the opposition. I rise to speak against its scaremongering tactics. I rise in support of those who provide our world-class health system and I rise in solidarity with the people of Western Australia who, as a community, rallied over 2020 to tackle the COVID-19 pandemic. I am on their side; the opposition is not. The opposition is looking after itself with its scaremongering, and it has raised a number of inaccurate points in support of its proposition—a proposition that I call upon all members to vote against.

The Leader of the Opposition had the temerity, the audacity, to suggest that any outbreak would be disastrous for Western Australia. This is a direct criticism of the people of Western Australia, who have sacrificed so much to make sure that we have not been subjected to an outbreak of COVID-19 in this state. The Leader of the Opposition had the audacity to refer to her record when she was in government. I ask the Leader of the Opposition: What do you have to say to the voters who passed judgement on your record in government in 2017? Did they get it wrong? No. They voted in overwhelming numbers to send you to the opposition bench. I was surprised, because I thought the Labor Party could not do better than that, yet in response to the way in which this government handled the COVID-19 pandemic, in collaboration with the community, the people of Western Australia sent many more Labor members back here in the last election. I stand in opposition to the Leader of the Opposition's arrogant proposition that the opposition got it right when it was in government. It failed to listen to what the voters of Western Australia said.

I was flabbergasted by what the Leader of the Liberal Party had to say. Before I entered Parliament, I was a lawyer acting on behalf of victims of asbestos-related diseases. I cannot imagine any more scandalous proposition than to say of a children's hospital that had not yet been opened that asbestos in the roof panels and lead in the water were minor building issues. Does the member for Cottesloe know what happens when people are exposed to asbestos and develop conditions like asbestosis, mesothelioma and lung cancer? Does he know what happens when children are exposed to lead? He says he does; if he does, how could he have had the temerity to stand up and say that these were minor building issues?

Dr D.J. Honey interjected.

Mr S.A. MILLMAN: You did not even mention that. Do you know how I know that you never mentioned that it should be fixed? It is because you did not fix it. It took this Minister for Health and this government to grasp the nettle and take responsible action to get that hospital ready to be opened to serve the people of Western Australia. Not satisfied with undermining and diminishing these fundamental concerns, do members know what he did then? He then went and attacked the workers. He attacked the people who provide our world-class health system. I stand with members of the Australian Nursing Federation, the United Workers Union and the Health Services Union—all those hardworking people who work tirelessly and endlessly to provide our world-class health system. Members of the opposition criticise them, and I think they are wrong to do so.

I say this: the WA health system is world-class. Is there more to do? Absolutely there is more to do; there is always more to do, but thank God we have this minister as custodian of our health system. How is the New South Wales health system going? How is the commonwealth government's rollout of the vaccine going? Tories—conservatives—cannot be trusted with health. They cannot be trusted to look after health. Your ideology stands in stark contrast with what is necessary for us as a community to tackle and crush the COVID pandemic here in Western Australia. Your neoliberalism and hyper-individualism is directly contrary to the collective spirit that was necessary for tackling the COVID pandemic. I thought about that. I do not know what you guys did over the recess but I had an opportunity to read the paper and to read a fantastic article by Joe Spagnolo of 4 July headed "Mark is making them look stupid". He is talking about you lot. He states —

> And the winner is … Mark McGowan! Whether you support Labor, the Libs, Nationals or otherwise, you have to say this about McGowan—he has been proven 100 per cent correct in terms of his hard, fast and short COVID-19 lockdown strategy.
>
> …
>
> Right now McGowan's detractors —

That is you lot —

> are eating humble pie because they're basically having to revert to the very strategies the WA Government employed more than a year ago.

Members opposite are all here today talking about COVID once again. When I look at this article, I think to myself: "Maybe they didn't read it", because, who was the leaker?

Mr R.S. Love interjected.

Mr S.A. MILLMAN: He is not here. It was the member for North West Central. Is that what the member for Moore was saying? As the article states —

> As a member of the despondent WA Opposition so eloquently put it: "For as long as we have COVID-19, McGowan is untouchable."

Yet, here they are again having us talk about COVID-19. They are absolutely the gift that keeps on giving, so bring it on.

For mine, the Minister for Health is too modest. He talks about supply and demand and about putting on more beds and more staff; two of the things we are doing. Not once in question time did he mention the sustainable health review—work that was undertaken over the term of the last government to improve delivery of the health system.

He is not only the Minister for Health. Criticism has been made of the minister about this, but when a minister tackles and crushes COVID the way this minister does, he should have other responsibilities such as minister responsible for space! That is why I was very pleased to read Peter Law's article of 29 July about David Honey being the "Dr Who" of WA politics. Who does not want to talk about space and time travel? For those members who do not know, Doctor Who is a mysterious 2 000-year-old time-travelling figure, who, with his companions, travels across time and space. The TARDIS looks small from the outside but it has a vast interior. It occurred to me that that blue phone box would be more than enough space—it would be capacious—to carry the two members of the Liberal Party through space and time. It also occurred to me that the way the member for Cottesloe probably travels back in time is to wander down to 3 Barrack Street and walk in through the doors of the Weld Club, just like the Liberal Party.

Division

Question put and a division taken, the Acting Speaker (Ms R.S. Stephens) casting her vote with the noes, with the following result —

Ayes (5)

Mr V.A. Catania	Dr D.J. Honey	Mr P.J. Rundle *(Teller)*
Ms M.J. Davies	Mr R.S. Love	

Noes (47)

Mr S.N. Aubrey	Ms J.L. Hanns	Mr S.A. Millman	Ms J.J. Shaw
Mr G. Baker	Mr M. Hughes	Mr Y. Mubarakai	Ms R.S. Stephens
Ms H.M. Beazley	Mr W.J. Johnston	Ms L.A. Munday	Mrs J.M.C. Stojkovski
Dr A.D. Buti	Mr H.T. Jones	Mrs L.M. O'Malley	Dr K. Stratton
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Ms E.J. Kelsbie	Mr S.J. Price	Mr D.A. Templeman
Ms C.M. Collins	Ms A.E. Kent	Mr D.T. Punch	Mr P.C. Tinley
Mr R.H. Cook	Dr J. Krishnan	Mr J.R. Quigley	Ms C.M. Tonkin
Ms D.G. D'Anna	Mr M. McGowan	Ms M.M. Quirk	Mr R.R. Whitby
Mr M.J. Folkard	Ms S.F. McGurk	Ms R. Saffioti	Ms S.E. Winton
Ms K.E. Giddens	Mr D.R. Michael	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms M.J. Hammat	Mr K.J.J. Michel	Mr D.A.E. Scaife	

Pairs

Ms L. Mettam	Ms L.L. Baker

Question thus negatived.

COURTS LEGISLATION AMENDMENT (MAGISTRATES) BILL 2021

Second Reading

Resumed from 23 June.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [4.19 pm]: I rise to speak on this bill as the opposition spokesperson in this house. I note that the shadow Attorney General, Hon Nick Goiran, is in the Legislative Council. He, no doubt, will delve into this legislation in greater detail than I will. Nevertheless, with the indulgence of the Attorney General, I want to put on the record a few things and ask why the bill is so important? I want to know about the genesis of how the government arrived at deciding that this bill would be the most urgent piece of legislation—it is number one on the government's agenda—after returning from the winter break. The Attorney General has a number of other bills within his portfolio and I suggest that a couple of them are more significant than this one, so it perplexes me somewhat why this bill made it to the top of the list. Perhaps the Attorney General will provide some feedback on that. The bill was read in on Wednesday, 23 June, just before the house rose for the winter recess. As I said, it is listed as the government's priority—first cab off the rank—upon returning from a five-week break. The opposition has some questions to ask of, and seeks clarification from, the Attorney General, particularly about the consultation that was undertaken in drafting the bill and the motivation, as I said, for bringing these changes about.

The second reading speech refers to a reform package of legislation introduced way back in 2004 that at the time consisted of seven separate bills and, in part, authorised magistrates to exercise certain functions without moving in or out of any particular jurisdiction. The Attorney General outlined that the changes that were made are a result of the amendments which were quite significant at the time. He then came to the crux of the matter and advised

the house that the reform package did not address the way in which the President of the Children's Court and the Chief Magistrate interact for the purposes of dealing with the workload of the Children's Court. Although there had been significant reforms back in 2004, for some reason the Attorney General of the day—I think it was Hon Jim McGinty—did not believe that those reforms were required. The second reading states —

> … the bill will provide the President of the Children's Court with the discretion about the best way to operate a specialist court and to maximise the utilisation of judicial resources, recognising that the Children's Court is a separate court to the Magistrates Court and the president is the head of jurisdiction.

The second reading speech, provided by the Attorney General, states —

> The amendments proposed by the bill are consistent with the 2004 reform package to ensure that court jurisdictions in this state are efficient and flexible, with appropriate powers allocated to the respective heads of jurisdictions to manage the workload of the courts.

As I mentioned, that was not raised in 2004, so if could the Attorney General could provide some advice on why that is the case, it would be appreciated.

Mr J.R. Quigley: People were walking in front of me; I am sorry, Leader of the Opposition—as to what would be the case?

Ms M.J. DAVIES: Why did the Attorney General in 2004, when that significant reform was brought to the house, exclude that from that package of reform? The Attorney General said when he provided the second reading speech that that legislation was a significant reform, but that this was not anticipated at the time. The legislation has now been operating since 2004—by my count that is more than 17 years—and now we see this as an urgent piece of legislation.

I will touch briefly on each of the amendments and will start with proposed section 11. I have been abandoned by my team. I have a piece of paper that I need that is not on my desk here so at some point I will have to ask one of them to bring a letter that has been written to me. I hope that some of my staff are listening to me while I am reading through the remainder of my notes and provide it to me. Team?

New section 11 of the Children's Court Act will prescribe a process whereby the President of the Children's Court may inform the Chief Magistrate that a particular magistrate is required to deal with the workload of the court, either on a part-time or full-time basis. The president will have absolute jurisdiction in determining which particular magistrate is or is not necessary or desirable for the time being to deal with the workload of the Children's Court. As I understand it, currently, the president does not have that ability; I think this is being tested in the courts at the moment. Is it the other way around?

Mr J.R. Quigley: We don't know.

Ms M.J. DAVIES: The Attorney General is saying that he does not know. The court is testing it so the Attorney General will probably say that the court has not tested it, but that is what the legislation is seeking to remedy, as I understand it.

New section 12A of the Children's Court Act will provide the President of the Children's Court with a power to give directions to a magistrate in respect of the magistrate's functions in the Children's Court. In essence, this delineates between the powers of the president and the Chief Magistrate to direct magistrates to the extent that they are performing functions in their respective courts. It also provides that when a person appointed as a magistrate of both the Children's Court and the Magistrates Courts resigns, they will be taken to have resigned from both offices. That is not the case under the current legislation. I am not a lawyer, Attorney General, so I would appreciate an explanation on why it is important that a person who resigns from one jurisdiction must automatically resign from another? Why does that cause an issue? I think for the purposes of clarity in this place and for those of us who are not lawyers it is important that we listen to Attorney General's explanation on that.

Look at that. My staff must have been listening. That file is exactly what I was after.

I understand that there are 50 to 55 magistrates in Western Australia and that seven are exclusively appointed to the Children's Court. Perhaps the Attorney General can clarify this, but it is my understanding that six of those seven have been directly appointed to the Children's Court and one has been appointed, or transferred, from the Magistrates Court. I imagine that magistrates who preside over the Children's Court need a certain level of expertise. They deal with complex and serious child development issues. It is quite a specialised area to deal with the challenging issues that come before these courts and it would require a specialised understanding.

I understand why we are here today, but I have a number of questions. The opposition and I are curious why, after 17 years and after the reforms that were introduced in 2004, the government requires this remedy. Why is this bill the first cab off the rank, as it were, upon returning from the winter break? It shows that the bill is a high priority for the government. We would like to know whether various stakeholders have raised this issue with the Attorney General and the government; and, if that is the case, have they required or asked for these amendments? If so, when were those concerns raised with the government and how was the government made aware of those concerns? Has the Attorney General received correspondence from the Chief Magistrate, the Chief Justice, the President of the Children's Court and magistrates who have served or are serving in relation to this matter? We would like to know who was consulted and what was the genesis of the legislation to arrive at these amendments? If the Attorney General

is in receipt of correspondence from key stakeholders, as I am—I know at least one from one particular group—would it be possible for the Attorney General to share that information with us so we can better understand why these changes are required? I would be very interested to know what specific circumstances or cases would have been remedied or what situations would have been easily managed by these amendments. I understand that the opposition shadow Attorney General asked the same question in the briefing that he was provided but was not furnished with specific information. We would like to know who and what stakeholders were consulted.

This bill has raised some questions for us. I do not think that they are unreasonable questions for an opposition to ask. How did these amendments arrive in this place and what is the reason for secrecy? Is it because we have not been able to access information or has there been a misunderstanding? We now have a chance to put on the record and to share some examples of situations that have arisen that could have benefited from the proposed changes that are being put forward. That will help us to understand why this is the first bill that the government has brought forward.

I believe that the shadow Attorney General also requested a briefing from the Chief Magistrate on the legislation, but that has not been forthcoming. Again, I do not fully understand the relationship and whether or not the Attorney General has a role to play in that, but perhaps he could provide me with some advice on that as well. I do not want to sound like a conspiracy theorist—I talked earlier about the court case that is currently in play—but I think it would be remiss of the opposition not to note for the record a matter that the Attorney General referred to briefly in his second reading speech. I refer to the President of the WA Children's Court, Hylton Quail, who is being sued by one of the court's magistrates over a decision to move her back to the Perth Magistrates Court. I am aware that this legislation will not be applied retrospectively. Regardless of the outcome of the court case, if this legislation is put in place, presumably whoever is the president of the court will be provided the opportunity to have the last say on where magistrates can be shifted. Can the Attorney General confirm, or otherwise, whether that is in fact what prompted the legislation to be introduced? The President of the Children's Court is being sued by a magistrate of the Children's Court. I am not sure whether that is normal in legal circles. I do not know, because I do not move in those circles. Perhaps it is normal in legal circles for people who are sitting on the bench to sue each other, although I cannot imagine that it is normal. If that is abnormal, the question then becomes: Are we dealing with this legislation to try to resolve a personality conflict? Is it a workload management issue? Is it systemic? They are the questions the opposition has about why we are here dealing with this today. It would be hugely concerning to the opposition if we were trying to resolve a conflict between two individuals instead of a systemic issue that warranted our time in this house to move amendments to legislation that has operated since 2004. Given that the 2004 reforms were of considerable breadth—they are the Attorney General's words—explaining why these amendments were not made at the time would make it easier for us to find our way to supporting this legislation. That certainly is something that we are looking for.

The opposition has been contacted by the Aboriginal Family Legal Services. I know that it has written to the Attorney General as well because I was copied in on the same letter. It went to the Minister for Child Protection, Hon Simone McGurk; the Attorney General; our shadow minister, Hon Nick Goiran; and me. The Aboriginal Family Legal Services has raised some concerns about the amendments. In short, it is concerned that if the drafting issues that it has raised are not addressed, the AFLS fears that the following outcomes will come into play. The Aboriginal Family Legal Services was quite succinct in its letter. It has listed four issues that it feels will come about as a result of the concerns it is raising. They are: firstly, that Aboriginal children and families will be disadvantaged in care and protection and juvenile justice proceedings in the Children's Court. Secondly, that the President of the Children's Court will have the potential to abuse the expanded powers in the Children's Court. Thirdly, that the principles of administration of justice and the independence of judicial officers in the Children's Court will be thwarted. Fourthly, that there will be confusion amongst magistrates about who is responsible for directing them and removing them. They seem to me to be quite serious concerns, and so the opposition is seeking assurances from the government and the Attorney General that there are answers to those questions and concerns. I think the Aboriginal Family Legal Services has provided a very succinct precis of its concerns.

With the indulgence of the chamber, I will read in part of its correspondence, because we are dealing with very serious issues that are before the Children's Court. I imagine that the Aboriginal Family Legal Services deals with some of the most difficult issues members could imagine coming before a court. The Aboriginal Family Legal Services is very respectful. The letter contains a summary of the AFLS's concerns and its respectful recommendations. The AFLS has not only put them on record, but also provided some solutions. The Aboriginal Family Legal Services letter states —

> **A. Clause 7 – Section 11 (Children's Court Act)**
>
> Unique requirements of Magistrates in the Children's Court
>
> If inserted, section 11 will broaden the power of the President of the Children's Court to have absolute discretion in determining if a Magistrate is or is not necessary or desirable to deal with the workload of the Children's Court, and to inform the Chief Magistrate of their decision. If the President no longer requires a particular Magistrate to perform Children's Court functions, the President may inform the Chief Magistrate accordingly.

> AFLS contends that this section, if left in the *Bill,* will remove the strength of the Children's Court system, which is that Magistrates have exclusive jurisdiction and specialized knowledge on care and protection and juvenile justice matters. There are distinctive demands required of a Magistrate in the Children's Court, not limited to unique communication skills, understanding of child development and Indigenous culture, understanding of juvenile justice procedure, and the structural causes of off ending.[2] The Children's Court of Victoria, in their Statement of Priorities for 2019–2021, referred to the demand for their Magistrates to have knowledge of interrelated and adverse social issues when managing Children's Court matters, including the overrepresentation of Aboriginal and Torres Strait Islander families in the out-of-home care system, family and domestic violence, homelessness, mental health issues, fetal alcohol spectrum disorder, and alcohol and other drugs issues.[3] And, in a submission to the Inquiry into the Magistrates Court of Western Australia's Management of Matters Involving Family and Domestic Violence, the Children's Court of Western Australia itself reported that the court is "aware of the need to try to communicate with young people who suffer from trauma, impairment and other disabilities."[4]
>
> AFLS is concerned that if the proposed amendments in the *Bill* are passed, they will threaten the growth of a team of specialized judicial officers in the Children's Court who are experienced, skilled and understand the complex needs of families who have come into contact with the child protection or juvenile justice systems, and, particularly for Aboriginal children and families, knowledgeable about the impact of intergenerational trauma. The demands of a Magistrate in the Children's Court are different to the demands of a Magistrate in any other court, and the requirements of a Children's Court Magistrate to understand and engage appropriately with families and children cannot be ignored.
>
> AFLS is also concerned that if the proposed amendments in the *Bill* are passed, the traversing of Magistrates across courts will risk consistency in decision making, application of the best interests principle for children, knowledgeable oversight of the quality of evidence provided about parental capacity and whether children are at unacceptable risk of harm in care and protection matters, and ensuring that parents of children in care and protection matters are involved in decision-making.
>
> AFLS recommends removal of the section from the *Bill.*

They are some serious issues. I have no doubt that the government has considered this as it brings this legislation forward, but I would imagine that the Aboriginal Family Legal Services quite regularly frequents the Children's Court and would have experience of the day-to-day issues that come before these magistrates. Certainly, I think the point AFLS makes about consistency and depth of knowledge in these complex matters is well made.

The second part of the AFLS letter is concerned with new section 11 and broadening the power of the President of the Children's Court to have absolute discretion in determining whether a magistrate is or is not necessary or desirable to deal with the workload of the Children's Court and to inform the Chief Magistrate of the decision. Essentially, the premise of AFLS's argument is that this type of power should not rest wholly with the president of the court. Trying to understand the workload of the Children's Court is one of the reasons that we have asked for examples of being able to draw people in and out and whether that practice has changed over the last 17 years. Is there an excessive workload? Will this legislation assist in being able to manage it? What impact will it have on the remainder of the magistrates in that pool? Alternatively, are we trying to remedy a situation that has arisen as a result of a personality conflict? I truly hope it is not the latter. The AFLS contends in its letter to the Attorney General that the proposed broadening of the powers of the president has the potential for an abuse of power by the president, which is not consistent with the principles of the administration of justice or the independence of judicial officers.

The last issue raised in the letter relates to clause 6 and new paragraph (d) added to section 10(5) of the act. It refers to the consequences that will apply if a magistrate contravenes a direction of the President of the Children's Court when they are asked to shift courts. They will face the same possible consequences as they would if they contravened a direction of the Chief Magistrate. Aboriginal Family Legal Services WA goes on to say —

> Similar to our concerns with section 11, this proposed amendment to the Bill would create powers for the President consistent with the powers available to the Chief Magistrate in removing Magistrates, AFLS is concerned that if inserted into the *Bill*, section 12A would create an excessive expansion of powers of the President of Children's Court, beyond the scope of the President, and infringing on the powers available to the Chief Magistrate in directing Magistrates, per the *Magistrates Court Act 2004*.
>
> AFLS contends that the proposed broadening of the powers of the President has the potential for the abuse of power … and is not consistent with the principles of administration of justice or the independence of judicial officers.
>
> AFLS recommends removal of this section from the *Bill*.

I have outlined what AFLS believes will happen if these recommendations are not taken on, and I look to the Attorney General to provide an explanation and some comfort to stakeholders like the Aboriginal Family Legal Services on how those concerns will be addressed or whether he believes they are unfounded. I think the Attorney General can surmise that the opposition has some concerns with the proposed legislation. That has been exacerbated by the

fact that the shadow Attorney General has requested some information from the Attorney General's office on briefings from officers of the court that might have provided insight on some of the problems that the government is seeking to remedy with the amendments, but it has not been forthcoming. We simply seek to understand why this legislation is so urgent now and why it has become a government priority. The opposition is not going to oppose the bill. I will have some questions on particular clauses, and I expect that the shadow Attorney General in the other place will have many more. I think the bill might even warrant consideration by the Standing Committee on Legislation in that house. In fact, I know that the Legislative Council has changed its standing orders to limit the speaking times Council members have to interrogate bills and that the Leader of the House has encouraged members to utilise the committee system to go through these issues when they are contentious. I hope the government will consider that favourably when the bill gets to the Legislative Council. Of course, we do not have the numbers to achieve that outcome, but it would not harm anyone for the bill to go to the legislation committee to give Council members the opportunity to interrogate it to a greater depth. With that, I look forward to the Attorney General's response.

MR J.R. QUIGLEY (Butler — Attorney General) [4.42 pm] — in reply: Thank you, Leader of the Opposition. Let me try to deal with the opposition's concerns serially. I do not know what was in the then Attorney General's mind in 2004. He was a brilliant Attorney General, but I cannot tell members exactly what was in his mind in relation to this particular matter in 2004. The Courts Legislation Amendment (Magistrates) Bill 2021 does no more than give the President of the Children's Court the same sort of authority over his jurisdiction that the Chief Magistrate would have under section 25 of the Magistrates Court Act. For example, under the Magistrates Court Act, the Chief Magistrate can call one of these magistrates back from the Children's Court at any time they choose, or under section 25 of the Magistrates Court Act, they can send a magistrate to sit in Kununurra. The magistrate might not like it, but that is the statutory power of the Chief Magistrate. The Chief Magistrate can order someone to sit in the Children's Court or order someone to come back from the Children's Court. Some of the issues articulated by the Aboriginal Family Legal Services are already in the legislation. The Chief Magistrate now can direct magistrates in and out of the court and can send a magistrate to sit in any court in Western Australia, and does so regularly. It is on almost a monthly basis. That is how often we appoint magistrates. They are retiring and we are expanding the bench. They get new appointments, and off they go.

At every magistrate's appointment I have attended at Government House, Leader of the Opposition, the magistrate has received two commissions: a commission to sit as a stipendiary magistrate and a commission to sit as a Children's Court magistrate. It is not an exclusive commission. They take two oaths: to sit as a stipendiary magistrate and as a Children's Court magistrate. The necessity for that, of course, is, and the Leader of the Opposition mentioned this, that there are 55 magistrates, or thereabouts—I have lost count, but I think the Leader of the Opposition was right in that order—sitting all over Western Australia. Those magistrates out in the regions, at Kalgoorlie and Albany—the Albany magistrate comes up to sit in Narrogin—sit as Children's Court magistrates. First of all, they will convene the court as a Children's Court, and run it according to the Children and Community Services Act, sitting as a Children's Court magistrate. Later on, they will adjourn and resume as a petty sessional magistrate hearing adult charges. Therefore, they are given two commissions: one as a Children's Court magistrate and one as an adult court magistrate.

Similarly, when a District Court judge is sworn in—I was at the swearing-in of one the other day—they are given two commissions as well. They are sworn in as a District Court judge and as a Supreme Court judge. In answer to the Leader of the Opposition's earlier question, if a District Court judge who has been sworn in as a Supreme Court judge and a District Court judge took it upon him or herself to resign just the District Court commission, that would not leave them as just a Supreme Court judge, and they would not have elevated themselves by resigning from the District Court and saying, "Well, I'll keep hold of the other one, thanks." That is sort of what we will have dealt with in new section 12A of the legislation, that they are given this dual appointment.

When was this issue first raised with me? It was first raised with me in, I think, 2017, but not in the exact way that it is presented at the moment. The limitation on the administrative powers of the president was first raised with me, as I recall, on one of my first visits to the Children's Court by then District Court judge and President of the Children's Court His Honour Judge Reynolds. He is a very highly regarded President of the Children's Court. He said, "I might be the President of the Children's Court, but my powers here are somewhat constrained. I don't have any administrative powers over my bench." Judge Reynolds retired, and I had a very similar observation put to me by the new president. The President of the Children's Court is a District Court judge, as members would appreciate. The next President of the Children's Court was Her Honour Chief Judge Wager. She was President of the Children's Court and has now become our second female Chief Judge of the District Court.

Ms M.J. Davies interjected.

Mr J.R. QUIGLEY: Sorry?

Ms M.J. Davies: I might need an organisation chart!

Mr J.R. QUIGLEY: When Judge Reynolds retired, Judge Wager went over and became the president, and she was doing a fantastic job. Then she was promoted, if you like, or moved to Chief Judge of the District Court. Then another judge of the District Court had to take her place and become president—that is, Judge Hylton Quail.

Magistrates are different from judges, because they not only do not get a judicial pension but also, historically, came from the public service. They do not come from there anymore; they are legal practitioners. When they are appointed, Leader of the Opposition, they are not chosen for office by the Attorney General. It is an advertised position. There is a panel and they are interviewed, and, ultimately, a recommendation comes forward. That is the case for the lowest bench of the court system. At the highest bench of the Supreme Court, it is up to the Attorney General to bring a recommendation forward for who will be Chief Justice. It is not an advertised position; it is an executive choice. That is what occurs with judges.

The Children's Court is a specialist court. The leader of this specialist court is not someone who has been there forever, leading the Children's Court as a career; it is a District Court judge. Judge Quail will not be forever the President of the Children's Court but will go back to the District Court, and a new judge from the District Court will come to take over as president. Those judges hear the more serious cases involving children and have to take into account all sorts of considerations involving the welfare and sentencing of children. That is because in the sentencing of children, the child's interests are pre-eminent. I do not want to get too stridently political here, but the Aboriginal Family Legal Services has expressed concern about this legislation. It need not! This bill is only about the administration of the court; it is not about the exercise of the power of any judge or magistrate.

Let me take Judge Quail as an example. When we came to office, there were about 210 young people in Banksia Hill Detention Centre. The Leader of the Opposition may have been out there. Tragically, about 80 to 85 per cent of children at the centre are Indigenous. Under Judge Quail's leadership, and I think it started under Judge Wager, that number has been as low as 80 and has bounced up to 105, as different care and protection orders and diversions are used for these young children. Once they are captured within the criminal net of the imprisonment system, it has been proven that they do not get out of it—they move from Banksia Hill to Hakea Prison. We have to try to divert them early. In response to comments by and correspondence from the Aboriginal Family Legal Services, I would say that there has been a huge change and step forward in dealing with these young people. It is for the head of jurisdiction to say which person will hear which case in terms of lists, but not in terms of outcome. This legislation does not interfere with judicial independence at all. It deals only with administration. This government, and me in particular as Attorney General, has been at pains to stand aside from criticism of independent judicial decisions. When decisions have been made in relation to dangerous sex offenders or the sentencing of serious offenders, in four and a half years I have never come out and sought to direct or criticise the judiciary. I respect their total independence.

Let us look at what has happened at the Children's Court. The Leader of the Opposition would find it worthwhile going over the therapeutic model that Judge Quail introduced. I have been over there. It is wonderful. There was a young mother from South Hedland whose baby was probably under 12 months old. She had a methamphetamine problem and had broken into houses. She was not imprisoned at that time but the department took her child into care. Under the therapeutic model that Judge Quail had introduced, the judge did not sit at the bench but sat down in the body of the court. I went there with Minister McGurk. The family were flown down from South Hedland and they were there with the mum, and there were lamingtons and cups of tea on the judge's table. It was more like a family discussion with this young mother as to how she would be reunited with her baby and how to help her during those early months of motherhood. It was an eye-opener for me to see a court working in this way, under what Judge Quail calls his new therapeutic model. I encourage the Aboriginal Family Legal Services to take their concerns to His Honour rather than to me as the Attorney General. This legislation will deal only with the administration of the court.

The Leader of the Opposition mentioned a particular case involving Magistrate Crawford. This does not come down to personality. This case was highlighted and sharpened because of the pleadings and the mediation conferences involved. These are confidential and I cannot disclose them; and, by the way, they were not disclosed to me. The President of the Children's Court does not have the power to direct a Children's Court magistrate to go and sit in the Fremantle Children's Court. It is remarkable. We are about to open five new courthouses at Armadale and there will be a need for a Children's Court magistrate to sit at Armadale because of the demand there. The President of the Children's Court does not have the power to make the direction, "I direct you to sit at Armadale."

Ms M.J. Davies: The Chief Magistrate does not have the power?

Mr J.R. QUIGLEY: The Chief Magistrate has that power, but he is sitting in a different court in charge of 55 magistrates. As I recall from the speech—I might stand to be corrected—at the welcoming ceremony for our wonderful Chief Justice Hon Peter Quinlan, SC, he said that under the Supreme Court Act, he is not the Chief Justice of the Supreme Court but the Chief Justice of Western Australia. The legislation was changed so that he is the Chief Justice of Western Australia, but under the act he has next to no powers. The judge can be told, "There is a three-month trial in Kununurra, and I am listing you there", and the judge goes off to Kununurra to hear the three-month trial. It is the same with the District Court.

The President of the Children's Court, however, does not have the same authority, if you like, of goodwill over his or her, in the case of Julie Wager, own bench, because they are all secondees from another court. They fall under the power of the Chief Magistrate, and if the Chief Magistrate takes a different view from the President of the

Children's Court about the best use of magisterial resources, there is nothing the President of the Children's Court can do. This case has brought that into sharp relief. No-one had ever thought of that before. Everyone got on and did it like the Chief Justice does, but no doubt the pleadings in this case brought this into sharp relief, and it needed clarification.

The Leader of the Opposition asked about consultation. The consultation was with stakeholders, but not with the Aboriginal Family Legal Services or Developmental Disability WA. I think the Leader of the Opposition mentioned or had a letter from another stakeholder—those letters. We did not consult with them, because they were not to do with the administration of the court. If there is a particular way the court is operating, and this is true of the Supreme Court, go to the head of the jurisdiction. I know that there have been cases pleaded before the Supreme Court, and in one case, I will not mention their honour by name, it was over two years before judgement was delivered. Infamously, when the judgement was delivered, it was a very, very short judgement. It was overturned on appeal, but it was a very short judgement. In another case, which was an appeal to the Supreme Court in its capacity to hear a single judge-alone appeal, the case went before the Supreme Court judge and, I kid members not, it took three years for judgement. The litigants could not come to the Attorney General. I cannot interfere with the court. They have to go to the Chief Justice. The judge concerned must have had writer's block, but eventually with the advent of a new Chief Justice who was known for his—what could I say?—pastoral approach to his bench, a judgement was soon produced, and I am not aware of it having been overturned.

Mr S.A. Millman: The problem with that, Attorney General, is that if you are a litigant in those proceedings, you worry about prejudicing your client's position by complaining to the court.

Mr J.R. QUIGLEY: You do not want to upset the bench, that is for sure; you go with the court!

If some of these stakeholders are concerned about the way the Children's Court is proceeding and they have written to me, I have written them back urging them to see Judge Quail. Judge Quail is not a fearsome man, except on the dance floor, where I have seen him! He is not a fearsome man. He is a man of bonhomie and good humour. He is not a person to be feared in any sense.

Ms M.J. Davies: He will not be the President forever, as you have already said.

Mr J.R. QUIGLEY: No, he will not be.

Ms M.J. Davies: And we do not make decisions based on the individual in the role at the time.

Mr J.R. QUIGLEY: That is right, and that is why it is up to Attorneys to choose the right people to go there. When I first met Judge Julie Wager, the Chief Judge of the District Court, she was junior counsel assisting on the Royal Commission into Aboriginal Deaths in Custody back in the early 1990s. She worked with the Aboriginal Legal Service and went to the bar. She inaugurated the Drug Court, where she was dealing with the drug addicts in a sort of pastoral way. Then she went to the District Court and then became President of the Children's Court. Before her, Judge Denis Reynolds was renowned for his approach to children. He had to retire. He is still a great advocate for children. He writes to me regularly concerning the age of criminal responsibility for children as young as 10 and 11 years of age, which is what year? The Leader of the Opposition visits schools in her electorate.

Ms M.J. Davies: Eleven years old is year 6.

Mr J.R. QUIGLEY: That is what I am saying, and 10 years of age is year 5. The question is about those 10 and 11-year-olds. At the moment, Attorneys General around Australia are looking at whether 10 and 11 years of age is an appropriate developmental age to be arrested and incarcerated or whether those children should be diverted into some other stream at that stage of care. Judge Reynolds has not just gone to the golf clubs, he has gone to the fountain pen as well and keeps on my case. He is a wonderful, pastoral man.

I want to say that this legislation should not be distilled into a case of personalities, which it is not. However, as I mentioned in my second reading speech, there was a case of a magistrate suing the president. That is extraordinary.

Ms M.J. Davies: I don't know! It seems extraordinary to me, but I don't know what you legal types do on your days off! It is extraordinary to me that you have somebody from your own bench suing you.

Mr J.R. QUIGLEY: It is absolutely extraordinary. It would be like the Leader of the Opposition, when she was in cabinet, suing the Premier because she did not like what he had said.

Ms M.J. Davies: Right, I have some sense of the gravitas.

Mr J.R. QUIGLEY: It is like the Leader of the Opposition when she was in cabinet suing the Premier. There is only one other case I am aware of and that was when the Chief Magistrate in Brisbane moved a magistrate to Townsville or somewhere up in the north of Queensland and the Chief Magistrate was sued. I think it went the whole way and it was found out that he could not be sued. There was immunity for the Chief Magistrate. It went all the way to the High Court. There was a lot of talk within the legal bubble, but outside of the legal bubble no-one would have known it was happening. In this particular case, before the pleadings in the case, it had never occurred to me, even though Chief Judge Reynolds and Chief Judge Wager had said to me, "We've got no administrative control

over here. It all lays with the Chief Magistrate of another court. I'm the boss here, but all the authority and all the directive authority is elsewhere." I thought: yes, okay, but things are rolling along. It is not something I ran with straightaway. But then, when it came to the pleadings, I sat down and thought: wow, this is really bringing it into sharp focus. There was consultation. I did not undertake the consultation; I thought it best in these circumstances for the WA Solicitor-General to do that. If I can just put in a little plug here, I think that when Mr Palmer challenged our border closure, the extraordinary performance of Mr Joshua Thomson, SC, our Solicitor-General, marked him out as Australia's best Solicitor-General in a number of respects. I have never come across such a hardworking or knowledgeable man. I set him about the task of doing the consultation.

Mr Joshua Thomson came back to me after consulting with the Chief Judge in the Magistrates Court, the Chief Judge in the District Court, the Chief Justice of Western Australia and the Chief Magistrate, and those consultations are private consultations. We do not discuss what heads of jurisdictions might say. The Solicitor-General came back with drafting instructions for a bill. Members know what the process is: we take our drafting instructions to cabinet; I got this recommendation back from the Solicitor-General with these drafting instructions, permission to draft, and off it goes to the Parliamentary Counsel's Office, which drafted the bill that is before us this afternoon.

As to the other point that the Leader of the Opposition raised about urgency, I have many urgent bills. I had them in the last term as well. I have that many urgent bills; which one is more urgent? This seemed like a small bill. There is a trial listed in this matter of Crawford, but that is not for months. It is not crashing to get this through before that trial. That trial, I think, is at the end of October, three months away. The next bill on the notice paper is another one that will have them hanging off the rafters to listen to—that is, the Legal Profession Uniform Law Application Bill 2021.

Ms M.J. Davies: I am learning a lot about the legal profession, Attorney General, I have to say!

Mr J.R. QUIGLEY: I am sure there will be so much interest in it that the uniform legal profession bill will have them hanging off the rafters, Leader of the Opposition! That will take Western Australia into the national profession. We call it a national profession; at the moment, there are only two states in it—Victoria and New South Wales—but when we go in, it will start to create a critical mass.

As a side issue, when I went over to negotiate the national legal profession with the wonderful Liberal Attorney General from New South Wales, a very urbane man, Mr Mark Speakman, SC, I sat down in his office for a teleconference with the Labor Attorney-General in Victoria. I said, "We'll come in on one condition. I've got Mr Thomson here, and I'm doing the politic talking. We will come in on one condition." He asked what that was, and I said that on any decision made in this national legal profession, Western Australia gets a right of veto. He said, "What?" I said that we want a right of veto. We have been in these national schemes before—to wit, the GST—whereby we went in with good intentions that we were going into a national thing; then, later on, when it gets down to the fine print, we have to live with it. I said that we want it in black and white that WA has a right of veto. He said that he was not sure. The meeting was in one of those office towers. I said, "Mr Thomson and I will go and take a cup of tea downstairs. You can talk to Victoria. You can ring us up. If you give us right of veto, you won't hear from me for the rest of the day. Mr Thomson will talk about the rules of the legal profession. If there is no right of veto, we're on the midday flight home." He is a wonderful Solicitor-General, and he consulted all these heads of jurisdiction and said, "Attorney, this is the solution."

It encourages, as I said in the second reading speech, comity between the president and the Chief Magistrate. But the person with his finger on the pulse at the Children's Court is the president, watching it day in and day out, how his therapeutic court is going, who should be where. He worked it out. He worked out the limit of his powers. With all the rooms full, he could not give a direction to any of the judges to go and sit in Fremantle, so, humble man that he is, the boss went and sat in Fremantle. We had the President of the Children's Court not sitting in the Children's Court, but sitting in Fremantle. He cannot say, "Well, this is the way we're going to organise it, you're going to go and sit in Fremantle", so instead of trying to bully or stand over the other judges, he said that he would go and sit in Fremantle. Problem solved. It did not seem to me like the best solution.

Now, as I said, we will be opening up courts in Armadale. Who is going to go and sit in Armadale? Should the president have to go and discuss and negotiate with the Chief Magistrate which magistrates are sitting in the Perth Children's Court? No; the President of the Children's Court should be able to say, "This week, you'll be in Armadale." We are not seeking in any way at all to interfere with the independence of the judiciary. We are trying to facilitate the administration of the Children's Court by the head of the jurisdiction. That seemed to make sense to us.

I do not know how many questions the Leader of the Opposition raised in her contribution to the second reading debate, for which I thank her. This is my reply. I am happy to go into the consideration in detail stage and answer further questions.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Ms M.J. DAVIES: I refer to the short title of the bill. I know this was alluded to in the Attorney General's second reading speech and again in his response to the second reading debate, but —

Mr J.R. Quigley: Which clause?

Ms M.J. DAVIES: The short title, clause 1. Does the bill need to be passed within any set time frame? Is there any urgency with timing? I think the Attorney General may have alluded briefly in his response to urgency in bringing it forward, but perhaps he can explain whether there is any requirement for it to be passed by a particular time.

Mr J.R. QUIGLEY: Clause 1?

Ms M.J. Davies: In terms of the passage of the bill, do we need to pass it by a particular time?

Mr J.R. QUIGLEY: Today! It is a short bill!

Ms M.J. DAVIES: I note that the Attorney General spoke about this in his response to the second reading debate, but could he reiterate it? In relation to the reason for bringing this bill on, it was in fact a conversation with the President of the Children's Court around the limitations in their management of their bench that brought this legislation on in 2017. We have now had further consultation. Can the Attorney General just give us a potted history of the journey?

Mr J.R. QUIGLEY: It was evolutionary. I do not have notes of the conversation I had with His Honour Judge Reynolds or with Judge Wager, but it was evolutionary, with both of them indicating to me the limitations on their administrative powers within the court that they were responsible for.

Ms M.J. DAVIES: Can the Attorney General confirm that there has not, outside those conversations, been any lobbying from third parties or stakeholders for those changes to be brought about?

Mr J.R. QUIGLEY: Parties? Does the member mean parties to litigation?

Ms M.J. Davies: Third parties—any stakeholders that you deal with in your world.

Mr J.R. QUIGLEY: Oh, I see; stakeholders. Well, the Solicitor-General; but no, it has been within the bubble of the court administration.

Ms M.J. DAVIES: Can the Attorney General perhaps just explain why he does not feel it is necessary for us to understand his decision to have the Solicitor-General do that consultation? Can he explain why we cannot have any knowledge of who he consulted with or what the outcome of those consultations were?

Mr J.R. QUIGLEY: The Solicitor-General often conducts consultations with heads of jurisdictions for me or, rather, for the Attorney General. I like to do that just to keep things at arm's length, so that the executive is not leaning on the judiciary. I find that for formal matters, having the Solicitor-General between the executive and the judiciary protects that independent relationship. I am not above sharing a glass of red and talking about the Dockers or something like that with their honours at a welcoming ceremony, but this was formal—to do with the administration of the courts—and it was important that the Solicitor-General went to see these high office holders to discuss that formally. But I did have conversations with the heads of the Children's Court, and ultimately with Judge Quayle, as I already explained in my second reading speech.

Ms M.J. DAVIES: Perhaps, then, if the Attorney General was not privy to the discussions that the Solicitor-General had in determining whether or not this is required, how does the Attorney General lend his assessment, as the chief law officer of the state, to the necessity or urgency of that matter? Is he simply taking the advice of the Solicitor-General without understanding the context of the information he has received or conversations that he has had? How does that interplay? At the end of the day, the Attorney General is making a recommendation to the Parliament to change the way that the Children's Court operates and has operated for some time under the current methodology.

Mr J.R. QUIGLEY: I listen very closely —

The ACTING SPEAKER (Ms K.E. Giddens): Attorney General, can I just remind you to please seek the call through the chair. Thank you.

Mr J.R. QUIGLEY: Sorry. I listen very closely to our Solicitor-General—very closely. After he has done all the consultation, he sits down and says, "Here's the problem we're faced with, Attorney. Here's my recommended solution." In my experience thus far, he has never let me down on either consultation or advice. Today—this even made *The Jerusalem Post*!—I was congratulated on my appointment of Marcus Solomon, SC, the first Orthodox rabbi of the Jewish faith appointed to the Supreme Court. I get these accolades, and how I get these accolades is by sitting down, having a cup of tea in my office, and listening to the sage advice of my Solicitor-General, who says, "This would be an excellent appointment." I listened to him and made the appointment, and I do the same here.

Ms M.J. DAVIES: Can the Attorney General confirm that this has no retrospective application in terms of the case we were referring to previously, and that there are no clauses that include —

Mr J.R. QUIGLEY: It does not have retrospective application; it has only forward application, into the future. I want to add nuance to that answer. The only retrospectivity is to be found in clause 12, "Schedule 1 clause 12 amended". If a magistrate of the court resigns prior to the commencement of the legislation, clause 12 will still have effect. If he resigns from one commission prior to the starting date, it will be retrospective in that respect. If the resignation from one commission has taken place before royal assent, then the deeming provision will apply.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 10 amended —

Ms M.J. DAVIES: I understand that this is one of the clauses that the Aboriginal Family Legal Services queried. In the first instance, could the Attorney General explain what it will mean to amend section 10, and I will go from there?

Mr J.R. QUIGLEY: Clause 6 will amend the deeming provision in section 10(5) of the Children's Court of Western Australia Act. Section 10(5) of the Children's Court act has the effect of applying certain sections of the Magistrates Court Act with modifications to the Children's Court act and magistrates performing functions in the Children's Court. In summary, the amendments in clause 6 provide that the deeming effect of section 10(5) will not apply to proposed clause 12(6) and (7) of schedule 1 of the Magistrates Court Act, which will be inserted by clause 12 of this bill and which concerns a resignation. The proposed clauses intentionally distinguish between the Magistrates Court and the Children's Court. A magistrate will face the same possible consequences for contravening a direction of the President of the Children's Court that they could face for contravening a direction of the Chief Magistrate; namely, the magistrate may face suspension. Under the Magistrates Court Act, if they are told to go to Kununurra and they do not go to Kununurra, as a consequence they can be suspended. This will provide the same consequence to a magistrate not complying with a direction of the president. If a magistrate is appointed to the Children's Court, the Attorney General must consult with the President of the Children's Court and the Chief Magistrate prior to issuing a show-cause notice in respect of a proposed suspension. That is because they have dual commissions.

Ms M.J. Davies: It will have an impact on the other jurisdiction.

Mr J.R. QUIGLEY: Yes. For example, if a magistrate misbehaves and they want an inquiry into the magistrate and during the inquiry they think that the magistrate should be suspended, the Attorney General has to consult with both the president and the Chief Magistrate. This is the consequence we want to avoid: the Chief Magistrate might say, "I want to consult with the Attorney General because I'm going to suspend the magistrate for something he did on a drink-driving charge." But it will also affect the commission in the Children's Court because they have that dual commission, which I explained. Before there can be a suspension, the Attorney has to consult with both heads of jurisdiction.

Ms M.J. DAVIES: The Attorney General gave an outline of the Chief Justice, was it?

Mr J.R. Quigley: Sorry?

Ms M.J. DAVIES: I need to get the name right. The Attorney General was saying that the Chief Justice operates on goodwill, essentially, and this is, essentially, what the President of the Children's Court has to do at the moment —

Mr J.R. Quigley: The Chief Magistrate.

Ms M.J. DAVIES: — in terms of shifting the magistrates around. The Attorney General is trying to remedy the fact that at the moment, the President of the Children's Court does not have the power to shift people on their bench. Am I right that they have been doing that on the basis of goodwill and management for the last 17 years or since the reform package was brought through or forever? It seems that people have been able to manage it and I wonder why it has become such an issue now and why we are not still relying on that goodwill. Is it just neater or tidier? The Chief Justice has to still operate like that. We will be giving the president powers that the Chief Justice does not have.

Mr J.R. QUIGLEY: Under section 25 of the Magistrates Court Act, the Chief Magistrate already has powers that the Chief Justice does not have. It seems that the higher we go up the totem pole, the more we are acting on authority. As the Leader of the Opposition knows, we do not have provision in our Constitution for a federal cabinet. The higher we go up the totem pole, there is reliance on convention and goodwill. As we go down through the public service, we rely upon more rules and regulations. As I said, the history of the magistracy was in the public service until the Magistrates Court Act. However, at the time of the Magistrates Court Act proclamation, the Chief Magistrate was vested, under section 25, with the powers to issue direction, and failure to obey a direction could result in, amongst other things, suspension. I am saying that if a magistrate is sitting on that bench, give both heads of jurisdiction the same power.

Ms M.J. DAVIES: Essentially, two different entities will have charge of the same people. Will that not create confusion? I think that will create more confusion. Who will have the final say in that? Will it be the Attorney General in terms of the consultation? Is this saying that the Attorney General will preside over that or will they have to consult and then they will make the final decision as the President of the Children's Court or the Chief Magistrate?

Mr J.R. QUIGLEY: The head of the jurisdiction will get to make the final decision—we will get to that in proposed section 11. The head of the jurisdiction can issue a direction: "You go and sit in the Magistrates Court." He will be able to give that direction. Recruiting a magistrate to the Children's Court will be done in consultation with the Chief Magistrate of the Magistrates Court. There has to be cooperation and comity. They have to be able to consult together, but someone has to be able to make the call. It will not be the Attorney General; we do not want any part of that. That is the independent role of the judiciary. We will just set up a framework for them.

Clause put and passed.

Clause 7: Section 11 inserted —

Ms M.J. DAVIES: Can the Attorney General explain exactly what this clause is seeking to achieve? It is rather lengthy. Can the Attorney General explain the changes that will be brought about as a result of this clause?

Mr J.R. QUIGLEY: Clause 7 inserts new section 11 in the Children's Court of Western Australia Act. The question was about this new section and its workings.

Ms M.J. Davies: Correct. Thank you, for the clarification, Attorney General.

Mr J.R. QUIGLEY: Proposed section 11 prescribes a process whereby the President of the Children's Court may inform the Chief Magistrate that a particular magistrate is required to deal with the workload of the court either on a part-time or full-time basis. If the president needs a magistrate, has identified a magistrate and needs them on a part-time or full-time basis, the Chief Magistrate may consent or refuse to release the magistrate resource. If there is consent, the Chief Magistrate must take into account that a magistrate will be performing Children's Court functions when giving directions to the magistrate in respect of their Magistrates Court functions. Therefore, when the Chief Magistrate consents to the person going to the Children's Court, they must take into account when giving any directions to that magistrate that they can only do so in respect of their performance of Magistrates Court functions.

Proposed section 11 also sets out the process by which the president can return the magistrate resource when he or she considers that it is no longer necessary or desirable for the magistrate to continue to perform the Children's Court functions on the basis that previously applied. This is to reflect that the appointment of magistrates to the Children's Court is for the purpose of dealing with the workload of the court. A two-way function is provided for there. The president can inform the Chief Magistrate that they need a particular magistrate to deal with the workload of the court either on a part-time or full-time basis. It is up to the Chief Magistrate to consent or refuse to release them. But if there is consent, the Chief Magistrate must take into account the fact that the magistrate will be performing Children's Court functions when giving directions to the magistrate in respect of the residual Magistrates Court's functions—that is, if he consents to a magistrate going. They do not have to. The reverse, as I said, sets out the process by which the president can then return the magistrate resource when he or she considers it is no longer necessary or desirable for the magistrate to continue to perform Children's Court functions on the basis that previously applied. This is to reflect that the appointment of magistrates to the Children's Court is for the purposes of dealing with the court's workload.

Ms M.J. DAVIES: Are there any limitations on how many requests the President of the Children's Court can make? Obviously, there is a limited pool. I wonder what that methodology is and that if there is a limitation, what will they have to take into consideration when making the request, and those types of issues?

Mr J.R. QUIGLEY: There is no limitation. He can keep on knocking on the chief's door until his knuckles bleed. There is no limitation on it. If the Chief Magistrate says, "No, you are not having that particular magistrate", it would be silly to go back and keep on asking again. But he or she might come back and say, "You won't give me that one; can I have that one?" There is no statutory limitation. We are trying to do it in a minimalist way. We are trying to give them the authority so that they will still work together. We are trying to vest the head of jurisdiction authority, the sufficient authority, to manage the workload of their court at the same time as promoting comity between the two to say, "Yes. That's a good choice; you can have him or her." But if that person goes to the Children's Court, whilst they are at the Children's Court, the Chief Magistrate can only give directions in relation to their functions as an adult magistrate and not in relation to a Children's Court magistrate.

Ms M.J. DAVIES: Out of curiosity, if the president asks for a magistrate under this and the Chief Magistrate says no, does the president have any recourse? Who would he go to if he is unhappy with the response?

Mr J.R. QUIGLEY: It will come back to the Chief Magistrate and a request for a different magistrate. If the Chief Magistrate says, "I haven't enough magistrates here to facilitate your request. It doesn't matter who you are asking for. We are so busy; our list has blown out. I cannot give you a magistrate", the president, through the Solicitor-General, will come to executive government for the appointment of a new magistrate, who, when appointed, will be given a dual appointment.

Ms M.J. DAVIES: I have learnt something. The Attorney General mentioned that there is a process for returning the magistrate. I think the Attorney General's words were "no longer needed or desirable". Is that because it is driven by a workload issue? What happens if there is a personality conflict between people? Do they have to have grounds; does a Chief Magistrate have to have grounds to say no or are they limited by virtue of the workload, the request and whether it is reasonable?

Mr J.R. QUIGLEY: If the Leader of the Opposition looks at proposed section 11(4)(a), she will see that the decision is always grounded in the workload of the court. Proposed section 11(4) states in part —

> … by written notice, inform the Chief Magistrate —
>
> (a) that the President considers that, to deal with the workload of the Court, —

That is the predicator —

> it is not necessary or desirable …

If I can interpolate there, for the workload of the court —

> for the time being to perform Children's Court functions at all; or
>
> (b) that the President considers that, to deal with the workload of the Court —
>
> (i) it is not necessary or desirable for the magistrate for the time being to perform Children's Court functions on the basis that previously applied …

The decision is always grounded in the workload of the court. I think the Leader of the Opposition asked me before about personality clashes.

Ms M.J. DAVIES: I am just trying to determine that the decision has to be based on workload, as opposed to the president having taken either a like or a dislike to someone and has sent them to outer Siberia. There are no grounds to do that. The government is giving the president a power that the president does not have currently, although I accept that there are similar powers in other areas. Does the process for sending back, or requesting, come from a workload issue?

Mr J.R. QUIGLEY: I would not call a direction given under proposed section 11(4) to go and sit in Northam as being sent to Siberia.

Ms M.J. Davies: I never suggested Northam was Siberia!

Mr J.R. QUIGLEY: I would not suggest that. Actually, it could be a bit of a win.

It is grounded, as I have said, in workload, but I draw the Leader of the Opposition's attention to proposed subsection (6). Maybe I am getting ahead and should wait until the Leader of the Opposition gets there.

Ms M.J. Davies: That is all right.

Mr J.R. QUIGLEY: In determining whether to give a notice under proposed subsections (2) or (4) in relation to a dually appointed magistrate, the president has absolute discretion and is not required to take into account seniority, length of service of a magistrate or any other matter. The president has absolute discretion about who to transfer out in relation to the workload if the magistrate is not required for the workload of the court. There is no pecking order like the unions have of last on, first off. The Leader of the Opposition must have heard of that. There is not that sort of a pecking order. Proposed subsection (6) gives the president the discretion of having regard to the workload of the court when deciding who is not required.

Ms M.J. DAVIES: Let us stay on proposed subsection (6). The president will have absolute discretion and will not be required to take into account the seniority or length of service of the magistrate or any other matter. One of the issues that the Aboriginal Family Legal Services raised and that I spoke about during the second reading debate was the specialist skill set of people who serve on the Children's Court, or the necessity to have that skill set. Does the Attorney General see it as a risk that we are potentially enabling a dilution or a change? Is it a benefit or will there be a negative outcome of potentially losing some of that expertise? What sort of expertise, if any, is a person required to have? I know the Attorney General said that everyone is given a dual commission and that everyone can sit on the Children's Court, but I would assume that it comes with some specialist skills, and there are those whom have a particular interest, history and experience that would be of benefit in that jurisdiction. Perhaps the Attorney General could explain to me whether or not a person has to have a particular skill set to be brought into, or considered for, that circuit.

Mr J.R. QUIGLEY: That is always subjective and it is not based just on seniority. I can remember that a judge was appointed to Western Australia's Supreme Court whose appointment took the judiciary's breath away when he was appointed. That decision took its breath away because he was only about 36 or 37 when he was appointed. I am referring to Mr Justice James Edelman. Actually, it took everyone's breath away when he was appointed the first fully tenured Professor of Law of Oxford University at about the age of 34—the first in 425 or so years. It took everyone's breath away. A few years later, he was appointed to the Federal Court and now he sits on the High Court. So it is not a question of seniority; it is a question of subjectively judging aptitude. Attorney-General Christian Porter saw a superstar and called it right.

If I can just turn now to the lower level jurisdiction. I invite the Leader of the Opposition to go over to the Children's Court where I saw one of the newest magistrates, Her Honour Wendy Hughes. Her children are very young, so she is quite young. Her children would be well and truly in grade 4 or 5, so she is relatively young. A very interesting backstory is that she was a Korean orphan. An Australian couple went to Korea and adopted her. As

life's lottery would have it, the couple enrolled her in St Mary's Anglican Girls' School in Karrinyup, where she was a superstar. She was then a superstar at law school and as a young mother. She was the one who was sitting down, not on the bench but at a table, with all these Indigenous families sitting around with the biggest lamingtons that I have ever seen. There were crumbs and coconut everywhere. Everyone was totally relaxed. The way she dealt with a young mother and the state carers of a young Indigenous baby was marvellous to behold, Leader of the Opposition. I invite the member to go to her court and have a look. It is a two-year trial. She was new. So an appointment is based on something more subjective than just seniority. We have to look at the human who is sitting there. It is not always the most intellectual judge who in all cases deals the most humanely or relates best to the person in front of them. Often those judges end up on the Court of Appeal interpreting the law, and marvellously. Although, Justice Edelman also dealt incredibly with people. Some judges just have the knack of relating to people in stress.

The president must make a subjective judgement at his discretion, but it is always grounded in the court's workload. It is not a case of, "I like this person", or, "I don't like that person." The president is there to manage the workload of the court. That is the president's administrative responsibility. In doing that, he will then choose the personnel to go hither or thither to discharge that workload at his or her discretion.

Ms M.J. DAVIES: I thank the Attorney General. Noting the time, I will round out the last proposed subsection, which states —

> A notice under this section in relation to a magistrate is subject to any subsequent notice under this section in relation to the magistrate.

I am afraid that I do not follow that. Can the Attorney General please explain it?

Mr J.R. QUIGLEY: Proposed section 11(7) is a provision to this effect: the president informs the Chief Magistrate under proposed section 11(2) that the president wants a magistrate on a full-time basis, but then as the year goes on, the president realises that he is now over-resourced and that the magistrate is needed on a part-time basis.

Sitting suspended from 6.00 to 7.00 pm

Mr J.R. QUIGLEY: I was addressing proposed section 11(7). I think I got the nuance slightly wrong, Leader of the Opposition. It states —

> A notice under this section in relation to a magistrate is subject to any subsequent notice under this section in relation to the magistrate.

The president issues a notice that he would like that magistrate to workload. He enters discussions with the Chief Magistrate as required. During those discussions, they come to an agreement. He only needs the magistrate part time after all, not full time, but issues a notice for a full-time magistrate. It gets complicated, does it not? He can withdraw that notice and issue on the spot a new notice for a part-time magistrate. It was to cover the situation in which a notice had been issued for a magistrate required full time but during the consultations, it is worked out that he needs the magistrate for only part of the time, not the full time. In that case, he can issue a new notice requiring part-time attendance at the Children's Court, or vice versa.

Ms M.J. DAVIES: I have a further question. It has been put to me that narrowing that concentration of the line of responsibility on a Children's Court magistrate in human resource management leaves experience and skill to duly appointed Children's Court magistrates vulnerable to the whims and interests of the president. Would the Attorney General have a comment?

Mr J.R. QUIGLEY: This is to do with working out the workload of the court. Saying that it is up to "the whims" of the president is a bit light on. After all, the president is a superior judicial officer, a District Court judge, exercising judgement and proper discretion in relation to the necessities for the workload of the court. If someone thinks that the judge is making the wrong calls, let them go back to the judge and make their representation. It is not for me as the Attorney or for the government as the executive to say who should be where doing what; it is up to the president and the Chief Magistrate to work out the proper workload arrangements for the Children's Court.

Clause put and passed.

Clause 8: Section 12A inserted —

Ms M.J. DAVIES: I think the Attorney General has anticipated this question. If he could explain what this clause does and the effect that it brings to the bill, that would be appreciated.

Mr J.R. QUIGLEY: It was part of my reply to the second reading debate. Clause 8 includes a new section 12A to the Children's Court Act, which will provide the president with the power to give directions to a magistrate in respect of the magistrate's functions in the Children's Court. The power is consistent with the powers available to the Chief Magistrate in directing magistrates in his court and reflect that the Children's Court is a separate court from the Magistrates Court and the president is the head of the jurisdiction of the Children's Court. The provisions in clause 8 will provide a clear delineation between the powers of the president and the Chief Magistrate to direct the extent to which they are performing functions in their respective courts. The president will be able to say, "I direct you to do Armadale this week" or "I direct you to do care and protection cases this week".

Ms M.J. DAVIES: I understand that the Solicitor-General's consultations, although we are not privy to them, resulted in a bill of this nature, which would suggest that there has been some suggestion it is needed. Is there any risk that the government is simply making the President of the Children's Court a human resources manager rather having them play the role they have now and potentially changing the nature of that function by giving them different powers? Can the Attorney General, with his experience, foresee any unintended consequences as a result?

Mr J.R. QUIGLEY: I think if we had present here in this chamber this evening the head of every jurisdiction—that is, the President of the Children's Court, the Chief Judge of the District Court and the Chief Justice of the Supreme Court—they would all say, "We're human resources managers. We're first amongst equals." They would say that the administration of the court is a responsibility that they take on when they become the president or the Chief Magistrate. I know that the Chief Magistrate of the Magistrates Court has the heavy responsibilities of administration. It goes with the job of being the head of jurisdiction. I know for sure that the Chief Justice does. Therefore, I do not think there are any unintended consequences. It does away with the frustration of being the head of jurisdiction but not having any warrant to exercise the power of the head of jurisdiction.

Ms M.J. DAVIES: Proposed section 12A(6) states —

> The Chief Magistrate is not entitled, under the *Magistrates Court Act 2004* or any other law, to direct a person to perform functions as a magistrate of the Court or in relation to the performance of those functions.

I presume that relates to the previous new subsections. I do not quite follow it.

Mr J.R. QUIGLEY: When sitting as a Children's Court magistrate in the Children's Court, the Chief Magistrate cannot give them directions; that is up to the President of the Children's Court. The previous new subsections will give the president the authority to give directions to a Children's Court magistrate. This new subsection will make it clear because they have dual commissions. This will make clear that when they are sitting as magistrates in the Children's Court, they are under the direction of the President of the Children's Court.

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Schedule 1 clause 12 amended —

Ms M.J. DAVIES: I am coming back to this because there has been some discussion around retrospectivity and the Attorney General referred to this clause. Perhaps if the Attorney General could explain again the purpose of "Schedule 1 clause 12 amended". I think this is the clause on which we were talking about an element of retrospectivity earlier in the bill.

Mr J.R. QUIGLEY: Certainly. As I explained in my reply to the second reading debate, people are often given dual commissions—a dual commission to the District Court and to the Supreme Court. If they resign one commission, they are not left with the other commission; they are appointed as a magistrate of the Children's Court and a magistrate of the Magistrates Court. Proposed subclause (6) provides that when a person dually appointed as a magistrate resigns from one office, they are taken to have resigned from both. Proposed subclause (7) will apply retrospectively to the resignation event but only has effect from the commencement of the provision. If a magistrate who holds office in both the Magistrates Court and Children's Court resigns from the Magistrates Court prior to the legislation coming into effect, their resignation from the Children's Court will apply only from the date the legislation commenced. If a person is a magistrate of both courts, and prior to the legislation coming into effect they resign from one court, once the legislation comes into effect they are deemed to have resigned from the other court. To do otherwise would mean that there would be some decisions made between the date of resignation from one court and the proclamation of this legislation that could then be called into question, because they would be retrospectively deemed to have resigned from the court. If, on 1 June, a person resigns from the Magistrates Court but the act does not come into effect until 30 June, they are deemed as at 30 June to have resigned from that other court but not retrospectively for that month that they were there, because they would have made decisions that affected people's lives, and they have to be preserved. But if a person resigned from one court on 1 June, and then this legislation comes into effect on 30 June, then as of 30 June they are deemed, by reason of that first resignation, to have resigned their commission as soon as this legislation comes into effect.

Ms M.J. DAVIES: I have one final question, Attorney General. This information has just come in. Before we move to the third reading of the bill, it has been drawn to my attention that the Law Society of Western Australia has released a media statement this afternoon. It states that it has reviewed the legislation briefly and considers that it might have potential significant ramifications for the independence of the judiciary in WA. The media statement reads —

> The Society considers the Bill may have consequences that are not immediately appreciated, and it is not clear whether the Bill will be subjected to scrutiny by any Parliamentary Committee.

I mentioned that in my contribution to the second reading debate. I do not know whether the government is considering sending this bill to the Legislative Council's Standing Committee on Legislation when it is in the other house. The Law Society says that it neither supports nor opposes the bill. It appears that it has reviewed it only briefly, but it is asking the government to reconsider the proposed introduction of the bill so that it can consult more

broadly. I raised concerns earlier about the consultation process. We have now arrived at a whole different process, and the Attorney General has not been a part of that consultation, other than with the Solicitor-General, and that certainly raises concerns in my mind. Previously, I asked about any unintended consequences, which are hard to anticipate because they are unintended and we do not necessarily know what we will end up with, but I am not sure how often the Law Society would issue a media statement like that. I have been a member of Parliament since 2008 and I am not sure that I have seen too many of that nature. I wonder whether the Attorney General could make any comments on that before we move to the third reading.

Mr J.R. QUIGLEY: Certainly; I will make a couple. Firstly, this bill was read in five or six weeks ago. In that time, I met with the Law Society and it never raised this with me. Secondly, the Law Society represents lawyers; it does not represent the judiciary. The consultation was with the judiciary and its views on the administration of the court. As to the Leader of the Opposition's comment that she has never read —

Ms M.J. Davies interjected.

Mr J.R. QUIGLEY: I can remember that the Law Society went off its top when the Liberal–National government introduced mandatory sentencing. It issued more than just a benign statement like that; there were meetings and everything. Someone said, "Can you give this more consideration?" I wish to assure the Leader of the Opposition that this legislation is not to do with the exercise of the independence of the judiciary; this is to do with the management of the court's workload by the president of the court. The government has every intention of proceeding with the legislation.

Clause put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR J.R. QUIGLEY (Butler — Attorney General) [7.21 pm]: I move —

That the bill be now read a third time.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [7.21 pm]: Thank you, Attorney General. The Attorney General can understand why I raised some questions during the second reading debate about the urgency and why this bill was the first cab off the rank when we came back from the winter break. It is also slightly concerning that we have not been able to access the feedback from the people with whom the Solicitor-General consulted so that their feedback could be reflected in the Parliament as we were dealing with this issue. This is an issue that I think the courts have managed for some time. We have been seeking to try to understand what has driven this bill. The Attorney General's explanation that the President of the Children's Court needs to be able to manage the workload goes partway to explaining it, but it does not explain to me why this was not raised previously or certainly why it was not dealt with in the 2004 reforms that were brought about. We have dealt with a number of stakeholders. Most recently, as the Attorney General has heard, the Law Society of Western Australia has today issued a media statement about its concern about the potential ramifications for the independence of the judiciary. The court action that is the occurring at the moment between the President of the Children's Court and one of its magistrates—which the Attorney General described as extraordinary, or unusual at the very least—certainly raises questions for the opposition and those who are involved in the courts.

I do not think this is just an administrative process; it cannot possibly be. I do not accept that the Attorney General consults with those who manage those processes only when he is seeking to make changes. The Attorney General should be talking to the people who will be impacted—the Law Society, and those who are in the Children's Court and certainly using it on a daily basis. That would be a reasonable proposition from the opposition's perspective. I expect that the shadow Attorney General will further interrogate this bill when it gets to the Legislative Council. I expect also, as we have discussed in our joint party room, that there will be a request for the bill to be referred to the Standing Committee on Legislation. I say that noting that the Legislative Council has made changes to its standing orders with regard to the length of time for which members can speak, which some may say is an improvement, and others will say that they dislike it intensely. I note that the President of the Legislative Council said at the time the debate was held that there is an opportunity to use the committee system to interrogate bills that require it. Organisations like the Law Society of Western Australia and Aboriginal Family Legal Services, and a number of others, have raised concerns. Therefore, the bill probably warrants at least a referral for a period of time to ensure that those individuals can bring their expertise to the committee and that the chamber can understand exactly what those concerns are.

I am reading what has been written to me. As I have said before, I am not a lawyer. I cannot distil all of that. It is a complex area and it will undoubtedly have an impact on how the Children's Court is managed and run, and potentially on the innovations that the Attorney General spoke to and how future presidents will choose to utilise the power that is being afforded to them. We want the very best members to sit on the Children's Court because we are dealing with a very vulnerable and complex area. I again put on record our concern and say that although I appreciate the explanation that the Attorney General has provided, I am quite sure that the shadow Attorney General will have further questions for the Attorney General's advisers and the parliamentary secretary in the Legislative Council as this bill progresses through the other house.

MR J.R. QUIGLEY (Butler — Attorney General) [7.26 pm] — in reply: When we have an urgent law reform agenda, where do we start? There is a whole list. We have another bill coming up. People will say why is the Legal Profession Uniform Law Application Bill coming on now? It is because it is coming on now. The Leader of the Opposition says that she is not entirely satisfied with the explanation that I gave on this bill—that this bill is to do with the management of the workload of the court. In conclusion in my third reading reply, I turn once again to proposed new section 11(4) in clause 7 of the bill, which states —

> If a particular dually appointed magistrate has performed Children's Court functions on a full-time or part-time basis or has been the subject of a notice under subsection (2), the President may, by written notice, inform the Chief Magistrate —

I stress that this is the only circumstance under which he can do it —

> (a) that the President considers that, to deal with the workload of the Court, —

I emphasise "to deal with the workload of the Court" —

> it is not necessary or desirable for the magistrate for the time being to perform Children's Court functions at all; or
>
> (b) that the President considers that, to deal with the workload of the Court —
>
> (i) it is not necessary or desirable for the magistrate for the time being to perform Children's Court functions on the basis that previously applied; and
>
> (ii) it is necessary or desirable that the magistrate should instead for the time being perform Children's Court functions on a part-time basis as specified in the notice …

The legislation itself will require, by statutory authority, the president to address the workload of the court as the consideration for him issuing a notice. He has the authority to do it only if he considers that in order to deal with the workload of the court, it is appropriate to issue a notice. As I said, this requirement is nothing to do with the Law Society of Western Australia; this requirement is to do with the administration of the court. This bill has been out for six weeks. No-one knows whether the Law Society has even met to consider this. Someone pops out a press release at five to midnight that says that this has to happen or that has to happen. It is a free world; they are entitled to pop out any press release they like at five to midnight. This bill, which deals with the administration of the court, has been around for six weeks, and the government intends to proceed expeditiously with it. I thank the Leader of the Opposition for her interrogation of the bill on behalf of the opposition.

I commend the bill to the chamber.

Question put and passed.

Bill read a third time and transmitted to the Council.

LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2021
LEGAL PROFESSION UNIFORM LAW APPLICATION (LEVY) BILL 2021

Cognate Debate

Leave granted for the Legal Profession Uniform Law Application Bill 2021 and the Legal Profession Uniform Law Application (Levy) Bill 2021 to be considered cognately, and for the Legal Profession Uniform Law Application Bill 2021 to be the principal bill.

Second Reading — Cognate Debate

Resumed from 23 June.

The ACTING SPEAKER (Mrs L.A. Munday): Leader of the Opposition.

Mr R.H. Cook: Democracy is running smoothly tonight, isn't it!

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [7.32 pm]: Thank you. It is going well, is it not?

The ACTING SPEAKER: If you are looking for leadership from me, I am sorry!

Ms M.J. DAVIES: It is going well!

I rise on behalf of the opposition, I note, again, that the shadow Attorney General for the WA National Party and Liberal Party alliance is in the Legislative Council. The Attorney General made some comments earlier about these bills and how interesting and exciting it will be for those watching at home. I am sure there is some interest and excitement, Attorney General.

Ms M.M. Quirk: Those that aren't into synchronised swimming, I suspect, member.

Ms M.J. DAVIES: I will get myself into a world of trouble if I make a comment on that, so we will focus on the task at hand!

My understanding is that this legislation has already been in our house during the previous term of this government. Essentially, we are joining with New South Wales and Victoria to ensure that we have equivalent legislation. This is

a uniform law scheme for the regulation of the legal profession in Australia and is the subject of an intergovernmental agreement between Victoria, New South Wales and Western Australia. Other Australian jurisdictions may join the scheme. I wonder whether it becomes national once we join? Is there a threshold, Attorney General, if we get over two states, we can claim it as being national? Specifically, the bill will seek to apply the legal profession uniform law as a law of Western Australia and to provide for the tabling and disallowance of amendments made to that law. The bill will enact provisions to regulate legal practice, which have local application in WA, and repeal the Legal Profession Act 2008 and the Law Society Public Purposes Trust Act 1984. The bill will also seek to make savings, transitional and consequential amendments.

The bill was first introduced in the fortieth Parliament. This bill is almost identical to the first bill; it just failed to progress through the fortieth Parliament. From a timing perspective, it should be noted that the Legal Profession Uniform Law Application Bill 2020 and the Legal Profession Uniform Law Application (Levy) Bill 2020 were read for a third time in the Legislative Assembly on 16 June 2020. The bills were referred to the Standing Committee on Uniform Legislation and Statutes Review, which reported back to the Legislative Council on 15 September 2020. Notably, the report of the Standing Committee on Uniform Legislation and Statutes Review made 24 findings and 13 recommendations. As far as we can see, none of these findings or recommendations have been adopted by the government and an explanation has not been provided as to why.

A comparison between the two sets of bills has been provided—the ones introduced in the fortieth Parliament and the ones that we are dealing with now. There are some fairly minor changes, as I understand it, Attorney General. From an opposition perspective, we would like to understand how the recommendations and findings of the Standing Committee on Uniform Legislation and Statutes Review were incorporated, ignored or found not to be needed. Certainly, the opposition will support the bills, but the interest that we have is around the 129th report of the Standing Committee on Uniform Legislation and Statutes Review, those 13 recommendations and why we do not see them reflected here. If they are, I am happy to be dissuaded of that position. I will sit and let the Attorney General get on with it. That is really all we are looking for in this. The government has the opposition's support, notwithstanding an explanation on that front.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [7.36 pm]: I rise to make a brief contribution in support of this excellent legislation: the Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021. I have previously spoken on this legislation, back on 16 June 2020 when it was originally introduced into the fortieth Parliament. I do not propose to reprise what I said at that time. I thank the Leader of the Opposition for her contribution to the debate and for indicating that the opposition will support this legislation.

The reason I rise to contribute to the debate on the Legal Profession Uniform Law Application Bill 2021, heard cognately with the Legal Profession Uniform Law Application (Levy) Bill 2021, and I do not propose to take too long, is that in my community of Mount Lawley we have an incredibly auspicious occasion to celebrate. It turns out that last week, one of our members, a constituent of the electorate of Mount Lawley, was appointed to the high office of Justice of the Supreme Court. I rise to put my congratulations on the record to Marcus Solomon, SC, or the Honourable Mr Justice Solomon now, who is a shining light in the community of Mount Lawley. Marcus is a rabbi of the Jewish community at the Dianella Shule in this state seat of Mount Lawley, and he continues the fantastic tradition amongst the Jewish community of Perth by contributing to the practice of the legal profession. Therefore, I thought: what better opportunity than as we debate this Legal Profession Uniform Law Application Bill to put on the record my congratulations to Mr Solomon? I am sure that the Attorney General will provide a brief ministerial statement to this house, in due course, about the appointment of Mr Solomon, but I want to make the point that, as I say, Rabbi Solomon continues a fine tradition amongst Jewish legal practitioners in Western Australia.

In an article published by the ABC, he made the note that one of the first Jewish Supreme Court judges in Western Australia was Albert Wolff, who was appointed in 1938, which is precisely the time that the Nazis were ruling Germany and persecuting Jewish people in Europe. How blessed are we to live in a society like Western Australia where somebody like Albert Wolff could be appointed as a judge of the Supreme Court. I note that Albert Wolff's contribution to the legal profession in Western Australia has been recognised by the naming of Albert Wolff Chambers, on Barrack Street, in his honour. I acknowledge both Mark Trowell, QC, and Tom Percy, QC, head of chambers at Albert Wolff Chambers, and I acknowledge all the outstanding barristers currently practising at Albert Wolff Chambers. Whilst he was a pre-eminent jurist from the Jewish community, he was by no means the last significant contributor from that community. I refer in this point, of course, to Joe Berinson of blessed memory.

Joe Berinson ran for the state seat of Mount Lawley in the 1950s and campaigned solidly, but was unable to succeed in his pursuit for elected office as a member of the state Parliament. He directed his attentions to federal Parliament and was elected as the first Labor member for the federal seat of Perth. He was Minister for the Environment in the Whitlam government. Unfortunately, tragically and sadly, Mr Berinson passed away during the last term of the McGowan government, and a number of members of the Legislative Council spoke to a condolence motion that was held in the Legislative Council to honour the memory of Joe Berinson. After serving his term as the member for Perth, he returned to WA politics and was a member of the Legislative Council and a Labor Attorney General for the state of Western Australia.

I invoke Joe Berinson because he was one of the founders of Carmel School, which is in my electorate and is a Jewish day school. It is that link with Carmel School that brings us to Marcus Solomon, QC, because Marcus is currently the governor at Carmel School; a role that he has carried out with aplomb. He has served the community at Carmel School incredibly well for many, many years, going all the way back to 1985 when he started as a teacher in Jewish studies. His experience as an educator in the Jewish community is renowned, and his contribution to education is exactly the same as that of Mr Berinson. He has put such a focus on education because he sees it as such an important part of society and knows that an important contribution can be made. I know from my conversations with the people at Carmel School that they are incredibly proud of the appointment of Marcus Solomon from their community as a new Justice of the Supreme Court. Debbie Silbert, who has just finished her term as president of the Carmel School board, is incredibly proud of the fact that Marcus Solomon has been appointed, as is Mark Majzner, who now succeeds Debbie Silbert as the new president of the Carmel School board. Mark represents the first of a new generation of leaders at Carmel School. He was educated at Carmel School. I see the Minister for Health nodding. Mr Majzner accompanied the Minister for Health and me on a trip to Israel a couple of years ago to look at investment in medical research and how to get that. Mr Majzner's contribution to the greater good continues with his participation at Carmel School.

I come now to Marcus Solomon, a QC who has contributed greatly to our community. He is the latest of a number of outstanding appointments that this Attorney General has made to the Supreme Court. I speak here of course of Chief Justice Peter Quinlan, His Honour Justice Vaughan, Her Honour Justice Archer, Justice Derrick, Her Honour Justice Smith, Justice Hill and Justice Strk. These appointments have really invigorated the Supreme Court as the arbiters of justice in this state. I think that each of those appointments speaks volumes to the calibre of person who this Attorney General, this McGowan Labor government and the cabinet of the McGowan Labor government looks to in making appointments to the Supreme Court.

The Jewish community more broadly has also welcomed the appointment. Steve Lieblich is quoted in an article on the ABC website. Steve Lieblich, for those who do not know, is the director of public affairs for the Jewish Community Council of Western Australia. In the article he says —

> … it was a special moment in history.
>
> "We're proud that a member of our community can contribute to the community in this way," he said.
>
> "It's an important senior role in our society and that's a source of pride."
>
> …
>
> "The freedoms that we enjoy and the cohesiveness of the society is something that is second to none," Mr Lieblich said.

I think that sentiment expressed by Mr Lieblich about the community coming together is, as I said earlier today, something that was reflected in the way the Western Australian community responded to the COVID pandemic. I think that when we talk about cohesion in society, we need to put to one side those people who would seek to strike that down, those ideological vandals, the racists, the fundamentalists and the no-mask-wearing protesters who are causing all sorts of grief and havoc in Sydney and so forth, and say that the vast majority of the Australian population see people like Rabbi Marcus Solomon as a great exposition of Australian values, Australian freedom and Australian democracy. His appointment is not just a testament to the community of Mount Lawley and the calibre of the legal profession amongst people in Mount Lawley, but it also speaks volumes to the calibre of the legal profession in Western Australia generally.

I seek, Acting Speaker, to put on the record my incredible sense of pride in Mr Solomon's appointment and my congratulations to him and my gratitude to the Attorney General for selecting such an eminent person to represent the community on the Supreme Court of Western Australia. With those comments, I commend the bills to the house.

MR D.A.E. SCAIFE (Cockburn) [7.45 pm]: I am very pleased today to rise to speak on the Legal Profession Uniform Law Application Bill 2021 and the Legal Profession Uniform Law Application (Levy) Bill 2021. I believe the Attorney General in previous debate said that people would be hanging from the rafters for the debate on these bills. I intend to have people on the edge of their seat. Choose your analogy! This is certainly, I think as the Leader of the Opposition said, the sort of stuff that can keep us all awake at night. As I said in my first speech, I am, unfortunately, yet another lawyer who has stumbled into this place. Unfortunately, today I am called upon in that capacity to make a contribution. I would like to note at this point that fortunately there are not actually that many lawyers in this chamber. Too few, says the member for Mount Lawley. Others might say too many. I think it is only five out of the 59 members in this chamber. May that greater diversity in this place continue.

It is fitting as well for me to follow the member for Mount Lawley. I have been following the member for Mount Lawley for about 10 years now. The member for Mount Lawley made an error of judgement in 2013 because he hired me as a law clerk in his team at Slater and Gordon and I then pestered him for a job as a lawyer and followed him elsewhere. In March 2017, he thought he had escaped to this chamber and in March 2021 I said, "No, thanks; I am coming after you." So, members get the pair of us tonight—the gruesome twosome unfortunately—ably led, obviously, by the top law officer of the state, the Attorney General. I commend him for bringing this legislation forward, which obviously lapsed when the previous Parliament was prorogued.

My comments tonight are going to be focused on how this legal profession uniform legislation, while it is dry in nature, is important in making changes that will facilitate access to justice. The starting point to understanding this legislation is to appreciate that there is a lot of discussion around how this legislation is a movement towards a national legal profession, but in reality we have had a national legal market in this country for some time now. I am going to get members on the edge of their seat, as I said, telling them a bit of the history of how we came to have a properly national legal market in this country. Really, it starts with the establishment of the Federal Court of Australia in 1976, which is obviously the first national court other than the High Court that sits at the apex of our court system. The Federal Court of Australia actually had a fairly limited jurisdiction to begin with. It was a court in which the jurisdiction could be conferred only by a particular federal statute, and at first only 13 statutes conferred jurisdiction on the Federal Court. That all changed in 1997, and this is the riveting part for everybody, when section 39B(1A)(c) was inserted into the Judiciary Act. This provision provides —

> The original jurisdiction of the Federal Court of Australia also includes jurisdiction in any matter:
>
> …
>
> (c) arising under any laws made by the Parliament, other than a matter in respect of which a criminal prosecution is instituted or any other criminal matter.

That is important because this expansion to any matter arising under any law has resulted in a massive extension over the years of the jurisdiction of the Federal Court. Basically, if there is a dispute but a federal matter is part of the dispute, the Federal Court can pick up the whole dispute and resolve the whole dispute. There has been a huge explosion in the last 20 years in the types of civil matters that are being determined in the Federal Court. Most recently, we have seen that in cases like Geoffrey Rush's defamation case against Nationwide News and other defamation cases. One that is happening at the moment is obviously with Roberts-Smith and certain newspapers. The fact that we now have defamation matters in the Federal Court is evidence that what was originally a very limited jurisdiction is now a very broad jurisdiction that covers a range of issues and is accessed by litigants across the entire country.

As I said, the Federal Court is a national court. It has registries and judges in all states and territories, so it is a court that, unlike to some lesser extent the state Supreme Court, is very used to having interstate practitioners instructing and appearing in it and dealing with conflicts of law issues between different jurisdictions, particularly the states and the commonwealth.

My experience as a practitioner is that many of the best barristers in the federal practice areas are unfortunately not based in Western Australia. I can give some examples from the industrial relations field of law. Some of the best junior counsel in the country, such as Toby Borgeest and Lucy Saunders, are based in Victoria and New South Wales. Some of the best senior counsel, such as Rachel Doyle, SC, Ingmar Taylor, SC, and Craig Dowling, SC, are based on the east coast. Although we have some very talented local barristers in that space—for example, Heather Millar, a former colleague of mine in the profession, is an outstanding industrial relations barrister—it still is the case that the bar in WA is more limited. The result of that is that it is very normal now for solicitors in other states to engage practitioners in states like New South Wales and Victoria. That phenomenon has been pushed along by technological changes in recent years, with videoconferencing and the like. During the pandemic, it has become more and more accepted practice that things are done by videoconference. We have to accept that we are in a nationally competitive market for legal services, so in that context a national regulatory framework makes sense. I understand that once WA joins the uniform law, something like 77 per cent of Australian legal practitioners will be covered by the uniform law, so it is important for us to be part of that.

One of the other benefits that will come from joining the uniform law is that the uniform law has greater regulation over legal costs and also a more effective complaints resolution process. Those are important to me because, as a former industrial relations lawyer and a labour lawyer, I was always focused on ensuring that costs were kept under control for clients. Exorbitant fees being charged by lawyers is one of the greatest impediments to access to justice in this country at the moment. The member for Mount Lawley and I would go to professional development days and we would have all these Terrace lawyers complaining about the number of self-represented parties in courts.

Ms A. Sanderson: That's horrible!

Mr D.A.E. SCAIFE: I know; it was horrible, Minister for Environment. They would complain about all these self-represented litigants in courts and we would say to each other, "It's because no-one can afford most of the services that are being offered by lawyers in private practice."

I would like to point out some of the features of the uniform law that I think will be an improvement on the system we have now. Under the Legal Profession Act, there are some controls on costs, obviously, and there are professional obligations on lawyers as well. For example, section 271 provides that legal costs are recoverable according to the fair and reasonable value of the legal services provided, but that is only a fallback position if there is no costs agreement or no costs determination that applies to those costs. That can be contrasted with section 172 of the uniform law, which provides at the outset that a law practice must, in charging legal costs, charge costs that are no more than fair and reasonable in all the circumstances. There is this immediate starting point that the obligation is on law practices not to charge other than fair and reasonable costs. It is also important to note that under that provision, one of the matters that needs to be taken into account in determining what is fair and reasonable is the quality of the

work done. That is significant—this is where I will largely conclude—as we have seen costs blow out for clients in recent decades largely because lawyers apply time billing practices. Time billing practices are, in my opinion, an anachronism. Having a focus in the legislation on lawyers having to charge for the quality of the work done means that those lawyers will be more focused on thinking about what was invested, achieved and done for the client rather than just looking particularly at the amount of time that was invested. That is reflected in section 173 of the uniform law, which provides that a law practice must not act in a way that unnecessarily results in increased legal costs payable by a client and, in particular, must act reasonably to avoid unnecessary delay resulting in increased legal costs.

The last reflection I will leave the chamber with is that time billing has been under criticism for a long time, and that criticism has been increasing. I encourage members, if they are interested in this area, which I am sure many of them are, to look at the excellent address presented by the Honourable Wayne Martin on 17 May 2010 at the Perth Press Club for the launch of Law Week. The speech was entitled "Billable Hours — past their use-by date". His Honour, who was then the Chief Justice of the Supreme Court of Western Australia, gave the example of a legal joke that I will quote because obviously legal jokes are known for their great hilarity! He said —

> Time billing has also been the subject of a number of jokes. Many of you may have heard the one about the lawyer in his early 40s who arrived at the pearly gates and protested to St Peter that he had been taken too young and deserved to live longer. St Peter replied that while the lawyer might believe he was only in his early 40s, analysis of his time-sheets revealed that he must in fact be in his 90s.

Several members interjected.

Mr D.A.E. SCAIFE: That got more of a response than it deserved, but I thank members for that indulgence! The essential part is later in the address from His Honour, when he said —

> Time billing creates an inherent and irreconcilable conflict between the interest of the client in the achievement of an expeditious resolution, and the interest of the lawyer in billing time. In litigation, the client has an interest in minimising the steps and the time taken between the commencement of proceedings and their completion, whereas the lawyer has an interest in maximising them. The client has an interest in early resolution by agreement, which is antithetical to the lawyer's financial interests.

That quote raises for me the question of how we have allowed the time billing arrangement to go on for so long as the dominant form of determining legal costs, when clearly it presents a conflict of interest in the management of a client's best interests.

In my opinion, joining the uniform law will go some way to having a better regulatory framework around legal costs in Western Australia and that will, in my view, facilitate access to justice. I commend the bills to the house.

MR J.R. QUIGLEY (Butler — Attorney General) [7.59 pm] — in reply: I would like to briefly respond to the contributions to the second reading debate, especially to that of the Leader of the Opposition. She noted that the Legal Profession Uniform Law Application Bill 2021 and the Legal Profession Uniform Law Application (Levy) Bill 2021 had passed through this chamber before and that we would be joining New South Wales and Victoria in uniform law. That takes us to approximately 75 per cent of practising lawyers in Australia, so a critical mass will be forming. I know that the Legal Services Council has been in discussions with the Attorney-General; Deputy Premier of South Australia, who is expressing some interest in joining. Everyone is nervous about joining those two big states—Victoria and New South Wales—and being swamped. However, the medical profession, as members know, has national rules and the accounting profession has national rules. In his valedictory speech for his retirement from the High Court, His Honour Robert French, AO, commented that it might have taken 100 years but we ended up with the national standard-rail gauge!

For 120 years we have not been able to end up with a national legal profession, although in today's world, the businesses are transnational, the legal professions are transnational, and the clients they serve are transnational. Should we not all be operating under the same set of rules and guidance, applied locally? I stress it is to be applied locally. The first iterations of these bills, as I mentioned in my second reading speech, going back some years, were rejected by Western Australia—I believe Hon Christian Porter was the Attorney General—because we were being subsumed into a national body. Here, it is under a national set of rules, still with the local Legal Practice Board with its separate statutory legal profession complaints committee, a disciplinary body, but under a national set of rules. One of the significant things is that the people on the disciplinary body, although they used to stay there for decades, now have to turn over every five years so that the culture is renewed et cetera. It is under national rules.

In the Leader of the Opposition's contribution to the second reading debate, she noted that the Standing Committee on Uniform Legislation and Statutes Review made 24 findings and 13 recommendations. I will not deal with the findings so much; it is the recommendations that flowed from the findings that are important. Recommendations 2, 3 and 4 deal with the request to add a 10-year expiry clause to the bill if it does not become operational within 10 years of receiving royal assent. The government does not intend to adopt this recommendation, which the opposition made in the forty-first Parliament. It does not deal with the substantive matter covered by the bill. The bill will become operative, so long as we can get it out of the other place, on 1 January 2022. The whole profession is already conducting information sessions and whatnot to gear up for the new accounting rules et cetera.

Recommendation 5 deals with partial disallowance mechanisms. The question was asked why this bill does not include partial disallowance. Partial disallowance is when the Victorian Parliament passes a law, which will become law here and because it is the mother state, it amends the bill, and there is provision in the bill that we can move for disallowance of a regulation passed in Victoria. The committee suggested partial disallowance. The government does not accept that, in the same way that we did not accept it for the Fair Trading Amendment Bill 2018, as was recommended by the committee. There are no policy reasons for having a partial disallowance mechanism. If Victoria passes a new regulation or law, we can wholly disallow it, but not partially disallow it because to partially disallow it would mean there are further complications. If we are going to only partially disallow it, it may cause problems in relation to what is partially disallowed. For example, there may be non-disallowed provisions that rely on other provisions that have been disallowed. It all becomes confusing. We have cut it out. We disallow it wholly or let it go through—that is, an amendment passed by the Victorian mother Parliament. If a house of Parliament would like to disallow some part of the amending act and there was no mechanism for partial disallowance, the desired provisions could be incorporated into the Legal Profession Uniform Law Act by a bill passed in the ordinary way.

That would mean amending the act would be wholly disallowed and a bill would be drafted to incorporate the desired parts of the amending act and deal with any issues arising from not including the undesired parts. This would allow the government, including the instructors, the Parliamentary Counsel's Office and the Parliament, to consider any potential issues arising from the part that the Parliament considers should not be incorporated. If we are going to partially disallow something, it is better to disallow the whole lot that Victoria has passed by way of an amendment and amend the act to bring in the parts that we might want, but looking at consequential amendments that might be required. Partial disallowance mechanisms are not generally used in other jurisdictions. The only jurisdiction where it has been used is in the Australian Capital Territory and, even there, it is limited in circumstance to the Education and Care Services National Law Act 2011, the Co-operatives National Law Act 2017 and the Community Housing Providers National Law Act 2013. Otherwise, it is not used in the other jurisdictions.

Recommendation 6 looks at how amendments to the Legal Profession Uniform Law Act will be notified. It will be via the publication on the Western Australian legislation website, plus they will be tabled in Parliament in accordance with clause 8. Do not forget that any amendment that is passed in Victoria has to lay on the table here. When it lies on the table here and becomes law if it is not moved for disallowance within the time delimited for disallowance—I think it is 21 days in the other place—then it has to go on the website so the public will see it on the Parliamentary website or the government legislation website. That is the same as recommendation 7, which deals with publication of amendments. Recommendations 8 to 11 all relate to standing order 67 in the Legislative Council, which the government believes is more appropriately dealt with by the Legislative Council. I understand there will be some standing order amendments to facilitate the referral of such amending acts to committees. Recommendations 12 and 13 query why the explanatory memoranda and second reading speeches do not identify the Henry VIII clauses in the bill. There is no requirement to identify a clause in the bill as a Henry VIII clause in the explanatory memorandum or second reading speech. The effect of any such clause is clearly set out in the explanatory memorandum.

They were my brief reflections on the recommendations that came out of the Standing Committee on Uniform Legislation and Statutes Review. I have no doubt that these bills will have to go back and be considered by the committee. There will be a further report on these bills and what we adopted and why we did not adopt some recommendations of the previous bills.

Question put and passed.

Bill (Legal Profession Uniform Law Application Bill 2021) read a second time.

[Leave denied to proceed forthwith to third reading.]

LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2021

Consideration in Detail

Clauses 1 to 223 put and passed.

Clause 224: Effect of secrecy provisions and non-disclosure orders —

Mr J.R. QUIGLEY — by leave: I move —

> Page 119, line 28 — To insert after "subsection (1)," —
>
> > unless an order has been made under subsection (3)
>
> Page 120, after line 2 — To insert —
>
> > (3) A court or tribunal that makes an order or finding that constitutes, or results or may result in, disciplinary action against a person may make an order prohibiting the disciplinary action from being publicised.
> >
> > (4) A court or tribunal cannot make an order under subsection (3) unless the court or tribunal considers that there are exceptional circumstances justifying the making of the order.

(5) If an order has been made under subsection (3) —

(a) the name and other identifying particulars of the person against whom disciplinary action is taken, and the kind of disciplinary action taken, must be recorded in the register of disciplinary action in accordance with the requirements of this Division; but

(b) that information must not be —

(i) made available for public inspection on the register or provided to members of the public under section 220; or

(ii) otherwise publicised under this Division; or

(iii) given to a corresponding authority unless the authority gives an undertaking to the Board that the information will remain confidential and will not be made available for public inspection or otherwise publicised.

Ms M.J. DAVIES: These amendments have been moved after the bill has been second read, so perhaps the Attorney General can provide an explanation about why these provisions were not included in the bill and what he is seeking to do with them.

Mr J.R. QUIGLEY: Certainly. There are cases—I can think of cases in the Family Court—in which practitioners and judges can be put at risk. As the Leader of the Opposition might recall, an upset litigant assassinated a Family Court judge in Sydney by blowing him up. Sometimes litigants make a threat against the life of a legal practitioner in the Family Court. These things become very emotionally intense. A person might make a complaint against his wife's lawyer. There might be a finding of some sort against the wife's lawyer; for example, that he acted in a bullying fashion or whatever. If the tribunal found that the wife's lawyer had acted in a bullying manner and that decision was publicised, that might be enough to provoke the husband to seek retribution against the lawyer in some physical or threatening way. As a result of the representations received by the government and, once again, concurring advice from the Solicitor-General, it was decided that the tribunal or court can keep the disciplinary finding a secret only in exceptional circumstances. We would not want a disciplinary finding against a wife's lawyer to result in that lawyer, or the lawyer's family, coming under physical attack or threat. These things could become emotionally charged. There would have to be that sort of exceptional circumstance before the tribunal would invoke this. Death threats have been made against lawyers in the past, especially in the Family Court jurisdiction. The exercise of the discretion will rest with the disciplinary body—that is, the State Administrative Tribunal. The president of that tribunal, who hears disciplinary matters against practitioners, is herself—I say "herself" because it was a "himself" previously—a Supreme Court justice; indeed, she is a justice of the Court of Appeal. We trust the president's judgement and we trust the tribunal's judgement on exceptional circumstances to do with practitioner safety.

Ms M.J. DAVIES: I have two questions. Was a briefing offered to the shadow Attorney General? I am the secondary on this legislation, so I may not have received it. I have not spoken to my office. Was the shadow Attorney General advised of the amendment? Can the Attorney General explain why it was not included in the original bill? What prompted the amendment, given that the bill was just read a second time and now we are amending the government's own legislation?

Mr J.R. QUIGLEY: It was prompted by a circumstance of a nature that I described to the Leader of the Opposition occurring between it having been introduced and today. The amendment was only introduced today. A confidential briefing was not provided to the shadow Attorney General but it will be before this bill is presented in the other place. All I can say is that it goes to issues of safety, and not to keeping secret issues of embarrassment to a practitioner.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 225 to 421 put and passed.

Title put and passed.

LEGAL PROFESSION UNIFORM LAW APPLICATION (LEVY) BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

Bill read a third time, on motion by **Mr J.R. Quigley (Attorney General)**, and transmitted to the Council.

House adjourned at 8.25 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BUSSELTON HEALTH CAMPUS — PSYCHIATRIC LIAISON NURSE

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

I refer to the appointment of a Psychiatric Liaison Nurse (PLN) at Busselton Health Campus, and ask:

(a) How many hours per week is the nurse working at Busselton Health Campus;

(b) How many patients per month have been referred to the PLN for each of the months since her appointment last year;

(c) Of those patients referred, how many were:

(i) Female; and

(ii) Male;

(d) How many of the patients were aged:

(i) Under 13;

(ii) 13–18;

(iii) 19–30;

(iv) 31–45;

(v) 46–60; and

(vi) Over 60;

(e) How many of those patients were admitted to Busselton Health Campus overnight;

(f) How many of those patients were transferred to Bunbury Regional Hospital or another hospital/mental health unit; and

(g) What was the average length of stay for those patients admitted to hospital?

Mr R.H. Cook replied:

I am advised:

(a) 56 hours per week.

(b)

June 2021 (to current date)	17
May 2021	47
April 2021	42
March 2021	53
February 2021	55
January 2021	49
December 2020	37
November 2020	25
October 2020	22
September 2020	31
August 2020	37
July 2020	39
Total	**454**

(c) (i) 254 Female

(ii) 200 Male

(d) Please note there were 454 referrals;

(i)–(ii) 85

(iii) 113

(iv) 129

(v) 83

(vi) 44

(e) 44

(f) 65

(g) 4.46 days

HEALTH — PAEDIATRIC ACUTE RECOGNITION AND RESPONSE OBSERVATION TOOL

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

I refer to the recently implemented Paediatric Acute Recognition and Response Observation Tool (PARROT), and I ask:

(a) When was the PARROT officially implemented in Western Australian hospitals, specifically Perth Children's Hospital;

(b) What training was provided to staff in using this tool prior to its implementation and how was the training delivered;

(c) What percentage of health care workers across the state received the appropriate training before it was implemented;

(d) What percentage of those staff that received training were:

(i) Full-time or part-time; and

(ii) Casual;

(e) Is it a requirement that casual staff must have received training on how to use the PARROT prior to any shift in any emergency department; and

(f) Is there a dedicated specialist responsible for supervising the effective use of this tool and undertaking any ongoing training with employees:

(i) If not, why not and how do staff access training?

Mr R.H. Cook replied:

WA Health advises:

(a) The ESCALATION project, incorporating implementation of the PARROT early warning tool, commenced at WA hospitals in 2019. Perth Children's Hospital (PCH) participated in all phases of the project, with official implementation occurring at PCH on 28 April 2021.

(b) Education and training for staff and site support were delivered using multiple strategies including; site champions' workshop, website resources, onsite and telehealth education and support, site specific information packages providing guidance and tools for implementation and data collection. The workshops included sessions on practice theory instruction, demonstration, videos, scenarios and simulated practice sessions. The train the trainer format was used to prepare site champions to deliver staff training at their own sites. 14 super users plus project support staff were involved in site wide implementation at PCH.

(c) For all trials and implementation, a target of 80 percent of staff were to have face to face training before the roll out. This was achieved for each phase. As part of official implementation, an electronic learning package has been developed and is included as a core component of PCH staff training.

(d) Compliance can be monitored, however the learning management system (iLearn) does not provide details on employment status of staff (i.e. part-time/full time/casual).

(e) It is an expectation that staff have received training and are familiar with the escalation system. Casual staff work across all areas of the hospital and are required to complete relevant core training. Staff Development Nurses and CNSs are available to support staff in ED.

(f) Yes. A clinical nurse consultant has been identified to provide leadership of recognising and responding to deterioration.

Use of the ESCALATION system is incorporated into education and training programs offered on induction, local area orientation and ongoing continuing education programs.

HEALTH — PAEDIATRIC ACUTE RECOGNITION AND RESPONSE OBSERVATION TOOL

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

(1) Can the Minister confirm whether or not the Paediatric Acute Recognition and Response Observation Tool (PARROT), for escalating paediatric patients, was used by healthcare staff the night Aishwarya Aswath was treated at Perth Children's Hospital (PCH) on April 3 this year?

(2) If not, why not?

Mr R.H. Cook replied:

WA Health advises:

(1) Yes.

(2) Not applicable.

MENTAL HEALTH — SUICIDES — SOUTH WEST

4. **Ms L. Mettam to the minister representing the Minister for Mental Health:**

(1) How many suicide deaths were confirmed in the South-West health region by a Western Australian coroner in:

(a) 2018;

(b) 2019;

(c) 2020; and

(d) 2021 to date?

(2) In relation to (1):

(a) what is the gender breakdown for each of the years; and

(b) how many of these were:

(i) Under 18 years of age;

(ii) between the age of 18 to 30;

(iii) between the age of 31 to 40;

(iv) between the age of 41 to 50;

(v) between the age of 51 to 60; and

(vi) over the age of 60?

Mr R.H. Cook replied:

Data sourced from the National Coronial Information System (NCIS) where confirmed suicide deaths occurred in the South West health region as at 28 June 2021:

Intentional self-harm deaths in the South West health region by year of notification and sex of the deceased

Year	**Male**	**Female**	**Total**
2018	30	10	40
2019	21	<4	23
2020	Data not available*		
2021	Data not available*		

Intentional self-harm deaths in the South West health region by year of notification and age range of the deceased

2018		**2019**		**2020**		**2021**	
<18	<4	<18	–	<18	Data not available*	<18	Data not available*
18–30	10	18–30	5	18–30		18–30	
31–40	6	31–40	<4	31–40		31–40	
41–50	8	41–50	7	41–50		41–50	
51–60	9	51–60	<4	51–60		51–60	
>60	6	>60	5	>60		>60	
Total	40	Total	23	Total		Total	

Figures below four are presented as '<4' to ensure data is appropriately de-identified.

Relevant cases were only able to be included in this answer if the case contained an address that could be geocoded, and/or the gender of the person has been registered.

*Data for the years 2020 and 2021 is not available from the NCIS, as investigations take approximately 2 years to be finalised.

MENTAL HEALTH — SUICIDES

5. Ms L. Mettam to the minister representing the Minister for Mental Health:

(1) How many confirmed suicides were reported in Western Australia in the following years:

(a) 2017;

(b) 2018;

(c) 2019;

(d) 2020; and

(e) 2021 to date?

(2) In relation to (1):

(a) What is the gender breakdown for each of those years; and

(b) For each of the above years, how many were:

(i) Under the age of 18;

(ii) Aged 18–30;

(iii) Aged 31–40;

(iv) Aged 41–50;

(v) Aged 51–60; and

(vi) Aged over 60 years?

Mr R.H. Cook replied:

Data sourced from the National Coronial Information System (NCIS) on confirmed suicides reported in Western Australia as at 28 June 2021:

Intentional self-harm deaths in Western Australia by year of notification and sex of the deceased

Year	**Male**	**Female**	**Total**
2017	303	102	405
2018	274	105	379
2019	280	97	377
2020	Data not available*		
2021	Data not available*		

Intentional self-harm deaths in Western Australia by year of notification and age range of the deceased

2017		**2018**		**2019**		**2020**		**2021**	
<18	16	<18	10	<18	15	<18	Data not available*	<18	Data not available*
18–30	86	18–30	90	18–30	89	18–30		18–30	
31–40	91	31–40	70	31–40	89	31–40		31–40	
41–50	94	41–50	71	41–50	62	41–50		41–50	
51–60	49	51–60	62	51–60	57	51–60		51–60	
>60	69	>60	76	>60	65	>60		>60	
Total	405	Total	379	Total	377	Total		Total	

* Data for the years 2020 and 2021 is not available from the NCIS, as investigations take approximately 2 years to be finalised.

LANDS — GRAYLANDS HOSPITAL SITE

7. Mr V.A. Catania to the Minister for Lands:

I refer to the *WA Today* report on 15 June 2021 titled 'High-profile WA developer circles Graylands Hospital site despite no set date for closure' written by Hamish Hastie, and I ask:

(a) Under what circumstances does the WA Government award private operators land for development without first providing the opportunity to the market;

(b) Since 17 March 2017, how many parcels of land has the WA Government awarded to private operators without first providing the opportunity to the market; and

(c) Since 17 March 2017, what are the names and addresses of each parcel of land the WA Government has awarded to private operators without first providing the opportunity to the market:

(i) Under what circumstances was each site awarded;

(ii) What was the estimated value of each site; and

(iii) Who was each site awarded to?

Dr A.D. Buti replied:

The Department of Finance advises:

(a) The member is referring to Market Led Proposal (MLP) 20003 Graylands Hospital Site and Shenton Precinct which has progressed to Stage 2 of the Market Led Proposal process. The Government has not awarded the Graylands Hospital Site or Shenton Precinct to any private operators as part of Stage 2 of the MLP process.

The MLP Policy is an innovative pathway for business and government to work together to create jobs and stimulate the economy. MLPs allow the Government to harness good ideas, private sector investment and entrepreneurship to develop projects that benefit Western Australians. The MLP Policy provides a single clear, consistent and transparent process for parties seeking to approach government with proposals.

The Policy outlines how the Government will evaluate the merits of such proposals and determine whether it is in the public interest to enter exclusive negotiations with a proponent, rather than engaging in the usual competitive process.

(b) None from a MLP perspective.

(c) (i)–(iii) Not applicable from a MLP perspective.

COMMUNITIES — BRAVEHEARTS FOUNDATION

11. Ms M.J. Davies to the Minister for Women's Interests:

I refer to a letter received from Bravehearts Foundation Limited on 14 June 2021, which was copied to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence and Community Services requesting the Department investigate the matters raised, and ask:

(a) Has the Department of Communities Complaints Management Unit received a complaint about how the case in question has been handled:

(i) If yes to (a) what deadline was given to resolve or respond to the complaints made;

(b) Is the Minister aware of the complaints made regarding her Department's treatment of issues raised by the complainant:

(i) If yes to (c) when were the complaints brought to her attention;

(c) Has the Minister, or any other Ministers to her knowledge, sought to intervene in the complaint process or held audience with the complainant regarding the case in question;

(d) What oversight, if any, does the Minister have over the Department's complaints process;

(e) Has the Minister or her department made any representations to the Federal Department of Home Affairs with regard to the case the complaint relates to; and

(f) Besides raising with the WA Ombudsman, what escalation apparatus are available to complainants unhappy with the treatment of their complaints by the Department?

Ms S.F. McGurk replied:

(a) Yes.

(i) The initial complaint was lodged on 24 April 2021 and was finalised on 22 June 2021.

The complainant has requested a review of the complaint outcome with the Complaints Management Unit on 30 June 2021. The deadline to finalise the complaint review is 30 July 2021.

(b) Yes.

(i) I received a letter from Bravehearts Foundation Limited on 14 June 2021.

(c) No.

(d) Day to day operations of the Department of Communities, including its internal complaints process, is the responsibility of the Director General.

(e) No.

(f) The Department of Communities has a tiered complaints process. Tier One complaints are dealt with at a district level with the goal of resolution. If a person is remains dissatisfied, they can initiate a Tier Two complaint which is investigated by Communities' Complaints Management Unit. Where matters remain unresolved at this level, people may seek an external resolution. The Ombudsman WA is the relevant external escalation apparatus available to complainants unhappy with the treatment of their complaints by Communities.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — CONSULTANTS

12. Ms M.J. Davies to the parliamentary secretary representing the Minister for Education and Training:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Mr T.J. Healy replied:

(i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly *"Report on Consultants Engaged by the Government"* is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

(iii) Nil.

(iv) Not applicable.

MINISTER FOR MENTAL HEALTH — PORTFOLIOS — CONSULTANTS

13. Ms M.J. Davies to the minister representing the Minister for Mental Health:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Mr R.H. Cook replied:

(i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly "Report on Consultants Engaged by the Government" is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

(iii) 2 formal reports have been produced for the Mental Health Commission as of 24 June 2021. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 24 June 2021, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

PREMIER — PORTFOLIOS — CONSULTANTS

15. Ms M.J. Davies to the Premier; Treasurer; Minister for Public Sector Management; Federal–State Relations:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Mr M. McGowan replied:

(a) (i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly *"Report on Consultants Engaged by the Government"* is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

Economic Regulation Authority, Fire and Emergency Services Superannuation Board, Parliamentary Superannuation Board, Auditor General, Western Australian Treasury Corporation, Public Sector Commission, Insurance Commission of Western Australia, Government Employees Superannuation Board

(iii) Nil.

(iv) Not applicable.

Department of the Premier and Cabinet

(iii) Five formal reports have been produced as of 30 June 2021. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 30 June 2021, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

Infrastructure Western Australia

(iii) Nine formal reports have been produced as of 30 June 2021. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 30 June 2021, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

Salaries and Allowances Tribunal

(iii) One formal report has been produced as of 30 June 2021. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 30 June 2021, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

Lotterywest

(iii) Four formal reports have been produced as of 30 June 2021. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 30 June 2021, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

Department of Treasury

(iii) One formal report has been produced as of 30 June 2021. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 30 June 2021, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

MINISTER FOR ABORIGINAL AFFAIRS — PORTFOLIOS — CONSULTANTS

17. Ms M.J. Davies to the minister representing the Minister for Aboriginal Affairs; Industrial Relations:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Dr A.D. Buti replied:

(i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly "Report on Consultants Engaged by the Government" is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

(iii) Nil.

(iv) Not applicable.

ATTORNEY GENERAL — PORTFOLIOS — CONSULTANTS

20. Ms M.J. Davies to the Attorney General; Minister for Electoral Affairs:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Mr J.R. Quigley replied:

(a) (i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly "Report on Consultants Engaged by the Government" is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

(iii) No formal reports have been produced as of 31 December 2020. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 31 December 2020, no formal reports produced have been publicly released. This is figure is subject to change as reports produced are considered by government.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — CONSULTANTS

22. Ms M.J. Davies to the Minister for Mines and Petroleum; Energy; Corrective Services:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Mr W.J. Johnston replied:

(a) (i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly "Report on Consultants Engaged by the Government" is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

(iii) One formal report has been produced as of 31 December 2020. As was practice under the previous government, consultants may be engaged by the government to provide strategic advice.

(iv) As of 31 December 2020, one formal report produced has been publicly released. This figure is subject to change as reports produced are considered by government.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — CONSULTANTS

25. Ms M.J. Davies to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to external consultants hired and tasked with assisting Departments, and ask:

(a) For all departments or agencies under your responsibility, please detail:

(i) The number of private consultants hired in the 2020–21 Financial Year;

(ii) The total cost to the department for hiring those consultants;

(iii) The number of reports produced by those private consultants; and

(iv) The number of reports made public?

Ms S.F. McGurk replied:

Department of Communities

This answer covers multiple Ministers' portfolios, including Disability Services, Seniors and Ageing; Volunteering; Housing; Youth; and Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

(i)–(ii) As part of this government's ongoing commitment to accountability and transparency, and in accordance with Premier's Circular 2019/06, a six-monthly "Report on Consultants Engaged by the Government" is tabled in this place.

Reports for the 2020/21 financial year will be tabled shortly.

(iii) Nil.

(iv) Not applicable.

ENERGY — STANDALONE POWER SYSTEMS

32. Mr R.S. Love to the Minister for Energy:

(1) What is the Minister's ongoing commitment to Stand Alone Power Systems in the Mid West?

(2) Please detail the selection criteria when nominating customers for Stand Alone Power systems?

Mr W.J. Johnston replied:

(1) The McGowan Government has committed $218 million to manufacture and install a record 1,000 standalone power systems (SPS) across regional Western Australia over the next four years, in addition to the 98 standalone power systems already delivered by the McGowan Government.

The installation locations of new standalone power systems, including in the Mid-West region, will be determined by Western Power through their annual investment program, which considers factors including network renewal and power demand.

Systems may also be installed in response to extreme weather events – for instance, an additional 35 systems are to be installed in the Mid-West and Wheatbelt following Cyclone Seroja, as a part of a variety of network improvements being delivered as part of the restoration work.

(2) When evaluating standalone power system suitability, Western Power looks at the age, condition, location and number of customers on power lines due for renewal, as well as the load profile to assess the line's economic viability. Western Power needs to ensure the most financially prudent option is progressed.

Once sites have been identified, Western Power works with potential customers to understand the technical feasibility and suitability of their properties for SPS deployment. This means understanding how they use power, including:

(a) seasonal requirements such as shearing;

(b) the type of equipment used on site;

(c) transient workers living on site for periods of time; and

(d) property extensions such as new sheds being built, or cool rooms being installed.

HOSPITALS — EMERGENCY DEPARTMENTS — PRESENTATIONS

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

(1) How many emergency department (ED) presentations have been made in WA public hospitals for each month in:

(a) 2017–2018;

(b) 2018–2019;

(c) 2019–2020; and

(d) 2020–2021?

(2) For each of those years, how many ED presentations were made in:

(a) Perth metropolitan area; and

(b) Regional areas?

(3) For each of those years, how many ED presentations were made in:

(a) Armadale/Kelmscott Hospital;

(b) Joondalup Hospital;

(c) Fiona Stanley Hospital;

(d) Sir Charles Gairdner Hospital;

(e) Perth Children's Hospital;

(f) Rockingham General Hospital;

(g) King Edward Memorial Hospital;

(h) Peel Health Campus;

(i) St John of God Midland Hospital;

(j) Royal Perth Hospital;

(k) Albany Regional Hospital;

(l) Bunbury Regional Hospital;

(m) Geraldton Regional Hospital; and

(n) Northam Regional Hospital?

Mr R.H. Cook replied:

WA Health advises:

(1) (a)–(d) Total Emergency Department Presentations at WA Public Hospitals

Month	**2015/16**	**2016/17**	**2017/18**	**2018/19**	**2019/20**	**2020/21**
July	83,593	83,297	85,240	87,006	94,243	86,318
August	88,988	89,662	90,097	90,057	93,275	92,678
September	85,833	85,695	88,557	89,756	90,467	91,921
October	85,647	85,385	89,009	90,719	91,238	96,160
November	84,666	85,042	87,856	88,212	91,007	95,711
December	86,082	87,260	90,481	93,305	97,987	104,088
January	85,015	85,630	88,101	89,699	94,149	98,601
February	80,879	78,679	80,782	82,863	89,388	84,016
March	88,799	88,389	90,180	92,904	86,932	98,069
April	82,443	84,630	84,325	88,690	66,740	92,909
May	85,576	86,635	86,451	94,247	76,850	96,822
June	82,885	84,441	84,919	96,863	83,361	94,902
Total	**1,020,406**	**1,024,745**	**1,045,998**	**1,084,321**	**1,055,637**	**1,132,195**

(2) (a) Total Emergency Department Presentations at Metropolitan Public Hospitals

Month	**2015/16**	**2016/17**	**2017/18**	**2018/19**	**2019/20**	**2020/21**
July	52,049	52,034	53,040	54,523	58,170	53,787
August	55,182	55,449	56,318	56,601	58,231	57,668
September	53,016	52,754	55,045	55,769	56,267	56,177
October	53,106	53,173	55,519	56,878	56,882	58,868
November	52,664	52,811	54,821	55,438	56,932	59,857
December	53,007	53,777	56,190	57,257	60,107	65,179
January	53,152	52,879	54,535	55,193	57,750	59,942
February	50,611	48,534	50,385	52,223	55,137	50,621
March	55,372	54,758	55,906	58,867	51,770	60,271
April	51,539	52,147	52,397	54,932	40,182	55,865
May	54,040	54,326	54,074	58,790	47,753	59,518
June	51,670	53,173	53,671	60,286	51,692	58,211
Total	**635,408**	**635,815**	**651,901**	**676,757**	**650,873**	**695,964**

(b) Total Emergency Department Presentations at Regional Public Hospitals

Month	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
July	31,544	31,263	32,200	32,483	36,073	32,531
August	33,806	34,213	33,779	33,456	35,044	35,010
September	32,817	32,941	33,512	33,987	34,200	35,744
October	32,541	32,212	33,490	33,841	34,356	37,292
November	32,002	32,231	33,035	32,774	34,075	35,854
December	33,075	33,483	34,291	36,048	37,880	38,909
January	31,863	32,751	33,566	34,506	36,399	38,659
February	30,268	30,145	30,397	30,640	34,251	33,395
March	33,427	33,631	34,274	34,037	35,162	37,798
April	30,904	32,483	31,928	33,758	26,558	37,044
May	31,536	32,309	32,377	35,457	29,097	37,304
June	31,215	31,268	31,248	36,577	31,669	36,691
Total	**384,998**	**388,930**	**394,097**	**407,564**	**404,764**	**436,231**

(3) (a)–(n) Total Emergency Department Presentations – By Hospital

Month	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Armadale/ Kelmscott Hospital	59,564	58,620	59,015	61,628	60,183	64,504
Joondalup Hospital	99,029	97,988	99,341	100,987	97,213	108,011
Fiona Stanley Hospital	103,764	102,472	107,748	111,345	105,906	110,922
Sir Charles Gairdner Hospital	70,402	68,231	69,903	73,116	68,847	73,903
Perth Children's Hospital*	63,597	61,379	62,106	67,593	62,522	68,347
Rockingham General Hospital	54,392	54,027	55,714	57,285	55,840	60,678
King Edward Memorial Hospital	12,740	11,893	11,338	10,736	11,145	12,271
Peel Health Campus	44,198	43,768	42,613	43,551	42,583	46,791
St John of God Midland Hospital	36,143	66,292	71,163	76,591	74,135	77,419
Royal Perth Hospital	72,297	71,145	72,960	73,925	72,499	73,118
Albany Regional Hospital	24,475	24,508	26,233	27,011	26,933	31,421
Bunbury Regional Hospital	40,512	39,456	39,892	41,737	39,685	43,020
Geraldton Regional Hospital	28,514	30,106	29,560	31,091	32,013	36,351
Northam Regional Hospital	12,648	11,820	11,553	12,424	12,416	12,866
Total	**722,275**	**741,705**	**759,139**	**789,020**	**761,920**	**819,622**

*Includes Princess Margaret Hospital (PMH) presentations for 2015/16, 2016/17 and part of 2017/18.

HEALTH — STAFF

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

(1) How many frontline full-time equivalent (FTE) health workers were employed in the WA health system in:

(a) 2017–2018;

(b) 2018–2019;

(c) 2019–2020; and

(d) 2020–2021?

(2) How many FTE Department of Health employees were employed in:

(a) 2017–2018;

(b) 2018–2019;

(c) 2019–2020; and

(d) 2020–2021?

Mr R.H. Cook replied:

(1) (a)–(d) WA Health – Total FTE Frontline Health Workers

2015–16	23,634
2016–17	23,182
2017–18	23,952
2018–19	24,537
2019–20	25,060
2020–21	26,106

There are additional workers employed in the WA health system that enable clinical service provision that aren't included in the definition of frontline health workers.

(2) (a)–(d) Department of Health – FTE

2015–16	1,002
2016–17	913
2017–18	831
2018–19	833
2019–20	932
2020–21	1,205

HEALTH — STAFF

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

I refer to the number of full-time equivalent (FTE) frontline health workers in the WA health system and ask:

(a) How many FTE nurses were employed in each quarter in:

(i) 2017–2018;

(ii) 2018–2019;

(iii) 2019–2020; and

(iv) 2020–2021;

(b) How many FTE midwives were employed in each quarter in:

(i) 2017–2018;

(ii) 2018–2019;

(iii) 2019–2020; and

(iv) 2020–2021;

(c) How many FTE doctors were employed in each quarter in:

(i) 2017–2018;

(ii) 2018–2019;

(iii) 2019–2020; and

(iv) 2020–2021; and

(d) How many FTE paediatricians were employed in each quarter in:

(i) 2017–2018;

(ii) 2018–2019;

(iii) 2019–2020; and

(iv) 2020–2021?

Mr R.H. Cook replied:

WA Health advise:

(a) (i)–(iv) WA Health – FTE Nurses Employed

	Quarter 1	**Quarter 2**	**Quarter 3**	**Quarter 4**
2015–2016	12,077	11,905	11,455	11,448
2016–2017	11,432	11,456	11,454	11,681
2017–2018	11,855	11,614	11,694	11,911
2018–2019	11,981	12,007	11,969	12,718
2019–2020	12,254	12,198	12,210	12,429
2020–2021	12,628	12,725	12,783	13,151

(b) (i)–(iv) WA Health – FTE Midwives Employed

	Quarter 1	**Quarter 2**	**Quarter 3**	**Quarter 4**
2015–2016	1,122	1,106	1,064	1,064
2016–2017	1,062	1,064	1,064	1,085
2017–2018	1,101	1,079	1,115	1,121
2018–2019	1,153	1,143	1,134	1,155
2019–2020	1,178	1,158	1,163	1,152
2020–2021	1,191	1,168	1,148	1,151

(c) (i)–(iv) WA Health – FTE Doctors Employed

	Quarter 1	**Quarter 2**	**Quarter 3**	**Quarter 4**
2015–2016	4,079	4,133	4,069	4,044
2016–2017	4,002	4,062	4,134	4,113
2017–2018	4,086	4,155	4,237	4,233
2018–2019	4,185	4,219	4,287	4,284
2019–2020	4,251	4,301	4,376	4,386
2020–2021	4,369	4,500	4,699	4,786

(d) (i)–(iv) WA Health – FTE Paediatricians Employed

	Quarter 1	**Quarter 2**	**Quarter 3**	**Quarter 4**
2015–2016	283	281	281	280
2016–2017	282	267	266	272
2017–2018	281	278	291	299
2018–2019	299	299	312	316
2019–2020	315	316	332	331
2020–2021	338	341	339	343

MENTAL HEALTH — CYCLONE SEROJA

37. Mr R.S. Love to the minister representing the Minister for Mental Health:

I refer to Tropical Cyclone Seroja, and I ask:

(a) How many mental health outreach programs are available in each of the 13 local government areas in the declared disaster area:

(i) For those in (a), please detail the number of people who have sought help from each local government area; and

(b) Has the Minister visited any of the 13 local government areas:

(i) If yes, on what dates and who did they meet with?

Mr R.H. Cook replied:

(a) The Mental Health Commission (MHC) funds a number of services in the declared disaster area covering the 13 Local Government Areas (LGAs) across prevention, community support and treatment services.

Prevention services include:

Suicide prevention programs which help build the capacity of the community and relevant service providers to better identify and address local suicide-related issues through evidence-based prevention activity;

Supporting the Community Alcohol and Drug Service teams to develop and implement prevention activity in the Midwest region;

Suicide Prevention Coordinators in the Midwest which have established Community Wellness Plans in Greater Geraldton and the North Midlands, including Three Springs, that guide a number of activities to address suicide prevention, mental health promotion and mental health wellbeing; and

State-wide services such as telephone counselling lines.

Treatment services include alcohol and drug counselling, prevention, diversion, residential alcohol and drug treatment, cannabis intervention, and transitional housing and support.

The Midwest Community Alcohol and Drug Service is the main region-wide provider of outpatient counselling for individuals and families, prevention activities and diversion services. People can also access the Community Opioid Replacement Program through the service. The service is integrated with the public community mental health team under the Western Australian Country Health Service (WACHS).

WACHS have had a role facilitating a joined-up response amongst the agencies of the Midwest.

There is also personalised support offering psychosocial recovery programs, personalised support linked to housing providing supported accommodation such as supportive landlord services and the Individualised Community Living Strategy packages of support, staffed residential units, a Step Up/Step Down service, and Family and Carer Support programs.

(i) The MHC does not receive specific information regarding the number of people who have sought help for mental health, alcohol and other drugs issues due to Cyclone Seroja from each LGAs. However, we do know that organisations provided assistance with accessing relief payments, Western Power rebates and clean ups. They also provided support in locating temporary accommodation, as there is high demand for housing with caravan parks and other accommodation options currently at capacity.

WACHS reported an increase in the demand for mental health services in Kalbarri with services increasing from three to five days a week in Kalbarri. There has been no noticeable increase in the demand for alcohol and drug counselling services.

The Suicide Prevention Coordinators have supported the Northampton Community before and after Cyclone Seroja with postvention support after suspected suicides in the town. The Suicide Prevention Coordinator has also coordinated various suicide prevention and mental health trainings for communities throughout the region including Shark Bay/Denham and Exmouth. They also have a number of education campaigns in the region regarding information on how to stay mentally healthy and further support for people who need it.

(b) Yes.

(i) On May 1, I met with numerous stakeholders from the Midwest.

MINES AND PETROLEUM — PROJECT APPROVALS

38. Mr R.S. Love to the Minister for Mines and Petroleum:

I refer to project approvals for exploration, licences to mine resources or similar, and I ask:

(a) For the following years please identify how many project approvals were sought:

(i) 2017–18;

(ii) 2018–19;

(iii) 2019–20; and

(iv) 2020–21; and

(b) For those in (a), please detail how many projects proceeded to the next stage of approval?

Mr W.J. Johnston replied:

(a) There are multiple different licences and approvals required under different legislation for exploration and mining projects in Western Australia. This includes tenure, environmental, safety and heritage approvals. The specific approvals required will alter depending on the circumstances of the each project.

In relation to mineral exploration (programme of work) and mining (mining proposal) approvals under the *Mining Act 1978*, the following number of applications were received:

	(i) 2017–18	**(ii) 2018–19**	**(iii) 2019–20**	**(iv) 2020–21**
Programme of work (mineral exploration)	2,585	2,444	2,708	3,361
Mining Proposal (mining operations, including expansions and alterations)	316	305	322	342

(b) Whether any of the mining or exploration activities in (a) sought further approvals will depend upon the nature of each individual project. Determining this would require a review of each of the applications and activities summarised above, which would have an unreasonable impact on the activities of the Department of Mines, Industry Regulation and Safety to provide.