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LEGISLATIVE ASSEMBLY

Thursday, 5 November 2020

Legislative Assembly

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THE SPEAKER (Mr P.B. Watson) took the chair at 9.00 am, acknowledged country and read prayers.

Attire Advice — Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [9.01 am]: I would just like to thank the Minister for Corrective Services for getting me to change my bright red tie to a blue one!

PAPERS TABLED

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

OFFICE OF THE AUDITOR GENERAL — "TRANSPARENCY REPORT: MAJOR PROJECTS"

Correction — Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [9.03 am]: I have today received a letter from the Auditor General requesting that an erratum be added to the Office of the Auditor General's "Transparency Report: Major Projects", which was tabled on 29 October 2020. The erratum addresses an error on page 15 of the report, relating to the time line for the completion of the Geraldton Health Campus redevelopment. Under the provisions of standing order 156, I authorise the necessary corrections to be attached as an erratum to the tabled paper.

[See paper 3952.]

STILLBIRTHS — SAFER BABY BUNDLE

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [9.03 am]: On Tuesday, I announced that Western Australia has joined a bold new initiative to tackle the nation's stillbirth rate. Safer Baby Bundle is a range of resources and interventions designed to reduce Australia's incidence of stillbirth, particularly among pregnancies of more than 28 weeks' gestation. Unfortunately, across Australia an average of six infants are stillborn every day, creating heartache for more than 2 000 families a year. Research suggests that almost a third of these deaths are preventable. Safer Baby Bundle was developed by the National Health and Medical Research Council's Centre of Research Excellence in Stillbirth and is based on the latest clinical best practice in worldwide stillbirth prevention. The NHMRC-funded initiative covers five elements: smoking cessation, improved detection of restricted foetal growth, improved awareness and management of decreased foetal movement, the importance of expectant mothers side sleeping from 28 weeks, and improved decision-making around timing of birth for those with risk factors for stillbirth. Safer Baby Bundle encourages healthcare providers to talk to patients about their risk of stillbirth and how their care throughout pregnancy can be personalised according to their risk.

Safer Baby Bundle was developed in response to findings from the 2018 Senate Select Committee on Stillbirth Research and Education inquiry into stillbirths in Australia. The inquiry found that Australia lagged behind other high-income countries, with its stillbirth rate beyond 28 weeks of pregnancy 35 per cent higher than the best-performing countries. Stillbirth can be devastating for families and have a lasting social, emotional and economic impact years after the birth. This important preventive health initiative progresses the response to the Senate inquiry into stillbirths and aligns with the sustainable health review's strong focus on prevention. Western Australia has been at the forefront of reducing rates of pre-term birth through its The Whole Nine Months initiative and is equally committed to measures that support the reduction of stillbirth. Australia is aiming for a 20 per cent reduction in stillbirth rates among women of 28 week's gestation by 2023.

ESPERANCE BUSHFIRES — CORONIAL INQUEST — GOVERNMENT RESPONSE

Statement by Minister for Emergency Services

MR F.M. LOGAN (Cockburn — Minister for Emergency Services) [9.06 am]: I would like to take this opportunity to inform the house about the state government's response to the coronial inquest into the tragic deaths during the devastating bushfires in Esperance in November 2015. The bushfires were some of the worst fires in recent Western Australian history. They had a devastating impact on the Esperance community, especially those who tragically lost family and friends. I have travelled to Esperance six times since 2017, and I am continually heartened by the resilience that the community has shown.

The state government has supported all but two of the coroner's recommendations, many of which have been implemented since the McGowan government was elected. We have boosted the capacity of emergency services through unprecedented bushfire management reform including, but not limited to, the creation of the Rural Fire

Division within the Department of Fire and Emergency Services, with an increased focus on bushfire management, particularly mitigation. DFES is now a holistic emergency management agency, focused on prevention, preparedness, response and recovery. The establishment of the Bushfire Centre of Excellence will enhance capacity and capability through building skills, knowledge and experience in bushfire management. We are investing more than $50 million in bushfire mitigation.

Last year, the Shire of Esperance was provided with $96 140 to fund a bushfire risk planning coordinator for six months to begin development of a bushfire risk management plan. So far, the Esperance BRMP has identified 2 084 assets that have been mapped, with its risks assessed and recorded in the DFES bushfire risk management system. The establishment of a Bushfire Fleet Mobility Working Group, with members including DFES and Shire of Esperance personnel, volunteers and subject matter experts working together to explore opportunities that enhance the mobility of fleet in local terrain. We have contributed funding through the emergency services levy for four new fire stations in Esperance. We have completed a comprehensive crew protection program of safety enhancements and automated vehicle tracking and distress alerting, all of which are designed to protect our emergency services personnel who put their lives at risk to protect local communities. We have installed, in conjunction with the Department of Biodiversity, Conservation and Attractions, a new radio repeater to improve coverage across the area.

The conditions faced by firefighters on that day were horrendous and resulted in a tragic loss of life. We can continue to make improvements to the emergency management landscape and enhance the safety of our emergency services personnel and the community. I now table the state government's response to the recommendations of the Esperance coronial inquest.

[See paper 3953.]

GETTING EMPLOYMENT RIGHT GRANTS PROGRAM

Statement by Minister for Industrial Relations

MR W.J. JOHNSTON (Cannington — Minister for Industrial Relations) [9.09 am]: Last month, on 2 October, I announced four organisations that were awarded $75 000 each as part of the Getting Employment Right grants program. The successful employee organisations were UnionsWA and the United Workers Union, and the two successful employer organisations were the Chamber of Commerce and Industry of Western Australia and the National Retail Association. UnionsWA and the United Workers Union will use their grants to implement an education initiative about workers' employment rights in the state and national industrial relations systems, and where to seek assistance when resolving a wage-theft issue. The CCIWA and the National Retail Association will use their grants to develop an education initiative to raise awareness among small business employers of their employment obligations and the penalties for noncompliance of employment laws.

The inquiry into wage theft in WA, completed in July 2019, found that one of the reasons that wage theft occurs is due to a lack of understanding of employment rights and obligations. It found the most high-risk cases of wage theft occurred for workers in cleaning, retail, cafes and restaurants, and horticulture. The Getting Employment Right grants program is part of the McGowan government's suite of strategies to combat wage theft in this state. I encourage small business employers and workers to access these new education initiatives when they become available in the near future.

RENEWABLE ENERGY PROJECTS — SCHOOL VIRTUAL POWER PLANTS

Statement by Minister for Energy

MR W.J. JOHNSTON (Cannington — Minister for Energy) [9.10 am]: In September, the Minister for Education and Training, Hon Sue Ellery, and I revealed the Western Australian schools that will be transformed into virtual power plants as part of the WA recovery plan. Ten schools were selected, including Belridge Secondary College, where the announcement was made, to receive commercial batteries and solar panels. The other schools include Baldivis Secondary College, Rossmoyne Senior High School, Butler College, Coastal Lakes College, Success Primary School, Gilmore College, Joseph Banks Secondary College, Comet Bay Primary School and Kalgoorlie–Boulder Community High School. A virtual power plant is a network of distributed energy resources such as rooftop solar panels, batteries and electric vehicles that are aggregated and shared with an energy retailer. Using VPPs means there is less need for traditional generation assets such as coal or gas, which is a step towards a more sustainable power system. This project is being carefully managed by Synergy as part of the Just Transition plan for Collie.

The schools, located in the south west interconnected system, were determined by Synergy and the Department of Education based on operational, customer, system and technical considerations. The $4 million investment forms part of the McGowan government's $66.3 million renewable energy technologies package from the WA recovery plan, which will boost clean energy projects throughout the state. Most VPPs will be installed by the end of the year; however, the future of this project would be threatened by ill-considered privatisation threats against Synergy. They will contribute to a more stable and reliable electricity grid for the surrounding communities.

WOMEN IN TECHNOLOGY WA — TECH [+] 20 AWARDS

Statement by Minister for Women's Interests

MS S.F. McGURK (Fremantle — Minister for Women's Interests) [9.12 am]: I rise to inform the house of the Women in Technology WA Tech [+] 20 Awards. On Friday, 30 October, I had the great pleasure to join Women in Technology WA to celebrate outstanding women working in technology fields. It is a sad reality that we still have a long way to go to improve the representation of women in the technology sectors, with women making up around only 16 per cent of the science, technology, engineering and mathematics workforce, for example. Sadly, only 27 per cent of Australian women and girls are studying STEM subjects. This is compared with India at 69 per cent and China at 76 per cent of women and girls studying those subjects. That is why it is so important to acknowledge women for the outstanding and often unrecognised work they do in these fields.

WiTWA plays a vital role in providing networking and mentoring opportunities for women in the traditionally male-dominated technology field. It is vital that we are able to harness the full potential of our resources. We cannot deliver the best talent across our industries if we draw on only one section of the community. As a government we have supported WiTWA's incursion programs and sponsored the First Among Equals Award as part of the WiTWA Tech [+] awards.

This year I was proud to present this award to forensic biologist Dr Paola Magni for outstanding contributions in her field. The calibre of award winners was truly outstanding. From aerospace engineering to biochemistry, all of these women are doing incredible things in a variety of fields. One of the award winners is even contributing to the development of a COVID-19 vaccine. I acknowledge and thank all of the dedicated volunteers of WiTWA, and Pia Turcinov and Lacey Filipich in particular. It would be remiss of me not to mention their formidable patron, Professor Lyn Beazley, AO, who continues to champion women in science and technology. Congratulations to all the nominees and award winners and the continued work of WiTWA.

WATER — VARIABLE TAKE LICENCES

Grievance

MR D.T. REDMAN (Warren–Blackwood) [9.15 am]: My grievance is to the Minister for Water and it is in regard to a number of tensions on the issues of spring rights in the Warren–Donnelly irrigation district. A report on property rights by the upper house Standing Committee on Public Administration allocates a section to water. It puts in sharp focus many of the issues I have raised with the minister over the past couple of years. The first point I make is that most of the systems in the district are now fully allocated. Page 104 of the report, "Private Property Rights: The Need for Disclosure and Fair Compensation", includes a quote from a Department of Water and Environmental Regulation senior adviser as follows —

> Rapid uptake of licensed water entitlements in the Warren Donnelly since 2016 has resulted in most water resources becoming fully allocated. Therefore, landholders have sought to find alternative sources of water, which has included exploring water drawn from springs exempt from regulation.

That highlights the point that although the issue is not a new one, it has come into sharp focus since 2016. We know that many of the drivers, including the price of avocados and the importance of the avocado industry in the Manjimup–Pemberton region, have driven an interest in water and ensured interest in investment in that industry and in truffles, strawberries, citrus and a range of other investments. I have highlighted this concerning issue to the minister before; nevertheless, this report puts it into sharp focus. Another section on page 104 of the report states —

> Further, it is concerning that it was not until subareas in the Warren–Donnelly catchment became fully allocated that DWER sought to ensure a consistent interpretation and the RIWI Act, and to correct previous incorrect advice provided by DWER to some landowners advising that they had a spring exemption when they did not.

I highlight that there is an acknowledgment that, from a regulatory point of view, the issue of the over-allocation of water has sharpened to ensure that we get those issues right, while a longer-standing issue has come into sharp focus during this minister's tenure. I want to make the point that there has been a drive to look for water. One of the options is to look for spring rights, because if one cannot get an A-class licence, or a variable take licence, the only other way to get water is with a section 5 exemption, which in the district is loosely called spring rights. I quote from page 102 of the report —

> Where a section 5 exemption applies, —

That is the spring rights —

> there is no limit to the quantity of water that a land owner/occupier can take, even within an over-allocated area. The landowner may also build a dam to hold the spring water without requiring a licence or bed and banks permit.

The point is made that spring rights is in sharp focus in response to the investment interest and, of course, the need to have water in order to achieve that. I am sure that the minister, through his advisers, is aware that there is a lot of

anxiety about this. As that interest grows in investment and in water—water that they cannot get—so, too, are they looking forward to a consistent, strategic approach from government to manage that issue. Page 121 of the upper house report states —

> DWERs actions have caused landowners, particularly those in fully allocated subareas in the Warren–Donnelly catchment, dependent on their spring rights for supply of water, significant anxiety and frustration.

The committee that produced this report was chaired by Hon Adele Farina. I make the point that the upper house report identified and put into sharp focus many of the issues that I have directly raised with the minister in letters covering a range of matters as they apply to water in those particular districts. In a letter dated 25 March 2019, I wrote about the importance of the Department of Water and Environmental Regulation undertaking community engagement. There is a variable level of understanding of water management processes within the community, particularly of late, given the investment interest. The importance of that engagement is critical for consistency in responses and also to understand the issues that water users are facing. I also wrote a letter on 18 September 2019 in which I very directly raised the issue of inconsistencies in the department's approach to spring rights and I put the issue firmly on the minister's plate. I said that it is an emerging issue. I did not make these matters heard in a publicly significant way but I raised them directly with the minister's office and now the committee report has brought the issue into sharp focus.

I highlight that the level of anxiety among people in that area is leading to discussions about the potential for legal action against the government. The report highlighted that there is an inconsistent approach. I know that the report is on the minister's table and is awaiting a response. I asked a question earlier this week about whether the minister intended to respond to the upper house report in the allocated time, which is before the finish of this calendar year. I understand that, nevertheless, there is the potential that legal action will be taken against the department. I know that the Western Australian Water Users Coalition is considering that option. It is not an option that anyone wants to pursue, but certainly they want a signal from the minister that these serious issues will be taken up by the government and that the government will undertake a high level of engagement with the community to get an outcome. Recommendation 28 of the Standing Committee on Public Administration report recommends that the Minister for Water commission an independent inquiry into the Department of Water and Environmental Regulation's new administrative processes as they apply to issues such as spring rights.

In summary, before my time runs out, it is clear that this report reinforces what has been on the table for a long time. I have directly raised these issues with the minister. I recognise that they are longer term issues but they have come under sharp focus in the minister's term of government. The community down there is looking for a response; it is looking for a government response to the committee's report in a timely way but, more importantly, it wants a stronger level of engagement from the department.

MR D.J. KELLY (Bassendean — Minister for Water) [9.22 am]: I thank the member for Warren–Blackwood for raising this grievance this morning. It is correct that in June 2019, the Standing Committee on Public Administration commenced an inquiry into private property rights and considered a number of concepts within the water portfolio, including issues related to section 5C licences to take water under the Rights in Water and Irrigation Act 1914. The department cooperated with that inquiry. It gave evidence on 17 February, 20 May and 19 August this year and provided multiple submissions. The issues that the committee looked at were largely around water management issues in the Warren–Donnelly area, specifically exemptions from licensing for the taking of water from springs. The committee has handed down its report. It made 10 findings and 11 recommendations relating to the Rights in Water and Irrigation Act. In accordance with our obligations under standing order 119(1), the government will provide a response in due course.

Although "spring rights exemption" is a commonly used term, the act does not specifically refer to spring rights and the department does not grant spring rights exemptions. Rather, the act defines a "spring" for the purpose of the act and the circumstances in which water can be taken from a spring without a licence. Section 5 of the act states that regulations do not apply to certain water flowing from a spring unless the spring is prescribed by local by-laws as a spring to which part III applies. Therefore, the springs that meet the requirements provided under section 5 are exempt from licensing and permitting requirements. An exemption from the regulations means that a landholder may construct and use water arising from a spring as they see fit. This exemption has existed since the introduction of the act, so it is not a new issue. Importantly, the act does not specify a formal assessment process for the determination of whether an exemption exists; therefore, the department has spent considerable resources to clarify the interpretation of the legislation to provide greater surety when making a determination. Because no process is set out in the act, the department tried to clarify this issue by putting in place an administrative process that dates back to 2016. When the Leader of the Nationals WA was the Minister for Water, this was a live issue. The member's grievance this morning indicated that this has been an issue only during my term as minister. That is not correct because the department and the former Minister for Water, the Leader of the Nationals WA, put a procedure in place in 2016 to encourage people who thought they had a spring the right to engage with the department so that they could get a determination rather than going ahead and taking water with the potential of being found in breach of the legislation because they did not have a licence. The process that was considered by the upper house committee has in fact been in place since 2016 and it was put in place by the previous Minister for Water, who is the current Leader of the Nationals WA.

I am aware that there is still concern about how that process is working. I have received correspondence from a number of interested parties in the Warren–Donnelly area complaining that the system is not clear or about the outcome. The member for Warren–Blackwood has to remember that although some people want spring rights on their properties, some neighbouring properties do not want them to be given a spring rights exemption because they think that that will take water from them. Whenever there is a spring rights determination, the people who get it are happy, the people who do not get it are not happy and those who own neighbouring properties can also be unhappy. It is not just a case of granting an exemption to everybody who wants an exemption because everyone will be happy, because that is not always the case, especially in a catchment such as Warren–Donnelly where water is fully allocated. Members on this side of the house understand that water in that area is precious and therefore we understand that anxiety is felt both by the people who want a spring rights exemption and those who do not want their neighbours to get it. I challenge the tenor of the member's grievance this morning that this issue has come into focus only during this term. It has been a longstanding issue.

Mr D.T. Redman: It has certainly sharpened.

Mr D.J. KELLY: As water in Western Australia becomes scarcer because of climate change, these issues will become more acute. It would be helpful if the National Party recognised the impact of climate change on —

Mr D.T. Redman: We do.

Mr D.J. KELLY: But it does nothing about it.

Mr D.T. Redman interjected.

Mr D.J. KELLY: If the member for Warren–Blackwood wants me to respond to his grievance, he should not interject.

It would be great if the National Party at the national level acknowledged the impact of climate change and took some action. It has not done that. The National Party is full of climate change deniers. We have acknowledged the issues raised by people in the Warren–Donnelly area. We are aware of the issues raised by the standing committee. We take these issues seriously. The department is working on what else can be done to further clarify the situation and is particularly looking at whether new legislation on this issue is required.

BUS ROUTES — TREEBY

Grievance

MR Y. MUBARAKAI (Jandakot) [9.29 am]: My grievance on behalf of the residents of Treeby is to the Minister for Transport. Before I start my grievance, I would like to personally thank the Public Transport Authority, the minister, her department and everyone involved in keeping Western Australians safe when they travel to and from work. They have done a fabulous job. I ask the minister to convey our many thanks to everyone involved at the PTA.

As the minister is aware, on 19 August I tabled a petition signed by 114 Treeby residents calling for the diversion of the 518 and 519 bus routes from Armadale Road into the Calleya estate. In addition to the 114 signatures to that petition, a further 100 people have signed my online petition. The topic of new public transport options is incredibly popular in the suburb of Treeby. Today, I would like to once again raise the issue of bus routes into the Calleya estate, and I thank the minister for her cooperation and support on this issue to date.

The minister has a strong track record on working with the Jandakot community and me to deliver critical transport infrastructure that will futureproof the area and enhance economic and social prosperity in the southern corridor for the next 30 years. That response was clearly lacking under the previous government, so I thank the minister for her work. These projects include the $747 million Thornlie–Cockburn Link, the widening of Ranford Road Bridge to eight lanes, the duplication of Armadale Road, which is a key piece of infrastructure, and the duplication of Karel Avenue. There are so many projects that I sometimes cannot put them all in the same sentence! I am hopeful that in raising this grievance with the minister, she will once again be able to assist this ever-growing community in my electorate.

To give the minister some idea of this community, in 2016, just before she became the honourable Minister for Transport, there were just over 1 000 residents in Treeby. This area was made up of semirural blocks and land reserved for future development. Today, there are over 3 700 residents and 90 per cent of the lots in that estate are sold—there has been a 400 per cent increase in population. On top of this, in coming years another 300 to 350 new dwellings will be constructed just off Ghostgum Avenue. That will add another 900-plus residents to this community. By 2036, there will be an additional 10 000 residents.

As the minister knows, Treeby is a well-serviced, beautiful patch of our city. Treeby is pretty much just under two kilometres from the Cockburn train station and a stone's throw away from great schools in the area, such as Harrisdale Senior High School and the future Treeby (Banjup West) Primary School and Piara Waters Secondary College. It is also home to ample green space and is affordable—that is the key word—for young families. The minister has seen for herself, on her many visits to my electorate, how wonderful this community is. She has also seen why young Western Australian families are choosing to live in Treeby.

In the three and a half years that I have been the member for Jandakot, I have strongly engaged with my many residents. They are incredibly excited about the work that is being done by the government in their community. They

understand that they will experience delays during the construction phase, but they also understand that while this is a short-term pain, there will definitely be a long-term gain for the area and the many families who live there. They look forward to being just under 30 minutes from Optus Stadium when the Thornlie–Cockburn Link is completed. They are excited about having easier access to Cockburn and the Kwinana Freeway when the North Lake Road Bridge is constructed—another phenomenal project in the works. In addition to their appreciation for these new and exciting projects, they tell me that they would like to have the option of having accessible public transport on their doorstep. They are also saying that to the developer, Stockland, and I thank Nadine Robynne for sharing the data from the survey responses by the community, which indicates their keen interest in better access to buses. I have also met and spoken with Lani Slaughter and Raj Paul from the Treeby Community Association, who echoed the many concerns of residents and have been very supportive of the call for a bus route into Treeby. Also in the area are the Opal aged-care centre and the wonderful Aspire gated community for people over the age of 55, which also support this case quite strongly.

Young families are moving into this area. If parents can put their children on buses at their front door rather than at bus stops on Armadale Road, it will save them hours on commuting each week, which will mean that they will have more time to do the things that they enjoy most. As a parent with two teenage kids who at one point went to two different schools, having access to public transport made my life and my wife's life a whole lot easier. If fewer parents are on the roads taking children to school during rush hour, there will be a smoother flow of traffic for those who must drive to work. Public transport is also a greener travel option. Studies show that people are motivated to walk only 400 metres to get to places, so putting a bus stop within 400 metres of the 3 000 current residents of this estate will mean that fewer people will have a reason to drive. That will lead to a reduction in fuel consumption and emissions. The reasons to support a bus route in Calleya estate are nearly endless. It has been an absolute privilege to hear from the community why they support a new bus route. I hope that my grievance has shown members present in the chamber this morning just how passionate I am about the provision of good public transport options for my community. I ask the minister to continue to work with me and my community to examine the viability of diverting the bus routes off Armadale Road and into the wonderful Calleya estate in Treeby.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.36 am]: I thank the member for Jandakot for his grievance. One of the proudest achievements of this government has been its acknowledgement of the new families and homes being built in corridors like the Armadale Road corridor that the member for Jandakot represents. When we won government, we made a commitment to not leave these suburbs stranded for decades to come. We saw that happen with Ellenbrook and we did not want that to happen to places like Piara Waters, Treeby and similar new developments in Byford. All of our planning and many of our commitments have sought to ensure that families who move into new areas get access to world-class infrastructure.

As the member outlined, the corridor that he represents, which includes the suburb of Treeby, is growing exponentially. From the numbers that the member for Jandakot gave in his grievance, Calleya estate has increased from 1 000 to 3 700 residents. That is incredible growth in just three and a half years. The government continues to be focused on how it can best deliver to these growing areas. Of course, the demands are significant in these areas. Normally, the homes in these new developments are full of young children. I know that the member has been working really closely with the Minister for Education and Training on new schools in that area. Families also get out and about in these suburbs, so infrastructure is really important for them.

The member mentioned some of the work that has been undertaken and continues to be undertaken. We have finished the duplication of Armadale Road, which removes that bottleneck and addresses the safety issues along Armadale Road. The work on the duplication of Karel Avenue is ongoing. A lot of sand has been moved during works on the Armadale Road–North Lake Road Bridge. The contractor is going very fast on that project. That new bridge will, again, help debottleneck that area. Of course, the smart freeway and the works that have already happened along the Kwinana Freeway are also helping the member's residents. The Thornlie–Cockburn rail line is underway, as are associated works, such as the expansion of Ranford Road. There is a lot happening and, of course, a lot more to be done as we make sure that people in the Jandakot–Armadale corridor, in suburbs like Piara Waters, are served by world-class infrastructure.

Another issue is public transport. A growing number of people live in these suburbs and there are calls for expanded and new bus services. The member has been on our case quite a bit about these expanded bus services. He has talked to the community, he has presented a petition, and I know that he has engaged a lot on this issue. As I said, I try to avoid the member in the corridor so that he does not keep raising the issue of bus services with me! But there is some good news today. As the member said, it is about connectivity. It is about giving access to school students and young people, allowing older people to move freely, reducing pressure on our road network and making sure that people are connected. That is fundamentally what public transport is about—making sure that people have the opportunity to travel around suburbs connecting to medical appointments, shopping trips and education and job opportunities. Public transport gives people opportunities and that is why it is so important.

As the member noted, currently, Treeby is not directly serviced by public transport, with the nearest bus service operating along Armadale Road. One suggestion that was put forward was that we deviate the existing route 518 service to pick up the Treeby catchment. However, the advice is that deviating the existing service would potentially

impact other users. Instead, Transperth proposes to introduce a new bus service—route 523—which will operate from Cockburn Central along Armadale Road and into Treeby. Transperth also intends to provide an additional service, which is something the member for Southern River has asked for many times. A new proposed route 233 service will service the suburbs of Piara Waters, Harrisdale and Southern River. The route will operate between Cockburn Central station and Gosnells station via Piara Waters, Huntingdale, Harrisdale and Southern River. It will travel along Armadale Road, Nicholson Road, Gracefield Boulevard and Southern River Road. We hope to be in a position to introduce these new routes early next year, and we will be running some consultation for a period of three weeks. That will help the people from the state transport website get more feedback from residents to make sure that the proposed services deliver the outcomes that people want.

I thank the member for Jandakot and also the member for Southern River for advocating so strongly on behalf of their residents. Thank you for working with the community. As I highlighted with the member for Bicton, it is good government and good process when members take issues on board and work with the government to address them. Now, as we approach the consultation, we will be delivering new bus services to service those residents in the new year. I thank the member for Jandakot for his grievance.

HOUSING — TELECOMMUNICATION INFRASTRUCTURE

Grievance

MS J.M. FREEMAN (Mirrabooka) [9.42 am]: My grievance is to the Minister for Planning. I thank her very much for taking my grievance today. My grievance is about the provision of telecommunication services and development applications and ensuring that when people move into new homes, they have connected not only their power, gas, water and sewerage, but also their phone line and internet—their telecommunication services.

The minister has been very responsive to this issue and is dealing with it as a matter that can be addressed and resolved by the Western Australian Planning Commission, not just as a federal issue, which is especially important given the increased housing construction and redevelopment in our suburbs that will occur due to the WA Labor injection of COVID-19 recovery funds. As we all know, and as was outlined in the Urban Development Institute of Australia Western Australia Division column in *The West Australian* on Monday, the WA property market is at its busiest ever. In fact, the president of the Urban Development Institute, Col Dutton, said —

> In particular, the building and development industries have been working to absolute capacity since June in order to meet the unprecedented demand for new land and housing that has been prompted by the launch of financial incentives from the State and Federal Government for building a new home.

As the Premier pointed out in question time this week, there is more residential construction per capita in WA than in any other state in the country; indeed, for the month of September, building approvals increased by 42.6 per cent, which is the strongest rise of any state in Australia and 74 per cent higher than in September 2019. This is to the credit of the WA government, which has not only kept us safe during the COVID-19 pandemic, but also ensured a stimulus to deal with the concern of the housing industry about the lack of houses being built in June. The $25 000 state government grants combined with the commonwealth dollars make building a home very affordable in Western Australia. We know that the development of land is happening at a rapid pace, and inner suburbs such as those that I represent—Balga, Koondoola, Girrawheen and Mirrabooka—provide great opportunities for first home buyers to find new homes, often through infill development and larger quarter-acre blocks. We know that applications for the urban development of land are being approved at a rapid rate. Those time frames have now been extended because the state-based bonus scheme has been extended so that construction of a home can now get underway within the next 12 months. I understand that change is really welcomed by the industry.

I know that the minister and our WA Labor government want to develop this housing stimulus and the capacity to do urban infill and develop without the extra hiccups that occurred in a case that I brought before and discussed with the minister in October 2017 regarding residents in the seat of Mirrabooka. I brought that case here to try to find some resolution. In that case, a couple moving into their home in Balga built on a subdivided block and then found that Telstra could not connect their phone line—therefore, they could not get internet—because the developer had not made provision for the existing connection to reach the three houses that now sat on the block. In this rush and rapid development stage, we need to ensure that that provision occurs. If we are developing urban development in areas such as Balga and Koondoola, which are 15 or 20 minutes away from the city, very convenient and very capable of receiving new housing development, we need to ensure that those areas have the necessary infrastructure. People move into those houses knowing that power and gas and sewerage will be available, and they need to be assured that the infrastructure for internet, which is now so vital to us, will also be there.

As the minister will recall, there was a pit on the land at the property, but the pit was not suitable for the connection to the three properties on the redeveloped block. The couple were advised by Telstra that although the failure of the developer to provide telecommunication services to each block was a breach of federal legislation punishable by a fine of up to $25 000, that breach was not pursuable. No action could be taken because the Western Australian Planning Commission subdivision applications did not require the inclusion of telecommunications prior to approval, so these home builders were unable to force the developer to provide the telecommunications infrastructure.

The couple were told that remediation of the issue would cost around $10 000 to install a conduit to the three properties. In the first instance, the developer refused to pay that. What was going to happen was they were going to bring the pit to the front of the properties and then hook-up the three houses, but the developer was reluctant to pay for it. The developer had subdivided the block and walked away when the couple were building their house. Thankfully, after much lobbying and pressure from the couple, myself as the local member, the minister's office and Telstra, the developer finally met the cost and the Balga couple could get affordable internet to replace the $120 a week they were having to pay for wireless data provision.

I note that the minister did not then let the issue lapse. We did not want to deal with it as a one-off; we wanted to make this a systematic change, and the minister pursued those changes to ensure that connection is part of development. I note that the minister's great efforts and dedication to having this fixed at a systemic level is something that we are looking at today and that the minister is about to announce. It is great that we have done this, because we know that internet is a primary means of communication and is widely used to access community, health and education services and to connect family and friends. This has never been more apparent than during the COVID-19 pandemic. I welcome the minister's response to this and that WA Labor is going to deliver on this issue. Thank you.

MS R. SAFFIOTI (West Swan — Minister for Planning) [9.49 am]: I thank the member for Mirrabooka for the grievance today and I acknowledge the member's efforts on this issue. I think it is an opportunity to demonstrate what being an effective local member is all about—that is, raising a serious issue that has arisen in the community with the minister and then working together to solve it. As the member said, we solved the issue in that particular situation, but it exposed, in a sense, a policy failure that meant that many people could be faced with a similar situation of possibly having to incur thousands and thousands of dollars just to connect to basic telecommunications infrastructure.

I will go through the background. Under commonwealth legislation, a mandate exists for incorporated developers to provide telecommunications infrastructure for developments—that is, fibre capability. However, until now, there was a loophole that allowed small housing subdivisions in Western Australia to be built without ready connection to telecommunications infrastructure, as no such legislative or policy requirement existed in the federal sphere for small non-incorporated developments. This has resulted in significant additional cost to home owners to retrofit pipework to access broadband services.

The lack of telecommunications infrastructure for new lots was raised in Parliament by the member in 2017, when constituents in Balga were potentially left with the costly burden of retrofitting an internet connection. As a result of the member's representation to me and to Parliament, I asked the department to commence investigations into the development of a draft position statement to address the issue of regulated non-incorporated developments. In defining the policy scope and policy measures for the position statement, consultation was undertaken with NBN Co Ltd; the commonwealth Department of Infrastructure, Transport, Regional Development and Communications; the Urban Development Institute of Australia; the Property Council of Australia; the Institute of Public Works Engineering Australasia; and the Western Australian Local Government Association. As a result, the Western Australian Planning Commission released the "Draft Position Statement: Fibre Ready Telecommunications Infrastructure" for a 60-day public consultation period from 23 May 2019 to 22 July 2019. A total of 24 submissions were received on the draft position statement, with seven from local governments.

Today, I am happy to announce that I have released the new "Position Statement: Fibre Ready Telecommunications Infrastructure". The new policy closes the loophole and requires telecommunications infrastructure for new lots to be incorporated at the earlier stages of the planning process. It works in tandem with state planning policy 5.2, which addresses the need for effective internet services and rollout of networks. It provides clear direction to developers of new subdivisions that they must incorporate fibre-ready pit and pipe infrastructure at the earliest possible stage of planning. Like power and water, internet is now an essential requirement in a modern, connected community, and of course we have seen that demonstrated during the pandemic when a lot of people chose to work from home. The policy is part of a series of reform measures. Of course, as we try to encourage infill development, in many instances they are small builders and small developments, so this basically closes a loophole that would have potentially exposed thousands of new homes to not having the necessary telecommunications infrastructure.

Finally, I thank the member for Mirrabooka for raising the issue. Again, I am very proud that we have addressed what has been a significant gap in the community and that we are preventing new home owners, families, school students and older people from purchasing properties that do not have the necessary telecommunications infrastructure. I thank the member for her work on this issue.

TOURISM — PEEL REGION

Grievance

MR Z.R.F. KIRKUP (Dawesville) [9.53 am]: My grievance this morning is to the Minister for Tourism, and I appreciate the minister taking the grievance. I understand that he was busy this morning and has made time, so I also appreciate that a great deal. The grievance is about tourism in the Peel region. I know it is an area of interest to him and the government.

At the outset, I thank the minister and the government for their continued support of Peel businesses, which have recently been made aware of the vouchers that have been initiated by the government. Nearly 120 of these vouchers were issued to businesses in my community, and that has helped support quite a lot of the demand at a time when it is very much needed. I recognise the government's continued efforts in that respect. I understand that the minister has been to Mandurah and the Peel region more broadly a number of times, so he is well aware of the unique nature of the offerings there, particularly given that Mandurah is, largely speaking, a tourism-based city and the Peel region has fantastic tourism operators. Indeed, I think the area has been fairly significantly impacted by COVID-19, particularly because of the international border arrangements. I have spoken to many operators who have had hundreds of reservations cancelled because of the international border arrangements. Typically, tourists from South-East Asian nations come to Mandurah and the Peel region for either cruises or the culinary experiences, because of course we have a very unique and special environment. The impact of COVID-19 on our region has been very significant. There are now record levels of unemployment in Mandurah in particular, and the businesspeople I have spoken to have struggled to adjust, but they have adjusted well, which is why those vouchers that have been issued are important. They are helping to support those businesses that have injected around $30 000 into the economy during this time. They are good measures.

Importantly, one of Mandurah's biggest drawcards is that it is very close to Perth. Unfortunately, that means that from time to time it can get overlooked by governments. The contribution I am making now is not a reflection of this minister's dealings, because we have found that when we try to promote Mandurah to get people to visit the area and undertake these very good experiences, we rely quite a bit on promotional material and advertising campaigns. That is why the government has invested in the Wander Out Yonder campaign and the work-related off-shoot campaign to try to encourage people from Perth and other areas to explore regions and cities that they are not familiar with. Mandurah has the opportunity to benefit a great deal from that.

If we are trying to encourage people to come down to Mandurah to experience a Pirate Ship cruise, the Eco BBQ Boats, the Mandurah cruises or houseboats or the bike hire, or to enjoy a meal at Flics Kitchen or Catch 22 Tapas and Cocktail Lounge, or to have therapy, we obviously need to make sure that those experiences are well highlighted. The concern that I am raising—I know this is not news to the minister because it has already been raised with him through the *Mandurah Mail*—is that on Western Australia's premier tourism website, westernaustralia.com, Mandurah is not in the list under the heading "Places to See". For members' reference, I have the website displayed on my laptop. Under the heading "Places to See", the list of popular places to visit includes Denmark, Albany, Ningaloo, Busselton, Rottnest Island, Greens Pool, Bremer Bay, Kalbarri, Karratha, Swan Valley, Kalgoorlie, Abrolhos, Monkey Mia, Shark Bay, Archipelago of the Recherche, Turquoise Bay and the Vasse region. They are considered to be the popular places to see. Mandurah is a very popular place to visit. I think it is an exceptionally important place. It is the state's second largest city and is a very important regional city that has a great offering. I originally assumed that the heading "Places to See" just highlighted the regions, but it does not because it also highlights areas that are close to Perth, such as the Swan Valley. If someone is trying to find Mandurah on this website, it does not immediately come up; it is not in the list under the subheadings "Perth & surrounds" or "Margaret River & the South West", and of course it is not in the northern or midwest regions. At the bottom of the website, there is a fuller list of other places to see that includes places like Karijini, the Pinnacles and Wave Rock, but Mandurah is still not listed. If we click "More" at the bottom of the website under "Places to See", it takes us to a page called "Unmissable Places to See". The problem with the design of it is that we have to go through five different pages before Mandurah is listed. Under the Western Australian government's current tourism campaign ranking, Mandurah is the thirtieth place to see. Places that come before Mandurah include Cossack, Port Gregory, Paynes Find, Binningup and Green Head. I am sure they are all very good places, but they are all listed before Mandurah. I entirely appreciate that the minister would not have been the designer or the engineer of the website—not a problem. All I am asking as part of my grievance today is that the minister asks Tourism WA to list Mandurah as a popular place to see. It is a time when we need it. It is very important to respond to our record levels of unemployment. We deserve it, because we have very good offerings that are certainly superior to those in some of the places listed. Mandurah does not deserve to be listed thirtieth. I appreciate the government's support of tourism businesses in the Peel region and in my city of Mandurah. All I ask is that the minister, in response to this, at least seeks Tourism Western Australia's concurrence to list Mandurah above thirtieth place and perhaps lists it in the top 10 popular places to see.

MR P. PAPALIA (Warnbro — Minister for Tourism) [10.00 am]: I thank the member for raising this matter. Disappointingly, the member is talking down his community again, as the Liberal Party of Western Australia so often does. I draw the attention of the house to the fact that the Wander Out Yonder campaign is the most successful, most expansive, biggest intrastate tourism campaign ever launched in this state. It has undeniably been an incredible success right around Western Australia, including in Mandurah. Small businesses are benefiting from Western Australians holidaying in their backyard like never before.

The beauty of Mandurah is that it is a day-trip destination, but it also benefits from being able to afford overnight visitor stays and stays of extended duration. It has both of those markets available to it. Mandurah's proximity to the metropolitan area, and the connectivity as a result of the great former Labor government having built a railway so that people can travel easily to that destination on public transport, means that Mandurah is elevated as a destination. Peel and Mandurah featured heavily in the Wander Out Yonder campaign. Surprisingly, perhaps, to the member for

Dawesville and the Western Australian Liberal Party, but not to most people who think about it, the Wander Out Yonder campaign does not really consist of the Tourism WA website. That is not the means by which we market Wander Out Yonder. Wander Out Yonder was launched in a wrap in *The West Australian*. In that wrap, which was a significant investment, only seven destinations were featured, and one of them was Mandurah. One of the beautiful photos used to launch the campaign was from Mandurah. Significantly, we launched a Perth staycation campaign. The Wander Out Yonder campaign was a massive success in getting people to consider going out to their regions and holidaying in their backyard. Beyond that, we launched another iteration of the campaign.

The Perth staycation Wander Out Yonder campaign really focused on trying to encourage people to stay in hotels close to the metropolitan area. That was a $500 000 campaign and included accommodation and tour deals for Mandurah and the Peel region. Information on those deals is currently available at experienceperth.com. That is the website of the regional tourism organisations, so I encourage anyone considering a staycation to look at experienceperth.com and they will find Peel and Mandurah destinations there.

Mandurah and Peel also featured in another part of the Wander Out Yonder campaign—a significant part—which was a partnership with the Royal Automobile Club of Western Australia. *Horizons* magazine reaches over a million customers, and Mandurah was prominent, as were many of the businesses in the Mandurah–Peel region. Hundreds of thousands of sets of eyeballs were able to see offers available as a consequence of the arrival of *Horizons* in their households.

Other promotional opportunities for the Peel region have included the Perth staycation Instagram story and feed post, which also featured on Facebook. There was the AdventureAwaits Instagram story and feed post on Mandurah eco-barbecue boats, which also featured on Facebook. Peel was promoted as a daytrip destination from Perth and given prominence in the "Western Australia: The Road Trip State" campaign. A promotional image of Mandurah Cruises appeared in the original launch of the "A million reasons to Wander Out Yonder" voucher program to which the member referred. This resulted in incredible take-up, with Western Australians urged to consider having experiences and doing tours that they might not have considered in the past. Mandurah Cruises was a key element of that launch and a focus in that campaign. As the member referred to, as of 28 October, almost 120 vouchers had been redeemed in the Mandurah Visitor Centre, generating revenue of around $29 158.

Peel featured in social media advertisements as part of the Wander Out Yonder launch. The social media campaign is a significant element of Wander Out Yonder. It is paid advertising on social media. People are not expected to go to the website to find the campaigns or destinations of their own volition. New Mandurah and Peel tourism operators and experiences were promoted in tourism WA's monthly e-newsletter, *This is WA*, for the travel media to help others convey and market what is on offer. Key Peel events have been promoted through the WA Facebook page, including Mandurah Christmas lights and cruises, and the Dwellingup Forest Festival.

More than $700 000 of annual funding is given to Destination Perth, which is the regional tourism operator that promotes Mandurah and the Peel region. Destination Perth has worked with Visit Mandurah on its "Relive Perth" campaign, with a video on Mandurah Cruises featured on its social channels. Mandurah featured in Destination Perth's staycations campaign and will form part of its upcoming campaign in collaboration with Tourism WA.

Peel has been profiled through content partnerships as part of the Wander Out Yonder campaign. Serpentine Falls featured as part of Tourism WA's partnership with Urban: List and was also featured as part of tourism WA's partnership with So Perth. Five Peel events have been awarded funding through the 2020–21 regional events scheme, including King of the Cut, Dwellingup 100 Mountain Bike Classic, 2020 national junior table tennis championships, Confluence Festival and Words on Water, and the Pinjarra Festival. The government provides regional events program funding for the Mandurah Crab Fest—that incredible event. Unfortunately, it was cancelled this year, but it has certainty of significant funding for the next three years. That is one of the biggest events that we promote in the state.

Just under 30 Peel tourism operators received a $6 500 recovery fund grant in the initial part of our support for tourism businesses doing it tough as a result of overseas and interstate visitors being impacted. Two Peel tourism operators received tourism business survival grants worth $14.4 million from the WA tourism recovery package.

Mandurah and Peel are never forgotten. They are at the forefront of our campaign to get Western Australians to wander out yonder.

COVID-19 RESPONSE LEGISLATION AMENDMENT (EXTENSION OF EXPIRING PROVISIONS) BILL 2020

Second Reading

Resumed from 4 November.

MR F.M. LOGAN (Cockburn — Minister for Emergency Services) [10.07 am] — in reply: I rise in reply to the second reading contributions given by the opposition on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020 and thank the Liberals for their support for the omnibus bill before the house, which includes the time frame of extending the declaration of emergencies under section 72A of the Emergency Management Act and, of course, the Criminal Code provisions, by an extra six months, which will take it to 4 October 2021.

I am aware that the Nationals WA—its members have given me a heads-up on this—will move an amendment in consideration in detail, I presume, to change the time frame from six months to three months. I will not bother responding to the statements that were made by the shadow spokesperson for emergency services, but I will address the issues that were raised by the Nationals because they go to the content of the bill before the house and the issue of timing. The position put by the member for Moore went to the guts of this very small amendment to both acts that is before the house. He said that it would not need six months, in his view, to determine whether we need these provisions. I know that the member for Moore has been a good farmer in the past and he has been a member of Parliament for a long time now, but in terms of his expertise in dealing with pandemics, he is entitled to his opinion. I question significantly whether that extends to giving advice to the state government on what it should do when dealing with a pandemic. There are many, many professionals in the State Disaster Council and below who provide advice to the government on what it should do about the pandemic that is facing not only the state, but also all states of Australia and places across the globe at the moment.

The proposition for a six-month extension was arrived at on the basis that people might be concerned were we to extend the provisions of the declaration of a state of emergency for one year. It might have concerned them that we would be pushing out provisions that are onerous and not usual in a democracy for far too far. A three-month extension was simply too short for consistency purposes given where we are up to with the pandemic—I will address that in a second—and six months seems to be a fair and reasonable period of time to give consistency to our emergency service professionals to keep control of the pandemic here in Western Australia. That is the reason we arrived at six months. It was a fair and reasonable proposition. The proposition to extend the provisions of the Criminal Code for six months is endorsed by the State Disaster Council. It is also endorsed by cabinet. Therefore, for those reasons, we do not accept the member's proposition.

If we look at what has happened so far in Western Australia—the Premier touched on this yesterday in his response to the matter of public interest that discussed the government's response to the COVID-19 pandemic—the Premier has made clear his fear of the threat of COVID-19 coming from international travellers and people who are coming in via seaborne routes, particularly sailors. That is exactly where our COVID-19 threat comes from. Today, for example, we have four cases of COVID-19 in Western Australia, via the return of international travellers, mainly out of Doha and one out of Singapore. Those cases are being dealt with as we have dealt with all the travellers or visitors to Western Australia who have either got COVID-19 or had the possibility of getting COVID-19. That includes hundreds and hundreds of people on board cruise liners and, of course, those people who have returned from either the eastern states and had COVID-19 or, particularly, people coming in via international travel who had COVID, or sailors who have disembarked their ship or been identified on board their ships that they had COVID-19. All of them have been dealt with through the processes that we have in place in Western Australia, which is one of isolation, treatment and then return of those people—if they are sailors back to their ships—and ensuring that those people who contracted COVID have been isolated to recover from their illness.

That is the process that we have had in place since March this year to deal with people with COVID. The threat to Western Australia as it stands today, as identified by the Premier, is particularly from people who are returnees from overseas and maritime workers. The member for Moore said that this pandemic could be raging around the world for a long time. That is right, it could be raging around the world for a long time, but because of the processes and procedures we have in place that directly relate to section 72A of the Emergency Management Act, we have been able to control the pandemic and its impact in this state. That is how it has happened.

Those places around the world where COVID is out of control—the United States is a classic example, which has had 100 000 extra cases today alone—do not have states of emergency in place. They do not have declarations of emergency in place. They do not have the procedures that we have—which are, isolation, first of all by internal borders and then by borders with other states, and then controls on those people who are returning to Western Australia. They also have political interference that chops and changes the responses of the emergency services. We have seen that in examples around the world. The United Kingdom is a classic example of where there has been a continual change in the responses to the COVID-19 pandemic and look at what has occurred as a result of that.

We have not had that in Western Australia. As soon as we realised that the COVID-19 pandemic was going to possibly have a catastrophic effect on the people of Western Australia, a state of emergency was declared. That automatically put in place the procedures of the State Disaster Council and the State Emergency Coordinator to ensure powers to direct people to isolate and to undertake testing, and powers to protect remote communities and to put in place the borders with the Northern Territory and South Australia. All those provisions have come out of section 72A and they have remained consistent for more than 200 days. As a result of that consistency, we have had no community infection in Western Australia. If we were to look at any place in the world for a model on how to respond to a COVID outbreak, I believe that Western Australia is the classic model. It has achieved its outcome on the basis of having a state of emergency in place with those provisions of section 72A.

This is all being done to ensure that the people of Western Australia are protected following the state election. I made it very clear in my second reading speech—the member for North West Central was jumping up and down saying it was all about the election—that this relates to the election in March 2021; it is not all about the election. For what reason does it relate to the election? If the election is on 13 March 2021, Parliament will not come back

until after the sunset clause finishes, and that will mean that those powers will drop away. Those powers will not be in place. If members believe that returnees are going to stop coming from overseas on 4 April 2021, they are deluding themselves. They are not going to stop. Therefore, what would be a fair and reasonable extension of the sunset clause? Should it be 12 months? If it was, people might be concerned that 12 months was too long. Should it be three months? Our view is that three months is too short. Six months allows the Parliament to come back and the government of the day to ascertain the COVID situation. It can continue for six months knowing that the systems that we have in place at the moment will continue to do the work of protecting the community of Western Australia until such time as that may change.

Would the provisions of the declaration of a state of emergency and the specific provisions under section 72A be needed, for example, if there was no community transmission anywhere in Western Australia and the numbers of returnees from overseas dropped off and, effectively, we were not being impacted at all by the COVID-19 pandemic?

At that point, the State Emergency Coordinator may advise the minister of the day that he or she does not need to sign the state of emergency declaration. Remember, the state of emergency declaration has to be re-signed every two weeks, or every 14 days. If the minister of the day agrees with the recommendation of the State Emergency Coordinator, he or she will not sign the declaration; therefore, no state of emergency will exist, and the section 72A provisions will not exist either. Those provisions of the Emergency Management Act come into effect only when a state of emergency or a declaration of emergency is in place. If neither of those is enacted—that is, the state of emergency falls away because it has not been signed, or a declaration of emergency has not been made—those provisions under section 72A will fall away and have no power. Concerns have been raised about the continuation of the powers of direction under section 72A. Those powers of direction can be taken away by two means—by the sunset clause in the bill, or on the basis that a state of emergency no longer exists.

The member for North West Central said in his contribution that there is no transparency and no ability for Parliament to examine both the reasons behind the section 72A provisions and the state government's response to COVID-19. The Premier addressed those issues yesterday when he spoke about the review that was done by Professor Weeramanthri, the tabling in this house of the report by the Auditor General—which clearly caught the member for North West Central unawares—and the fact that there have been eight briefings for the opposition about our government's response to COVID-19. There is also, of course, the Clive Palmer case in the Federal Court, which looked at not only the reasons for the border closure, but also the WA government's response to the pandemic. The Federal Court looked at the WA government's response, as did the Auditor General, and as did Professor Weeramanthri. All those reports, which have been tabled in Parliament, say clearly that the government of Western Australia has performed outstandingly in its response to COVID-19. Truckloads of information have been provided to the opposition, and to anybody else who wants it, to enable them to determine whether that is true. I know that the general public fully and strongly supports the state government's response to the COVID-19 threat to Western Australia. When it comes to transparency and accountability, I point to those three documents—Professor Weeramanthri's report, the Auditor General's report, and the Federal Court investigation as part of the Clive Palmer case.

The member for North West Central made a statement that I hope is not the policy position of the National Party. He said very clearly a number of times that, "We need to live with it." If that is the National Party's approach to COVID-19, it is the same approach as has been taken by President Trump, President Bolsonaro of Brazil and Prime Minister Boris Johnson. Their response to COVID-19 has also been that we need to live with it. That is what the member for North West Central said. I presume that is not the position of other National Party members, because, if it is, they will frighten the general public of Western Australia senseless. National Party members may like to say something about that in their contribution during consideration in detail.

I conclude my remarks on the proposed amendments to both the Criminal Code and the Emergency Management Act. I again thank the Liberal Party for its support of this bill. I make it very clear that the proposed amendments from the National Party will be opposed by the government.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clauses 1 to 3 put and passed.

Clause 4: Section 318 amended —

Mr S.K. L'ESTRANGE: Does the reason that the minister requires an 18-month extension of the time frame in the original bill—which is effectively a six-month extension from when this would have stopped—have anything to do with the fact that a contract is not yet in place for contact tracing? '

Mr F.M. LOGAN: Absolutely not. I point out that the Minister for Health answered that question in the house yesterday in response to the matter of public interest. He made it very clear that a contract is in place.

Mr S.K. L'ESTRANGE: Can the minister outline any special reasons why this extension needs to go beyond three months? After the election in March next year, a new Parliament will be formed. We will then move forward

until the winter recess, which I suspect will be in July. That should give the government ample time to work out whether it needs to change this legislation. After the election, a new Parliament and a new government will be formed. There will also be a new Minister for Emergency Services. Given all that change, would it not be warranted that the people who will be running the state after the election make the decision about an extension rather than do it through this bill, which will go all the way forward to October 2021?

Mr F.M. LOGAN: Let us just run through the time frame, which is basically what the member has highlighted and really is the basis of the amendment proposed by the Nationals WA. The election is on 13 March 2021, and the member, as a former minister, knows that it will take some time for the government to appoint new ministers and for those ministers to be sworn in and to get to grips with their portfolios. The sunset clause is literally in place from 4 April. That really does not give us any time between the election and 4 April, so something has to be done. The amendment to be moved by the Nationals effectively says, "Why can't we just take it up to 4 July?" As the member knows, we will not be here on 4 July. I will not be here anyway, but the member will not be here either because he will be on his winter break, which concludes in the last week of July. The Nationals have also indicated that a review should be undertaken during that time. Let us be sensible about this. We all know that a parliamentary review, which is what the Nationals are proposing, would not be completed between 4 April and 4 July.

Mr V.A. Catania interjected.

Mr F.M. LOGAN: Yes, well, has the member seen —

The ACTING SPEAKER (Mr T.J. Healy): Minister, if you can refer to this. I have the member for Moore next and then the member for North West Central.

Mr F.M. LOGAN: I will deal with that later.

It is just not going to happen. As I said in my response to the second reading debate, 12 months is probably a little too long because I think it would concern people if those provisions were in place for that long. That does not necessarily mean that they will be in place; section 72A of the Emergency Management Act comes into play only if a state of emergency is declared. Nevertheless, that could concern people and raise questions, as it did in Victoria, for example. Three months, as I have pointed out to the member, is just not long enough. In my view and in the view of the State Disaster Council, it does not provide consistency for emergency services workers to be able to deal with the ongoing threat from returning travellers and merchant seamen.

Mr R.S. LOVE: We got notice of this bill being introduced on, I think, Tuesday morning. We received a briefing on Tuesday afternoon and here we are, discussing it on Thursday morning. That time frame is quite short for dealing with this proposed extension of the operation of the provisions of the two relevant acts. It seems to me that three months is a very long time to bring forward such a simple bill. It is already printed; the government would just have to change some of the dates and bring it forward. The minister said that if it were to be extended to July it would coincide with the winter recess. I contend that we could spend a day in June putting the bill through Parliament and debating it, just as we are doing today. I do not accept that six months is necessary for considering this bill.

We are talking about clause 4, which concerns an amendment to the Criminal Code. The minister spoke at some length about the expiration of section 72A of the Emergency Management Act, but we are talking about an amendment to the Criminal Code at clause 4, and that has very little effect on controlling the borders or the list of other matters in the explanatory memorandum that the member for Warren–Blackwood has referred to. Section 72A makes provisions for quarantine directions, presentation directions, isolation directions and remote Aboriginal directions. We are not talking about that here; we are talking about amendments that affect section 318 of the Criminal Code. Section 318 makes provisions for offences committed against public officers. We had a briefing from the Attorney General's staff and the Minister for Emergency Services' staff the other day and it was explained to us that, in fact, very few people have been charged with any offences under those provisions. I think I might have also picked up in the minister's second reading speech a reference to the fact that there had not been many such offences committed. Can the minister explain to the house exactly how many times section 318 has been used resulting in either a charge or a prosecution against an individual?

Mr F.M. LOGAN: That was quite a number of questions and statements all rolled into one. I will start by referring to the email that was sent to Terry Redman, Peter Rundle and Hon Jacqui Boydell at 9.59 am on Friday, indicating that there would be a briefing for the Nationals on Monday, either between 3.00 and 5.00 pm or 12.30 and 1.30 pm. That did not occur because there were claims from the member's office that he had not been notified. He clearly was notified; unfortunately, the Leader of the National Party was not aware of it until later because she was not told. Nevertheless —

Mr V.A. Catania interjected.

The ACTING SPEAKER: Member!

Mr V.A. Catania interjected.

Mr F.M. LOGAN: I have just told the member.

Mr V.A. Catania interjected.

The ACTING SPEAKER: Member! The minister is answering that question.

Mr F.M. LOGAN: It is not a chat.

Mr V.A. Catania interjected.

Mr F.M. LOGAN: It went to Mr Redman, Mr Rundle and Ms Boydell, on the basis that Mr Redman handles most of the emergency services matters in this chamber. Briefings were available to the member with regard to people who have been charged under section 318 of the Criminal Code, which is referred to in clause 4 of this bill. I indicate to the house that nine people have been charged with 16 offences of assault of a public officer under section 318(1) of the Criminal Code. Five of the accused have pending court appearances; two arrest warrants have been issued for non-appearance; one person pleaded guilty and was fined $2 000; one person pleaded guilty but did not appear for sentencing; and one person pleaded guilty to an alternative charge under section 318(1)(d) of the Criminal Code. Two of those appeared in court this week and one was sentenced to imprisonment.

Mr R.S. LOVE: I point out that this bill was introduced with the aim of proceeding under the COVID standing order. It is actually necessary to get the agreement of the Leader of the National Party to enable that standing order to take effect; that is quite clear. It seems quite inappropriate that the Leader of the National Party was not contacted in the first place. Sending an email on a Friday night to various country members in remote parts of the state is hardly giving notice to the leader and getting the agreement of the leader to proceed under the COVID standing order.

Mr F.M. Logan: It was Friday morning.

Mr R.S. LOVE: The minister is required to do that if he wants to proceed under the COVID standing order. The Leader of the House knows that full well. There have been many communications between the office of the Leader of the National Party and the Leader of the House on these matters, going back to March, when the amending legislation that we are now seeking to further amend was first introduced. That process is well known to the government and it is surprising that it was not followed on this occasion. I point out to the minister that if, in future, any such matters come forward—not that he has many weeks left in his current role—he would be well advised to ensure that the Leader of the National Party is directly informed, if he wants legislation to proceed under the COVID standing order.

I will get back to the matter at hand, which is the amendment to the termination date of section 318(1A) of the Criminal Code, which was inserted by the Criminal Code Amendment (COVID-19 Response) Act 2020. The minister has outlined that a number of people have been prosecuted under that section. Can the minister outline to me the exact reason why a six-month extension is needed and why this matter needs to have currency? Why does this change need to have effect until 4 October and how will that safeguard the state any better than a closure on 4 July?

Mr F.M. LOGAN: This is needed for the very same reasons that I spoke about in the second reading speech and explained to the member for Churchlands. When the extension to the sunset provisions of the Criminal Code was put to the Commissioner of Police, who is also the State Emergency Coordinator, he indicated his request that this provision line up with the other provision as well.

Mr R.S. LOVE: In the second reading speech that the minister gave introducing this extension bill, he noted that these were extraordinary powers and that they would not normally be expected to be introduced. The minister outlined at some length why the change to section 2 of the Emergency Management Amendment (COVID-19 Response) Act 2020 is essential, but very little has been outlined as to why these matters need to be extended beyond 4 July instead of ending on 4 October. Therefore, at this point, I seek to move the amendment that stands in my name to clause 4. I move —

Page 3, line 7 — To delete “18” and substitute —

15

Mr F.M. LOGAN: As I indicated in the second reading speech, we will be opposing this amendment; therefore, I deny that request.

Mr V.A. CATANIA: I, too, stand to back the member for Moore and the Nationals WA approach. Earlier, the minister read out some of the charges that have been laid and the subsequent fines or imprisonment. Can the minister outline whether those penalties would exist in a normal course of action—that is, without the 12-month extension of the Criminal Code? Can the minister please advise whether those people would ordinarily have been charged under the laws that we have in this state?

Mr F.M. LOGAN: These matters were dealt with at length during the initial introduction of this provision into this Parliament by the Minister for Police acting on behalf of the Attorney General. This matter deals specifically with COVID-19. The fact that it is such a contagious disease, emergency services workers felt—particularly the State Emergency Coordinator, who is also the Commissioner of Police—that that provision ought to be brought in to ensure that they were protected from threat or actual action while on the front line protecting us from COVID-19. That is the reason the provision is there and that is the reason why, in future—because pandemics do pass—it has a sunset clause in it.

Mr V.A. CATANIA: The minister is saying that if this is not passed, there is no protection for emergency workers at all under the current legislation; is that correct?

Mr F.M. LOGAN: In respect of COVID-19, yes; that is correct. The protection for emergency services workers from threats by people who claim to have COVID-19, or who may have COVID-19, and who then assault a public service officer would fall away on 4 April, if not passed.

Mr V.A. CATANIA: Given that it has been eight months, has the minister looked at introducing permanent legislation? If we have to deal with COVID-19 without a vaccine, will the government introduce permanent legislation, rather than emergency powers, which is an ad hoc way of dealing with the situation? What legislation has the government looked at putting in place given the fact that it has had eight months to deal with a potential situation in which there may not be a vaccine that magically gets rid of COVID-19? Even if there is a vaccine for COVID-19, it may take years to roll it out.

Mr F.M. Logan: We've got to live with it.

Mr V.A. CATANIA: We may have to live with it—absolutely.

Mr F.M. Logan: We've got to live with it.

Mr V.A. CATANIA: Minister, I think you are not being mature.

Mr F.M. Logan: I am being mature. That's what you —

The ACTING SPEAKER: Members! Minister! This is a very important discussion —

Several members interjected.

The ACTING SPEAKER: Members! Minister!

Mr F.M. Logan interjected.

The ACTING SPEAKER: Minister, just pause for a second. I will let the member ask his question and then I will call you.

Mr V.A. CATANIA: The minister is saying there will definitely be a vaccine; is that correct?

The ACTING SPEAKER: Sorry, if you ask your question in full, member, I will then get the minister to respond.

Mr V.A. CATANIA: What if there is no vaccine? What if we do have to live with COVID-19 for a very long time? What if a vaccine is five or 10 years away, or maybe never? Is it not better to put practices and procedures in place to ensure that the community is protected rather than—to perhaps use harsh language—not dealing with the potential that this virus may be around forever and a day? That is the issue and that is why this extension, to me, seems as though it is covering up the lack of government attention and preparedness in ensuring that COVID-19 —

Point of Order

Mr F.M. LOGAN: This is consideration in detail. If the member wants to make a speech, he can do.

The ACTING SPEAKER: Member for North West Central, I will allow you to finish the question, but please keep it to the amendment.

Debate Resumed

Mr V.A. CATANIA: I think this 12-month extension is providing cover for a government that is not addressing a virus that could be around for a long time. I back the member for Moore in saying: why does it have to be 12 months? Why can it not be until 4 July? The minister's excuse for it not being 4 July is that we will not be sitting. Clearly, we would deal with it before 4 July. That is commonsense and perhaps what is lacking is commonsense and a mature debate. In 12 months' time, will a review be conducted into the way that the government has handled COVID-19? Better still, why has a joint house committee or some sort of committee not been formed to ensure that we can learn from mistakes that have occurred over east, around the world and, more importantly, how we can ensure that the public is fully informed that the measures the government is taking are actually assisting people and providing a safe community going forward? Why is the government not dealing with the COVID-19 response in an open, transparent and proper way? Why is the government in this time frame not going to have an open and transparent review process so that everyone in Western Australia knows whether it is doing the right job?

Mr F.M. LOGAN: I think that before the member for North West Central gets on his feet, he should actually read the bill. The bill states six months, not 12 months, in terms of its extension. The member kept on repeating himself by saying that this is a 12-month extension. It is actually a six-month extension. It would be helpful to the debate if he actually knew what he was talking about.

The second thing is I actually agree with some of the comments he just made, such as the fact that COVID could still be a threat to Western Australia after six months. I agree with him on that. Why, then, did his colleague move an amendment to reduce this extension to three months? Why would he do that? It runs completely counter to all the points that he has just made.

Several members interjected.

Mr F.M. LOGAN: I am not entering into a debate. Three months runs completely counter to the point that the member for North West Central has just made.

Mr V.A. Catania: No.

Mr F.M. LOGAN: This clause, which seeks to amend the Criminal Code, will give the State Emergency Coordinator, the Commissioner of Police, an appropriate amount of time to decide whether he believes this provision should continue beyond six months. It will be up to him along with the Attorney General and the Minister for Police to review this provision and decide whether it is needed beyond six months. With respect to a threat to the state of Western Australia, the member for North West Central is absolutely correct, which is why I suppose he will support the clause.

Mr D.T. REDMAN: It is really important to emphasise in this discussion that the Nationals WA are not opposing the importance and, indeed, the passing of this COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill to give government the tools to manage the unique circumstances we face with COVID-19. That is really important. We will support the bill to give government the tools to do that, as we have in the past and as we will today. What is in discussion here is whether an extension of six months on top of the extension to 4 April next year is an overreach given the circumstances of an election. As the member for Moore quite rightly highlighted, if it were not for the election, we would not be here today. I think that was as much acknowledged in a Premier's media statement, which the member for Moore read out in Parliament, I think, yesterday. We are debating the merits of the time frame this extension will allow for some extraordinary powers. As far as the member for Moore is concerned, we were notified on Monday. I acknowledge that emails came out on Friday. In this house, he is the spokesman for emergency services. In fact, the Nationals spokesman for emergency services is Hon Colin de Grussa but, interestingly, he was not on that list.

Mr F.M. Logan: I didn't know that.

Mr D.T. REDMAN: The point the member for Moore made was that with a turnaround time of three or four days, we can get this legislation into the house and passed. The time frame for both houses dealing with it can be very, very short, as we have seen with other special legislation that has gone through this place. Going into the next term of government, as the opposition we are acknowledging that if we were lucky enough to win government at the next election, we could deal with it well before 4 July, which is what this amendment suggests.

I want to go back to a really important point the member for Moore made because it is important to the timing of this. In response to the query of notice, the minister came up with three names on an email that went out last Friday morning. I have a copy of it on my phone.

Mr F.M. Logan: It's a pity you didn't read it on Friday.

Mr D.T. REDMAN: Can I make this point, because I am interested in the minister's response? Significant to the special provisions in this chamber for bringing in COVID legislation is the approval of both the Leader of the Opposition and the Leader of the National Party. My question to the minister is: Who in government is responsible to ensure that, in our case the Leader of the National Party, has given permission for this legislation to come into the house? Is it the minister or the Premier? Who is responsible and when did that happen?

Mr F.M. LOGAN: This is pathetic. A bill is before the house that contains two very small clauses that seek to extend the sunset provisions relating to the Criminal Code and to section 72A of the Emergency Management Act, but the Nationals WA are talking about notification of a briefing. I will tell members what this comes down to. It comes down to the member for Warren–Blackwood not being able to talk to his leader. It is all about the little infighting that is going on within the National Party, which we all know about; they are not talking to each other. The Nationals got notified of a briefing. If they did not want the briefing, they should have said so. They were notified of a briefing, but did not tell their leader, so they started this nonsense in here. If the Nationals do not want to support this, they should not vote for it. We will deal with it outside.

Mr D.T. REDMAN: Minister, I come back to a question that is fundamental to this house dealing with special legislation. Who is responsible for seeking the Leader of the National Party's support for bringing special legislation to this house, as this is? Is it the minister or is it someone else?

Mr F.M. LOGAN: Given the fact that we are not dealing with that at the moment—we are dealing with clause 4—I do not need to answer that at all, but I will. It is the Leader of the House, of course. We would not be having this debate if there had not been agreement. There has been agreement and we are here dealing with it. Get on with it. If the Nationals do not like this provision, they can vote against it.

Mr D.T. REDMAN: Thank you, minister. The minister made the point that it is the Leader of the House. Can the minister tell me when that agreement was approved to allow this legislation to come into this house?

Mr F.M. LOGAN: No.

Mr D.T. REDMAN: The minister has been given a note so he will probably answer the question that he did not know the answer to. In reality, for this house to be able to deal with the legislation on Tuesday morning, approval

was given by the Leader of the House. It is my understanding from the member for Moore that that happened on Tuesday morning. Nothing was going to proceed until it happened on Tuesday morning. I come back to the point that the discussion here is about the timing and whether, post-election, the government or, indeed the opposition, has sufficient time to extend the special provisions beyond 4 July, as we are suggesting. That is what the debate is about. Given the way bringing in this has been handled, there is more than enough time for dealing with what has been self-described by the government as "extraordinary powers" with sunset clauses. The sunset clauses are there because they are extraordinary powers. It is reasonable for the house to stake that we think the nature of those powers are such that we should temper just how long those provisions are available to government, knowing that we will support this. It is important because the government needs to have the tools, but both chambers of this Parliament need to recognise that if the government of the day is being given extraordinary powers, self-described by this government, it is important they are given for the period the government thinks it is needed. The Nationals believe it is more than enough time post the election next year to extend those provisions should it be necessary, and, indeed, as the member for Moore has highlighted, there might be other provisions. This is a movable feast. This does not start and stop with a bunch of provisions to keep borders shut and to manage all those issues. There is an ongoing likelihood that within Western Australia, we will have to manage COVID as part of our day-to-day lives. More long-term provisions might be needed.

It is more than reasonable to allow the new government with a new minister to assess the new provisions on 4 July in the full light of day after the election on 13 March. The election is when the public gets a chance to say who will look after them. We believe this provision is overreach. It is not unreasonable to call it overreach. Therefore, we seek the government's support to wind that back a bit. The government self-described the powers as extraordinary powers with a sunset clause because they are extraordinary powers. Let us put some limits on that that will not constrain the decisions the government makes. The provisions we are suggesting the government put in place will not constrain its decisions, and nor do we want to constrain government. We want to extend the powers necessary to manage issues. The government has advice from its agencies and the issues presented to it on how to manage that. All we can do is take that on face value. However, I think it is reasonable that the Parliament of the day has a chance to limit the provisions if they are considered by the government to be extraordinary and indeed provide for a sunset clause. What the member for Moore has put up on behalf of the National Party is more than reasonable. It is not unreasonable for the two chambers to support a position that extends the powers by reason of the election being in the road, which is what the Premier said was the problem. We can do that and we will support it, but we do not believe it is necessary at this point to overreach for extraordinary provisions and, obviously, seek the government's support to make those changes.

Mr F.M. LOGAN: We are here because, obviously, the National Party as a whole agreed to deal with this bill under the COVID-19 provisions. If the National Party has a problem with its membership talking to each other, that has nothing whatsoever to do with me or the government. I have explained to the chamber why a six-month extension for these provisions has been chosen. The six-month extension has been endorsed by the State Disaster Council and cabinet, and we are not moving on it.

Division

Amendment put and a division taken, the Acting Speaker (Mr T.J. Healy) casting his vote with the noes, with the following result —

Ayes (15)

Mr I.C. Blayney	Mr P.A. Katsambanis	Mr R.S. Love	Mr K.M. O'Donnell
Mr V.A. Catania	Mr Z.R.F. Kirkup	Mr W.R. Marmion	Mr D.T. Redman
Mrs L.M. Harvey	Mr A. Krsticevic	Mr J.E. McGrath	Mr P.J. Rundle *(Teller)*
Dr D.J. Honey	Mr S.K. L'Estrange	Dr M.D. Nahan	

Noes (33)

Ms L.L. Baker	Mr W.J. Johnston	Mrs L.M. O'Malley	Mr D.A. Templeman
Dr A.D. Buti	Mr D.J. Kelly	Mr P. Papalia	Mr P.C. Tinley
Mr J.N. Carey	Mr F.M. Logan	Mr S.J. Price	Mr R.R. Whitby
Mr R.H. Cook	Mr M. McGowan	Mr J.R. Quigley	Ms S.E. Winton
Ms J. Farrer	Ms S.F. McGurk	Ms M.M. Quirk	Mr B.S. Wyatt
Mr M.J. Folkard	Mr K.J.J. Michel	Ms C.M. Rowe	Mr D.R. Michael *(Teller)*
Ms J.M. Freeman	Mr S.A. Millman	Ms R. Saffioti	
Mr T.J. Healy	Mr Y. Mubarakai	Ms J.J. Shaw	
Mr M. Hughes	Mr M.P. Murray	Mr C.J. Tallentire	

Amendment thus negatived.

The ACTING SPEAKER: The question is that clause 4 stand as printed.

Mr D.A. TEMPLEMAN: I rise in the context of this clause and the vote that just took place. I was not in the chamber when there was some discussion about information regarding this bill being given to the Leader of the Nationals WA. I have shown the member for North West Central my phone contact with the leader of the National Party

on Tuesday at 7.24 am, highlighting again this matter being a COVID-19 matter and, indeed, this matter being debated in this place. As has been highlighted by the minister, the National Party was notified prior about this bill with the offering of briefings for this bill on Friday morning. Any assertion members opposite make against me as Leader of the House that the National Party leader was not —

Point of Order

Mr V.A. CATANIA: Can the minister please table his phone?

The ACTING SPEAKER (Mr S.J. Price): Member for North West Central, I call you for the first time.

Debate Resumed

Mr D.A. TEMPLEMAN: I am highlighting that if National Party members are not able to communicate among themselves, that is not the fault of the government, it is the fault of the National Party. I confirm for *Hansard* that I spoke to the National Party —

Mr V.A. Catania: Table it.

Mr D.A. TEMPLEMAN: The member has seen it. I showed it to him during the division, so he should not pretend he has not—and I will show it to him again if he wants it confirmed. I will screenshot it. On 3 November 2020, there was a phone call to Mia Davies, National Party leader—I will not broadcast her phone number—at 7.24 am.

Mr R.S. LOVE: In response to what the Leader of the House said, nobody has denied that that communication took place. In fact, it has been stated in the house already that the Leader of the House had the agreement to bring forward the bill. The question was around the level of notice given to the National Party as a whole about this matter. The appropriate course of action may have been to communicate about this bill with the leader rather than with a random selection of National Party members who are neither the leader nor the spokesperson for emergency services. That is the point that was made.

Clause put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Section 2 amended —

Mr R.S. LOVE: Clause 9 is at the heart of much of the discussion we have had. It will extend the powers under the Emergency Management Act 2005. New section 72A was inserted into the act in March under the COVID-19 response legislation. This is the operation of the provision that would lead to the sunset clause being enacted, which will strip section 72A back out of the act. This is the matter that has been spoken about most by the minister and it is the part of the bill for which he has direct responsibility as the Minister for Emergency Services. I make it clear that the National Party agreed to the insertion of section 72A. We had no problem with that; however, it was acknowledged by us and by the government that it was an extraordinary range of powers that were being introduced and that an assurance needed to be given to the Parliament that those powers would be stripped away after 12 months.

Now we see amendments to extend those powers for a further six months. Given the fact that we are now four months out from the end of that provisional period, that is taking it forward for almost another year, until 4 October next year. I have already outlined in the earlier discussion the reasons the Nationals WA feel that this is an overreach and unnecessary. There is plenty of time for this omnibus bill to be introduced by the new Parliament, which will be constituted after the March election and will most likely come together sometime in April, and that new Parliament will have plenty of time to take this simple act and bring it through the Parliament in the way we have just outlined. It could be through in a day or two, and probably only with an hour or two of discussion, in this chamber, at least, to ensure that it is accepted by the Parliament.

Why is it important that we limit this period? It is important because the minister himself has accepted that these are extraordinary powers. These powers over people's lives are not given freely by the people of Western Australia to anybody without a great deal of concern and I think introspection from us as legislators about the necessity of these powers. It is appropriate that we review them very —

Mr V.A. Catania: In a timely manner.

Mr R.S. LOVE: It is appropriate that we review them in a timely manner. As I said in my second reading contribution, it would seem to me that a good trigger point for that would be the election of a new government and a new Parliament and the appointment of a new minister who could look at the appropriateness of these settings.

I am not suggesting for a moment that we will not be in a COVID situation in April or July. There will be the need for appropriate management of that situation, but it should be the consideration of the new Parliament and the new government as to how it wants to go about that. It needs the ability to make those decisions itself.

Mr D.T. REDMAN: I am looking forward to some more commentary from the member for Moore.

Mr R.S. LOVE: I do not think that the people of Western Australia necessarily think that there is anything to be feared by the continuation of the powers in the current circumstances; I do not have that fear, as such. But I think it is very important that the government look at how these powers are being used to ensure that the best settings are put

in place to ensure that people have their rights respected, and that powers such as closure and restriction, quarantine and presentation for testing directions be used appropriately, and that the only time Parliament can do that is when legislation is introduced into the house. It is very important that the new Parliament is able to look at these matters to determine for itself what is the most appropriate way going forward.

As we have said, we do not oppose this bill, we do not oppose the extension, and we do not criticise the government for its actions in bringing forward this matter at this time. We understand the timeliness of it. We understand that over this election period there will be no functioning Parliament, presumably from November through until at least April next year, and that there needs to be an extension. But we are saying that it should be left up to the new minister and the new Parliament to determine exactly what powers will be granted. It could be that the new government simply decides that, in the interim, it will just pass an omnibus bill of this nature to give itself more time to properly consider what powers are required, but it could be that it wants to change the legislation and introduce a different system. I think we heard examples during the second reading debate of some of the quirks, if you like, in the way that the situation has been managed and about some of the experiences of our constituents. It may be appropriate for the government to re-examine exactly how the powers operate. I think the member for North West Central said that if this is a long-lived situation, some changes to the operation of some of these aspects could be made. I do not quibble with that, but I think it is the job of the next Parliament and the next minister to consider those things. All we are saying is that three months is adequate time for the next government to consider whether it wants to simply extend these conditions or make changes to them.

The Nationals fully support the actions of the government in bringing forward this matter and the extension of these powers, but we think that it should come back to the Parliament for consideration in a much timelier manner than has been outlined. We do not believe there is a necessity to extend these powers through to October, not because we believe that COVID will not be here or we do not think that some sort of situational response is needed, but because there will be a new government and a new Parliament, and it is only right, given the extraordinary nature of these powers, that the further operation be considered by that new government, new Premier and new minister. A three-month extension to July rather than October is adequate time for that to happen. I move —

Page 5, line 10 — To delete "October" and substitute —

July

Mr F.M. LOGAN: We oppose the amendment, as I indicated in my second reading speech. We opposed the changes to the Criminal Code and we will oppose changes to part 4 and the Emergency Management Amendment (COVID-19 Response) Act, and for good reason. The member for Moore continues to say that we will leave it up to the next minister. Remember, a state of emergency is in place and that will continue, I am assuming, beyond the time frame set down for these conditions under section 72A of the Emergency Management Act. The state of emergency will continue, but emergency service workers will not have any powers to deal with people who have COVID who refuse to self-isolate or follow directions. The police and emergency service workers will not have those powers unless we give them those powers under section 72A of the act.

After the election in March, the new government gets its new ministers in place and sworn in. From the end of June—not 4 July, because Parliament will not be sitting—or from May, effectively, the government will also be dealing with the next budget and a whole series of other issues. If the member genuinely believes that in that short period, which is effectively two months or less, a review can be undertaken into whether we continue those provisions of section 72A, he is absolutely deluding himself. For the life of me, I cannot work out why the member has moved this amendment to extend these provisions by three months rather than six months, other than to grandstand. It just does not make any sense at all. A cursory assessment of the time frame we are talking about would prove quite clearly that a new government of the day would not be able to do it. Remember, it is not just the minister. The minister is the one who brings this forward to Parliament to seek an extension. It would have to go through the State Disaster Council, which is in place because we are in a state of emergency, and the cabinet of the day to convince them that an extension needs to be given or a review of the extension needs to be done.

That will all be done by the State Disaster Council, and everybody else comes below it. The member has not addressed that. I mean, seriously, come on. This is a ridiculous proposition that has been put up simply for the purposes of grandstanding, and we definitely do not accept it.

Mr D.T. REDMAN: I just want to highlight what the debate here is. I guess I want to reiterate that the Nationals WA do not oppose the government having powers, albeit extraordinary powers, to manage COVID. We do not oppose that at all. That is why we supported this legislation when it first came in. What is up for debate is simply whether there is sufficient time after the election, up until 4 July, which is what the amendment suggests should be the expiry date of these current provisions, for government, whatever government it is, to extend it should it be deemed necessary. That is what is up for debate. Is there sufficient time? We have the election on 13 March 2021. If the opposition got into government, we would expect that ministers would certainly be appointed within a month and we would then come back to Parliament within two months of that date with a new legislative agenda. That takes us up to May.

Mr F.M. Logan: June.

Mr D.T. REDMAN: It could even be the start of June. The worst-case scenario is if the opposition won the next election. It is not the worst-case scenario for us —

Mr F.M. Logan: You're right!

Mr D.T. REDMAN: That was probably poorly worded, was it not?

The point I am making is that the opposition, which is moving this amendment, is satisfied that if it got into government, it would have sufficient time until 4 July to extend the date should it feel it necessary. We are satisfied with that, because that is the scenario that would take the most time. If the government were to be re-elected, for the most part it would have its ministers in place, although new ones will certainly have to be sworn in, and it could come back to Parliament pretty quickly. There is a whole heap on the agenda sitting in the upper house that has not been dealt with and will not have been dealt with by the end of this term. The government will have an agenda ready to go, so it will be able to get back into Parliament very quickly. This week is proof of that: from getting permission from the Leader of the Nationals WA and Leader of the Opposition, we had legislation in the house yesterday and we will have a debate to get it through this chamber today, which will happen. It will be the same in the upper house. The special provisions for COVID allow us to have that time frame. The only thing up for debate here is whether there is sufficient time after an election on 13 March next year, should the government of the day win, to bring back legislation to extend the expiry date. That is the only thing that is up for debate. The minister has not given us a satisfactory response. He is suggesting that there is not enough time.

Mr F.M. Logan: I don't have to give you a satisfactory response.

Mr D.T. REDMAN: The minister is suggesting that there is not enough time. I do not accept that.

Mr F.M. Logan: You have to put your case. It is your amendment.

Mr D.T. REDMAN: I am prosecuting the argument in support of the member for Moore's amendment —

Mr F.M. Logan: I don't have to prove anything. All I have to do is say no.

Mr D.T. REDMAN: — that there is more than enough time from the election until 4 July to bring special legislation into this house under special provisions, which we have agreed to, to get an extension should it be deemed necessary. That is the only point up for debate. The government, through its minister, has not given a satisfactory argument to suggest that that could not happen by 4 July. It has not given a satisfactory argument. There is overreach here, because these are extraordinary powers —

Ms R. Saffioti interjected.

Mr D.T. REDMAN: — Minister for Transport, set by her Premier.

Ms R. Saffioti interjected.

The ACTING SPEAKER: Minister!

Mr D.T. REDMAN: They are. They are extraordinary powers. There is the sunset clause for exactly that reason. We are not opposing the laws; we are saying that here are special provisions in place that we are all dealing with. Do not overreach on them. This minister has not given a satisfactory response that there is not time after the election to deal with it. Maybe he might have another go, because he has not convinced us yet.

Mr F.M. LOGAN: I point out to the pompous member for Warren–Blackwood that we do not —

Withdrawal of Remark

Mr D.T. REDMAN: I ask the minister to retract that. I have been perfectly courteous, albeit making strong debate. I have been perfectly courteous to the minister. There is many a name I would like to call him.

The ACTING SPEAKER (Mr S.J. Price): Member for Warren–Blackwood, it is not the most flattering use of vocabulary, but it is not out of order either.

Debate Resumed

Mr F.M. LOGAN: That is typical of the member for Warren–Blackwood. If there ever was a bloke with a glass jaw in this house, he is it. He loves dishing it out, but if he gets it back, he starts whining. He is the bloke with the biggest glass jaw in this house.

Several members interjected.

The ACTING SPEAKER: Members!

Mr F.M. LOGAN: He is obsessed!

Mr D.T. Redman interjected.

The ACTING SPEAKER: Member for Warren–Blackwood, you have asked the question, listen to the response.

Mr F.M. LOGAN: As I pointed out by way of interjection, we do not have to prove anything to the member. It is the Nationals' amendment, not ours. Their amendment to this bill has been brought before the house. I do not have to prove anything to the member. All I have to do is say no, we are not supporting it.

Mr D.T. Redman: That is arrogant.

Mr F.M. LOGAN: That is not being arrogant.

Mr D.T. Redman interjected.

The ACTING SPEAKER: Member for Warren–Blackwood!

Mr F.M. LOGAN: That is not being arrogant. It is pointing out a political reality to the member for Warren–Blackwood, who still thinks he is in government. He cannot get over it.

Mr D.T. Redman interjected.

The ACTING SPEAKER: Member for Warren–Blackwood, I call you to order for the first time.

Mr F.M. LOGAN: He cannot get over it. He cannot get over the fact that he is no longer a minister. That is what the issue is here. He is not only playing politics with a pandemic, but also proving to this house why the Nationals' proposition would not work. We notified the National and Liberal Parties last Friday of a briefing on Monday. The Liberal Party turned up and it did its briefing. The National Party claimed it did not get it, and there were complaints et cetera. That was on Friday. The briefing was on Monday. Parliament sat on Tuesday. We are still in this house debating this on Thursday. That is a whole week on two small clauses. The member for Warren–Blackwood says he is supporting this, but we have taken a whole week in Parliament to get where we are. The argument for extension of this sunset clause for three months, rather than the six months in this bill before the house, is that the provisions could still be dealt with in the last week of June. We have taken one week to deal with the current proposition. How can we guarantee it would be passed between the return of Parliament in 2021, whenever that is, and when Parliament rises on 28 June or whenever it is? We cannot. That is the reason that we have chosen six months, and the member has proven it here today. Grow up and pass this bill.

Mr V.A. CATANIA: It is the job of the opposition to scrutinise. We started this debate yesterday, so we have probably had only two hours of second reading contributions and less than an hour of debate on these clauses. This goes to the point of the opposition being there to represent the people of Western Australia and to scrutinise government. This is the whole issue. Then we get thrown back at us that we have taken time and that we are playing politics, and that we have to quickly pass this legislation. Our role is to debate the legislation, to ensure it is good legislation and to get the response needed to convince the opposition in scrutinising legislation, but also in providing a response to the public of Western Australia about why these provisions are needed. As the member for Warren–Blackwood and the member for Moore have said, we do not oppose this bill, but we are asking why the time needs to be six months and not three months. The concern I have is about the politics that may be played out after the election. When will the new Parliament sit? Is it the Labor Party's plan to sit sometime after May? Is it the Labor Party's aim to try to get control of the upper house to be able to ram through legislation as it sees fit, because it wants to play politics? They are fair and reasonable questions. When will the new Parliament come back in 2021? If the Labor Party, the current government, wins the 2021 election, will it come back after May?

Mr P. Papalia: Don't be so defeatist.

Mr V.A. CATANIA: No, the public actually needs to know this. The role of the Parliament is to scrutinise the government of the day, to make sure that we get strong, robust legislation and to protect the interests of the people of Western Australia. It is our role to question the government. We do not have a suitable answer from the retiring minister, who, obviously, does not care. His arrogance is creeping in.

Withdrawal of Remark

Mr F.M. LOGAN: That is a disgraceful statement for a retiring minister.

Several members interjected.

The ACTING SPEAKER: Thank you. There is no point of order; but, member, be careful with your language.

Debate Resumed

Mr V.A. CATANIA: It is clear that this debate is descending. The minister, who is retiring, is obviously going out by saying, "I don't have to answer that. You guys are disgraceful." That is not the response that we expect from a government minister who is trying to put through pretty amazing powers.

Mr F.M. Logan: You voted for them once.

Mr V.A. CATANIA: We are concerned. This side of the house is concerned. People are starting to wake up and are saying, "Hang on a second! What is the government putting in place if we have to live with COVID-19?" That is the mature debate we should be having, because we all will have to live with it. What is being put in place to ensure that Western Australians are protected? In the estimates, we were not able to find out how many G2G passes had been provided to people coming into Western Australia. We could not even get answers from the Minister for Seniors and

Ageing about how many people in aged-care facilities are being tested at the moment to ensure that COVID-19 is not here in Western Australia. His response was, "I don't know." The government has a few gaps there. It is our role to scrutinise the government and the information that is given to us by public servants, and to make sure that there is robust debate and robust legislation that protects all Western Australians. That is our role. The government is trying to politicise it. It is saying we are playing politics. Every time we ask a question of the Premier, he says, "You want people to die." No-one wants anyone to die. Everyone is going down the same path. We are trying to protect Western Australians. But the government is not being open and transparent. It is not providing the necessary answers for the public of Western Australia. It is not operating in an open and transparent way. The problem is that the minister is retiring and he does not care.

Mr F.M. LOGAN: The member for North West Central said that he needed time to consider the bill before the chamber.

Mr V.A. Catania: I didn't say that.

Mr F.M. LOGAN: The member said he needed more time to consider the bill before the chamber, and that that was only fair. Clause 4 states —

> In section 318(1A) delete "12 months" and insert:
>
> 18 months

That is it. That is the change in the Criminal Code. The bill is also amending section 2 of the Emergency Management Amendment (COVID-19 Response) Act 2020. Clause 9 states —

> In section 2(c) delete "the day after the period of 12 months beginning on the day after assent day;" and insert:
>
> 4 October 2021;

Does the member need more time to work through that one? I know the member for North West Central struggles to understand that this bill will actually extend the sunset clause for six months, not 12 months. If he struggles that much —

Mr V.A. Catania: No, no. You're struggling, mate.

Mr F.M. LOGAN: If the member struggles that much to read those words, I am hoping —

Mr V.A. Catania: You're struggling as a minister. I can't believe they're allowing you to do this legislation.

Mr F.M. LOGAN: I hope that when I retire —

Mr V.A. Catania: You're really getting the bottom of the rung here.

Mr F.M. LOGAN: What I hope when I retire —

Mr V.A. Catania: It couldn't happen quick enough!

Mr F.M. LOGAN: I hope that when I retire I do not have to listen to your drivel anymore and I hope that the member joins me in that retirement as well. That is what I hope.

Mr V.A. Catania: Good luck.

Mr F.M. LOGAN: I tell you what, Parliament does not deserve the member for North West Central. If he struggles to read two sentences and needs more time to do it, he should not be in this place. That is why I have talked about political posturing and turning this pandemic into a political game. The member just did that. Do not worry; his constituents will find out.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Third Reading

Bill read a third time, on motion by **Mr F.M. Logan (Minister for Emergency Services)** and transmitted to the Council.

ROAD TRAFFIC AMENDMENT (IMMOBILISATION, TOWING AND DETENTION OF VEHICLES) BILL 2020

Council's Amendment — Consideration in Detail

The following amendment made by the Council now considered —

Clause 2

> Page 2, after line 9 — To insert —
>
> (2) However, if no day is fixed under subsection (1)(b) before the end of the period of 10 years beginning on the day on which this Act received the Royal Assent, this Act is repealed on the day after that period ends.

Ms R. SAFFIOTI: I move —

That the amendment made by the Council be agreed to.

Mr Z.R.F. KIRKUP: On behalf of the member for Vasse, the shadow Minister for Transport, who cannot be here because she is away on urgent parliamentary business, I indicate the Liberal Party's support for the amendment.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.

BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) BILL 2020

Second Reading

Resumed from 3 November.

MS J.M. FREEMAN (Mirrabooka) [11.39 am]: I rise to speak on the Building and Construction Industry (Security of Payment) Bill 2020. I congratulate the Attorney General for bringing this bill before the house. This bill has clearly been a long and deep commitment of WA Labor. I particularly want to recognise the contribution made to this bill by members from the Legislative Council, in particular the President, Hon Kate Doust, who, throughout the many years of opposition from 2008 until 2017, was a champion for change in this area. She met with many contractors and pushed the then government to address the issue of non-payment of contractors. One issue that she raised in particular was the difficulties and plight of the many contractors who had done work on Building the Education Revolution projects. The Building the Education Revolution was an initiative of the then commonwealth government during the global financial crisis to provide much-needed economic stimulus by delivering projects and facilities at our schools. That money was gratefully received by the then state government, and the Department of Education and Training contracted out that work to builders, some of whom then subcontracted and sub-subcontracted that work to other people. The difficulty was that some of those people were either not paid, or had their retention money withheld for an extended period, and that impacted their business. People who had won a tender would devolve the risk to a contractor further down the line, and any additional costs for work that was not part of the original tender, or any disputes about the tender, would be borne by the people who could least afford it.

Over the last 20 to 30 years, employers have been able to use an Australian business number through the taxation system to effectively avoid their responsibilities, and the rights that flow to employees under an employment contract, by placing their employees on a subcontracting arrangement. Those subcontractors would fulfil all the contractual requirements and deliver the service. They would turn up to work on time, lay bricks or put in pipes and do all the things that form part of the usual employer–employee relationship, but they would not have the same rights as those who work under a contract of employment. The principle of providing labour in exchange for proper remuneration was broken. This is what has happened over the last 20 to 30 years in the construction industry as responsibility has been devolved down the line. It would not fall within the definition of a sham contract, but people have been able to mitigate the cost and the risk of direct employment by capitalising on the use of contractors and subcontractors. That was particularly the case with Building the Education Revolution projects. Those projects were managed well in terms of delivering buildings and facilities into our schools. However, because the then government devolved the responsibility for the delivery of those facilities to contractors and subcontractors, those people were disadvantaged by not being paid. When WA Labor came to government, we addressed that problem by establishing project bank accounts for government-funded projects to provide protections for small businesses. However, the problem with many large contracts in the building and construction industry is that the risk is still being passed down the line to those who can least afford it.

One of the foundations of our Australian labour laws is the age-old principle of a fair day's work for a fair day's pay. Australian labour laws are different from those in pretty much every other part of the world. We do not rely on common law contracts in accepting employment. We have a structure and framework that ensures that the foundation principle of a fair day's work for a fair day's pay is enshrined in our industrial relations system, our awards and our enterprise bargaining agreements. However, what has occurred in the broader construction industry is that a company may directly employ electricians, plumbers and fabricators but will then break that up into subcontract arrangements. The company would bear the risk of putting in a tender for a project and managing the project, but it would then break up a whole bunch of contracts into subcontracts and even sub-subcontracts so that the impact would be devolved down the line.

If I may digress for a moment, in the 1980s, government projects were delivered by then Western Australian Building Management Authority. Many of the schools in my electorate, and in the electorates of the members for Forrestfield and Belmont, would have been built by people directly employed by the government. That provided an opportunity for growth and development in the building industry, and also an opportunity for apprentices. That was devolved and government basically then funded contractors to deliver those services. That was reflective of what happened in the construction industry in the 1980s and 1990s and it is now, to the nth degree, how contracts work. Those were the sorts of issues that Hon Kate Doust championed. She understood very well how people's entitlements and right to be paid for a fair day's work were being completely undermined by systemic failures in contractual relationships. She also fundamentally understood that one of the difficulties for sub-subcontractors is that this is

a small town with a small market and a small capacity, and they have to maintain relationships with the people providing work. She knew that whatever system was put in place would have to have the capacity to maintain those amicable relationships and have a fair dispute resolution system that would not pit people against each other, to avoid retribution being visited upon sub-subcontractors just for seeking fair payment.

After her great work in the lead-up to the Labor Party's 2017 election victory, these matters needed to be finessed because we wanted to be able to manage those amicable relationships. We did not want to put the least advantaged people in the system at the greater disadvantage of having to wear the consequences of disputes and grievances by being seen as difficult or adversarial and therefore losing work. Hon Matthew Swinbourn then took up the job of finessing these laws to deliver something comprehensive that would meet the expectations and needs of the community without bogging the system down with too much technicality. In that he was assisted by John Fiocco, who put his legal mind to these issues and, as always, provided a lot of clarity. I congratulate the Attorney General on bringing this legislation to the house, but I also acknowledge that this great piece of legislation, which will protect workers in the industry, has come about thanks to the work of many people, as many good pieces of policy do. I want to congratulate all the people I have mentioned and those whom I have not mentioned, including the unions and particular members of the unions, for their advocacy in this area. This legislation will have great application in the electorate of Mirrabooka. A great percentage of male workers in Mirrabooka work in the construction industry, and this legislation will have positive consequences for them.

I have received phone calls from constituents over the years about the hideous practice of "phoenixing", whereby companies are deliberately run down to such an extent that they fold and subcontractors go unpaid. Frankly, I believe that that is very fraudulent behaviour. The company is then rebirthed under a new name, regains its various licences and resumes operations, leaving those who can least afford it with the consequences; after having ensured that that these companies delivered their projects, they remain unpaid. Some of the key features of this legislation that I really welcome are provisions to prevent the practice of phoenixing. The legislation will take into account companies' histories of financial failure, and the legislative capacity to temporarily or permanently ban such companies is to be welcomed.

The Attorney General's second reading speech was one of the longer second reading speeches I have read, and it was very comprehensive. What I really took from it was his passion in acknowledging that being a builder in Western Australia is not something to be taken as a right. We say that in this community there are regulations and conditions that must be followed, and to do that companies have to act in an ethical manner; the phoenixing of companies is not ethical at all.

The Building and Construction Industry (Security of Payment) Bill 2020 will ensure confidence in business continuity. The fact is that if sub-subcontractors are not paid, they cannot continue operating. They have responsibilities; they often have their own employees and apprentices.

[Member's time extended.]

Ms J.M. FREEMAN: They are the people who do the work and contribute to the economy on the ground. Ensuring security of payment is really welcomed in that regard. It will unlock cash flow in the industry and will support the industry. That is very important at a time when the WA Labor government has made its recovery package available, because it has a multiplier effect for the community in respect of construction and building. That is vital. I note that approvals for the HomeBuilder program for the month of September are 74 per cent higher than the figure for September 2019. At a time of such instability, the WA Labor government has delivered a COVID-19 recovery package that has greatly increased construction in our community compared with one year ago. If we want to ensure that sub-subcontractors and businesses are protected, this legislation is vital to that outcome. We want to stimulate our economy and make it thrive after a very scary and confronting time, and the best way to do that is to use our levers to make it happen. We do not want to see that effort gobbled up by unscrupulous contractors who withhold money or bog subcontractors down in disputes to the point at which they cannot afford the legal process and end up not getting paid for their input into projects.

The Attorney General said—I really want to emphasise this—that the purpose of this bill is to ensure that the building industry as a whole, particularly those people who do the work on the ground, gets paid on time, every time for the work it does, and I think that is to be applauded. This bill imposes significant consequences for failure of payment through an effective process of ensuring that people at the subcontractor and sub-subcontractor level have a clear-cut and simplified payment schedule process. Payment schedules act as a good foundation to a dispute so that the dispute is clear and concise and new factors are not suddenly brought into the dispute. Actions can be taken when a payment schedule was brought in and either the contractor to the subcontractor or the developer has not paid. Obviously, that action does not undermine legal action. People can still pursue their legal rights in court. However, the adjudication process ensures a clear dispute process that cannot be worked around or made more complex so that one party finds it too difficult to participate.

For those of us who have an industrial relations background, this legislation is about getting people around a table with someone to assist to just sort it out. One of the strengths of the industrial relations system in Australia is the

conciliation process takes away the legalities, the letters and the lawyers at nine paces so that people can just get around a table to work it out. That means that people's businesses can keep operating and their business relationship can continue. This is a really important aspect of this legislation.

I also welcome the fact that the adjudication system will be enhanced and clarified and it will enable choice. One of the difficulties for any system involving an adjudicator, a conciliator or a mediator is that if they are seen to be part of the system or to be closely aligned to one organisation over another, the dispute resolution process can be hampered. It can be hampered if there are no good choices for the other party to that process. The other party needs to have confidence in the capacity and capability of the person who is adjudicating these matters. The very important purpose of the adjudicator is to keep the money flowing. That is very much one of the principles.

This bill also establishes a trust fund for retention money, to deal with the issues around warranties and whether defects need to be fixed. As I said at the beginning of my speech, the government has done that for project bank accounts, which are a somewhat similar mechanism. A mandatory retention trust basically indicates to the developer contractor that money needs to be put into trust while the work is delivered, and that retention money, which is 14 per cent of the contract, can be only withdrawn from the trust for fixing defects. It is not about covering the debt of the trustees or about covering wages; it is specifically for fixing defects and must be paid in a timely manner. My understanding is that part of the problem is that these things are not done in a timely manner.

This process is similar to how we deal with our bonds in residential tenancies when we put our bonds into a trust. That framework ensures that that money is held in trust and is not used for other things, and access to that money is done in an agreed fashion. Obviously, the company has to put the bond in; it is held by the company. But it is a good move to have such a trust fund.

In Mirrabooka, there is a building site next to the library. All the shops that were proposed to be built on the ground level had been sold and a number of the intended apartments above were presold before building commenced. The slab was laid, as it normally is, because that shows the people who bought the apartments that the developer has made some progress in complying with its obligations, but then the whole job came to a grinding halt. That situation always makes me wonder because my understanding is that developers are supposed to show that they have the finances to develop and build before they can embark on a project so that people know the project will be completed. But in this case, the developer went broke and many of the subcontractors who had been involved in the initial laying of concrete, the groundwork, the piping and a few of the structural aspects to the building have been left unpaid. The people of Mirrabooka have been left with a building site in the middle of the town centre, which remains undeveloped because that issue has not been resolved. However, my understanding is that this project is now with another developer, and so the hope is that the project will be underway very soon and we will see it completed.

I also want to congratulate the Attorney General for introducing fairness in contracts by ensuring that contracts do not have unfair clauses that deprive contractors the right to payment, and for introducing the unfair notice-based time bar provision so that if a subcontractor does not build a wall in a particular period of time, for example, the contractor cannot hold back the subcontractor's money. Unfair provisions are not allowed in this legislation. I am absolutely in agreement that this bill should increase industry regulation and ensure that the consequences for obstructing an investigation or breaching this law will result in good, solid fines and penalties to ensure that the legislation operates well and fairly in our community and across the construction industry.

It is a testament to WA Labor's commitment that this piece of legislation is before the house. All the people who have been involved in this legislation coming before the house need to be congratulated. I commend the advisers and everyone involved in making this legislation happen.

I commend the bill to the house.

MR S.J. PRICE (Forrestfield) [12.08 pm]: It gives me pleasure to stand in support of, and make a contribution to, the debate on the Building and Construction Industry (Security of Payment) Bill 2020. I would like to start by acknowledging and thanking the then Minister for Commerce, Hon Bill Johnston, for starting the process to bring this legislation to the house, and I would like to thank the now Minister for Commerce, Hon John Quigley, for actually bringing it in.

As we know, the building and construction industry is one of the largest industries in Western Australia and is extremely vital to our economy. It employs many thousands of workers. The work can be very intermittent, dangerous and in remote places. We know of the diversity across the industry. It can stretch from building a residential house or commercial property right up to some of the mega projects that we have seen more recently in Western Australia such as the Gorgon, Wheatstone and Roy Hill projects to name a few examples, plus the state projects such as Fiona Stanley Hospital and Perth Children's Hospital.

Unfortunately, in a lot of the construction industry now, projects are being built down to a price rather than up to a standard. That approach is having a significant impact on a lot of contractors and subcontractors and their workers and employees associated with this industry. In the lead-up to the 2017 election, WA Labor made a number of firm policy commitments to drive change across the building and construction industry. Since then, the McGowan government has advanced a number of other reforms in this area. These include the extended rollout of project bank

accounts on government-funded projects, which is a significant step for anyone working on a government-funded project. To win some work, whether it be as a contractor or subcontractor on a government project, and have the fear of not being paid for that work is something we absolutely cannot tolerate and should not be an issue when it is a government project. There should be no doubt and no concern about people being paid for the work they do on those projects.

Under the Small Business Development Corporation Act, a system was in place to enable contractors on projects to approach the Small Business Commissioner to seek remedy in any payment disputes. However, under the original process, someone had to make an application that identified the person making a dispute against a contractor. The problem with that is if someone wins a contract or part of a contract on a project—these are pretty big key projects—it is normally to a higher contractor. That person would be there as a subbie, but the relationship that they form with that contractor is very important for the future of ongoing work for their subcontracting business. Subbies therefore do not want to be sitting at a table arguing over payment against someone, which might have a negative impact on their ability to gain future opportunities under that contractor's work. One of the changes we brought in was to allow the Small Business Commissioner to undertake his own investigations without the need to identify someone as a person who has a conflict with a more senior partner in a contract arrangement. That is a great step forward for subbies.

As we have heard from previous speakers about this Building and Construction Industry (Security of Payment) Bill, its primary objectives are to provide an effective and fair process for securing payment to people who have undertaken to carry out construction work or to supply goods or services within the building and construction industry. The provisions of the bill have been heavily informed by the recommendations made by barrister John Fiocco in his report of October 2018 to the government, the "Final Report to the Minister for Commerce: Security of Payment Reform in the WA Building and Construction Industry". This also took into consideration a lot of the recommendations from the commonwealth government's national review in December 2017, titled "Review of Security of Payment Laws: Building Trust and Harmony", undertaken by Mr John Murray, AM. Mr Fiocco was ably assisted by Hon Matthew Swinbourn, himself a lawyer with extensive industrial knowledge through his time as a legal representative at the Construction, Forestry, Maritime, Mining and Energy Union. I want to read a couple of points from the letters of transmittal contained in the final report from Mr Fiocco to Hon Bill Johnston at the time, who was then Minister for Commerce and Industrial Relations. In his letter, Mr Fiocco states —

> The recommendations in this report have been arrived at following lengthy and extensive consultation with the Industry Advisory Group. The Industry Advisory Group comprised representatives from 19 member-based organisations, as well as 7 State Government agencies and other organisations who expressed a strong interest in contributing to the process.
>
> Consultation with the Industry Advisory Group was undertaken over a 6-month period between March and August 2018. It involved the preparation of 4 detailed discussion papers, 4 formal workshops, 21 private meetings with individuals and groups, and consideration of 47 written submissions comprising some 300 pages in total.
>
> The member-based organisations that have been consulted during the process represent the interests of over 175,000 businesses and individuals nationally, with an estimated 19,000 of their members here in WA. These organisations represent a broad spectrum of interests across the WA building and construction industry, including those of owners, head contractors, subcontractors, consultants, employees, legal practitioners and dispute resolution experts.

As members can tell from that, there was extensive consultation right across the industry in the formulation of the recommendations that came out of the report, which underpin some of the amendments in this bill. Mr Fiocco goes on to say —

> In arriving at the recommendations in this report, I have been informed by the findings made in numerous reviews into security of payment across various jurisdictions, including the most recent review by Mr John Murray AM on behalf of the Commonwealth Government.

It took into consideration all the most current and up-to-date reviews taken around the country to look at this issue. In addition to Mr Fiocco, Hon Matthew Swinbourn also stated in his letter —

> Despite its contribution to our economy, a consistent problem in the industry has been ensuring that participants, particularly small business subcontractors, their employees and families have the confidence and security they will be paid for the goods and services they supply.
>
> The recommendations in this report have been arrived at following thoughtful deliberation and extensive consultation with key industry stakeholders, and will deliver on our government's commitment to better protect and support small businesses in the building and construction industry.

As outlined on page 24 of the Fiocco report, more than 16 per cent of all Australian businesses and around 19 per cent of Western Australian businesses are engaged in the building and construction industry. This is the highest number of individual businesses of any industry sector in Australia and is likely due to the subcontract-based nature of the

industry, resulting in a large number of small businesses and sole traders. The building and construction industry comprises three main sectors: residential, commercial and engineering construction. Typically, most of the work carried out in all sectors of the building and construction industry is done by independent subcontractors. Independent subbies engaged on smaller residential construction projects are often partnership or sole traders. However, subcontractors engaged on larger contracts are usually businesses with one or more employees.

In March 1998, the Law Reform Commission of WA released a report, titled "Project No 82: Financial Protection in the Building and Construction Industry". It explains —

> Where once much of the construction work was performed by employees of the builder, now the builder or head contractor normally carries out very little of the work with its employees … Bricklayers, carpenters, plumbers, plasterers, electricians and other suppliers of services and materials are now usually independent subcontractors …
>
> …
>
> In effect, the modern builder has ceased to be a builder in a traditional sense and has instead become a project manager or organizer in return for a percentage of the construction price.

Over time, we have seen a significant change in the approach to construction right across the country, and it is exactly that. Now a number of tier 1 contractors work nationally and internationally, and a small number of big companies take on big projects; there are then smaller tier 2 and tier 3 contractors. The tier 1 contractor is just a project manager, who employs subbies to do the work. A varying number of contractors and subcontractors are involved in a project, depending on its size. It could be anywhere; it could be in the city, in a region or in very remote locations, as we have seen. Hon Matthew Swinbourn states in his letter to the minister that in 2017 the industry accounted for $20.3 billion in activity and directly employed 140 000 people. The industry is significant and it affects a lot of people. Unfortunately, we have also seen a bad side to the industry. There was a period not long ago when a significant number of businesses faced financial difficulty as a result of historical practices within the industry involving delays in payment and the expectation for subbies to carry invoices for an unrealistic period. Unfortunately, some of those were played out publicly in the media. I will touch on a few media articles that refer to this. An article by Daniel Emerson in *The West Australian* on 30 June 2015 headed "More unpaid subbies claims hit John Holland" states —

> Jeremy Pash, formerly trading as Elite Drainage Pty Ltd, told the West Australian that he was not paid for variations totalling $1 million late last year on Eastern Goldfields Regional Prison, culminating in liquidation and losses between $5 million and $6 million.
>
> …
>
> It comes days after the $1.2 billion Perth Children's Hospital project was rocked by claims that several subcontractors were owed tens of millions of dollars by John Holland.

Unfortunately, we are all aware that the issues at PCH resulted in the suicide of one of the subcontractors. Another article dated 20 March 2018 by Kim Macdonald headed "Subcontractors WA fear four more construction companies on cusp of going under" states —

> The State's building industry is in upheaval after the collapse of more than 20 construction companies in five years, owing subcontractors tens of millions of dollars.
>
> …
>
> Subcontractor Mike Edmonds has called on the State Government to step in urgently to help an industry in turmoil.
>
> …
>
> He said most of the money was more than 60 days overdue, but like all subcontractors he knew that any outstanding debt not paid by December 1 tended not to get paid until January …

An article on 3 May 2018 by Kim Macdonald and Josh Chiat titled "Subcontractors stung as another WA builder folds" is about a home builder in Kalgoorlie, Amberley Homes. It states —

> It follows a spate of other building company collapses, with SubcontractorsWA claiming 20 builders have gone under in the past two years, leaving subbies owed millions of dollars in wages.

That was in Kalgoorlie, so it just shows that these things can happen anywhere.

I have never worked as a subcontractor, but previously I was secretary of the Australian Workers' Union when it employed 17 others. Including me, we had a workforce of about 18 people. I am sure a few members in this place can attest to the fact that employers become more than an employer to their employees: they become their friend and they get to know their family and are involved in their family events. The biggest concern they have is to make sure they can pay their wages because they have to look after the people who work for them and their families. Every

week when looking at the projected cash flow, the number one priority is to ensure there is enough money to look after the people who work for them and their families. On top of that are other costs associated with running the business and weekly invoices from creditors, so a range of different people rely on the employer and the business to be successful, to ensure that they can carry on their lives. When someone misses a payment and that cash flow does not come in, it puts a lot of pressure on the person in control of that business. When we translate that back into being a subbie on a construction job, there is a piece of work that they do and they put in a price to perform that work, which takes in all of the overheads and has a small profit margin, but that is factored in as part of the costs they have to invest from their company to make sure that they get that work and then they can make some money on that. If they do not get paid for that work in a reasonable manner, or are not paid at all, that significantly impacts on their ability to pick up more work and it significantly impacts on their ability to keep their workers as well. That then has a flow-on effect of negative outcomes for people who work for them and their families and the people they use as creditors. It is important that we put in place protections for subbies working on those projects.

[Member's time extended.]

Mr S.J. PRICE: I will also touch briefly on some major construction projects, many of which have project agreements. Project agreements do a number of things, one of which is to set a level playing field for any of the contractors who want to work on a project. They set the wages, the terms and conditions, the expected safety standards and everything associated with working on that project. When a subbie comes to tender on work for that project, everything is level for everyone else. They are then tendering on the supply of equipment or services and the amount of profit they want to make. They are not forced to cut people's wages. They are not forced to cut back on safety and equipment and other entitlements and benefits their workers have. There is a lot to be said for that. We have had some good examples of big projects, such as Gorgon and Wheatstone. Those projects have over 300 agreements for contractors working on those projects. It did not matter whether there were 200, 300, 400, 500 or 5 000 employees, there was an agreement to work on that project and it was known what the wages and obligations for terms and conditions were and they were bidding on the service they were going to provide. It works very well and it protects a lot of people in those areas.

It is interesting that on some of those major projects, the approach to the project agreement has been strongly supported by the Chamber of Commerce and Industry of Western Australia because it understands the benefits of ensuring that people are paid the appropriate money for doing their job and we have to make sure that people are not skimping in areas such as occupational health and safety in those workplaces.

I will quickly touch on the bill. I want to talk about the conclusion in the executive summary in the "Final Report to the Minister for Commerce: Security of Payment Reform in the WA Building and Construction Industry" by Mr John Fiocco. He states —

> Despite a number of previous Commonwealth and State inquiries into payment practices in the Australian building and construction industry, evidence suggests that payment delay and default continues to be a problem in the industry.
>
> This problem is referred to as 'security of payment' and is acutely felt by small-to-medium sized businesses carrying out specialist trade or subcontracting works. Although, it can affect all parties in the contractual chain, including head contractors, suppliers and the workers employed by these businesses.
>
> The problem appears to be driven by three factors. Firstly, the hierarchical contracting arrangements … used to deliver construction projects. Money passes down the chain from the owner at the top, through head contractors to subcontractors, sub-subcontractors and suppliers. Businesses at the bottom of the chain can face significant risk of payment delay and default. Payments may be delayed due to the action of either a direct contractual counterpart, or any party operating at a higher tier in the contractual chain which ripples downwards.
>
> Secondly, the industry in WA has experienced a significant downturn in activity in the last 2–3 years, mainly due to reduced mining-related construction. The reduction in work has increased competition, leading to some businesses tendering at reduced, sometimes unsustainable, profit margins to 'win work'. These businesses then face an increased risk of cash-flow shortages and insolvency. In turn, the risk flows to other parties in the contracting chain, which either directly lose money owed due to the business failing, or indirectly, such as by not paying award rates or covering employee entitlements.
>
> Thirdly, the power imbalance in the commercial relationship between head contractors and subcontractors often disadvantages subcontractors when negotiating contractual terms or leaves them unable or unwilling to enforce their rights for fear of losing future work.

That goes back to the increase in powers that we previously announced so that the Small Business Commissioner can investigate these things.

This bill is a game changer for all participants in the building and construction industry in this state and will implement reforms across four key areas. Parts 2, 3, 5 and 6 of the bill will introduce new security of payment laws

in WA to ensure that people who carry out construction work are paid and disputes about payment can be resolved quickly and inexpensively through an effective process of rapid adjudication. For subcontractor statutory claims, this bill provides the shortest payment times in Australia other than in New South Wales. Subcontractors can now expect to be paid within a maximum of 25 business days, or any lesser period stipulated in the construction contract, whereas under the existing Western Australian Construction Contracts Act 2004, the maximum payment time frame is 42 calendar days or 30 business days.

Part 2 of the bill will introduce measures to improve the fairness and transparency of contracting practices within the industry. This includes introducing a broader prohibition on "paid when paid" provisions, prohibiting other types of unfair terms and requiring certain contracts to be in writing and to meet minimum standards. Importantly, part 2 also includes a novel measure to improve fairness in contracting that is not found anywhere else in Australia, and that is the voiding of unfair notice-based time bar provisions in construction contracts.

Part 4 of the bill will introduce a new mandatory retention trust scheme in WA, which is the first of its kind in Australia. This scheme will reduce the risk to builders, subcontractors and suppliers when their immediate contractual counterpart on a project becomes insolvent by ring-fencing money to ensure that it is not available for distribution to general creditors. Often, retention money can represent a business's entire profit margin on a project. The construction industry accounts for a disproportionate amount of business insolvencies that occur each year. Unfortunately, it is often those at the bottom of the supply chain who are impacted the most.

Part 7 of the bill in particular will substantially bolster the role of the Building Services Board. This is critical in monitoring and enforcing compliance with certain standards of commercial behaviour in the industry. There are increased penalties; for example, if a person obstructs an investigation by the regulator or fails to comply with a direction given by an investigator, they will now face even greater fines of up to $25 000 per offence. New offences will be created under the bill, and individuals and companies with a history of financial failure can be temporarily or permanently banned from the registered building contractor market. This is to deal with phoenixing. We have all heard what phoenixing is and what an unconscionable act it is. Further, registered building service providers who have a building service debt, being an unpaid judgement debt or an adjudication determination, will not be able to be registered until such time as that debt has been paid.

The McGowan Labor government is the government for workers. We are introducing legislation to not only protect contractors and subcontractors, but also improve worker safety. We have increased penalties for safety breaches and just two days ago passed legislation that, for the first time in Western Australia, introduces industrial manslaughter laws. I have to agree with Hon Bill Johnston, the Minister for Industrial Relations, when he said in the consideration in detail stage that we got everything we wanted in the bill. It was ludicrous and shameful that the Liberal Party delayed and stalled this legislation and then tried to say that we both came out of it not getting what we wanted. Additionally, we have introduced and passed new laws to modernise the state industrial relations system, which benefits the hundreds of thousands of workers in WA who are covered by the state industrial relations system.

This bill addresses a number of issues well known within the building and construction industry. In bringing the bill to the house, the McGowan government is once again delivering on an election commitment. I will reiterate that the primary objective of the bill is to provide an effective and fair process for securing payments to persons who undertake to carry out construction work or to supply related goods and services in the building and construction industry and for related purposes. As a number of members have also stated, this is a first step in addressing payment-related concerns within the building and construction industry and rebuilding confidence within the industry. The success of these improvements will determine the need for further legislative intervention within the industry. All the industry participants will be responsible for the outcome of this.

I once again commend the Minister for Commerce; Attorney General, John Quigley, and everyone who has been involved in bringing this bill to the house. I commend the bill to the house.

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [12.35 pm]: I rise to speak on the Building and Construction Industry (Security of Payment) Bill 2020. I acknowledge the experience and wisdom in this chamber and the contributions that other members have provided. My contribution really stems from the experiences of various constituents who are indeed independent subcontractors—people who work in businesses or have small businesses, often family businesses, and who have a real passion for providing an essential service in the construction area. These people often feel that the nature of the contracting arrangements around construction projects leads to them being at the bottom of a succession of cascading stages whereby they bear a lot of the financial risk and a lot of the challenges in actually delivering on a major project. I will use an example to explain this further. One of my constituents has spoken to me about their business, which is very much in the civil construction area, providing hard stands and asphalting on projects. They are often doing work that is part of some of the major projects that we see around town, such as railway works, when a contractor has subcontracted them to do a particular job. It is interesting to talk to them about some of the challenges that they face in ensuring that they are paid, and having to deal with the sad fact that, on occasions, they are not paid at all.

One problem seems to occur when the overarching contractor looks at the work. The particular example that I was given was a contract for $60 000 worth of asphalting work. The overarching contractor says that there is a dispute

because it is not happy with whether the works have met the specification. Invoices are then held over while the ambiguity over the exact specification of the works is resolved, but, in the meantime, the subcontracted firm has to pay for the plant, the equipment and the staff—it bears the costs. That sort of problem has been quite prevalent. I am very pleased that this legislation addresses how those sorts of disputes will be resolved.

I think there was a particular example at the Fremantle train station, where there was a suggestion that the compaction rate was not adequate. On another occasion—I think, again, it was to do with compaction rates—the overarching contractor said, "We won't pay you, subcontractor. We'll just come in and fix up this problem ourselves." The subcontractor was quite happy to meet the specifications that had become apparent after the original signing of the contract, but it was left in the situation of having done work and not getting paid for it. That is a very serious problem for a firm that is essentially a family business trying to do jobs around town, and doing a very good job, but somehow, because of poor communication of what the necessary compaction rates were, getting squeezed out. Another problem that seems to arise is when the overarching company goes to the wall and the subcontractor is left without getting any payment at all. Those situations arise, and I am really pleased that this legislation will help guard against that.

I also acknowledge the work put in by the previous Minister for Commerce, Hon Bill Johnston, and the now minister, Hon John Quigley, my colleague in the other place Hon Matthew Swinbourn, and John Fiocco for his report titled "Final Report to the Minister for Commerce: Security of Payment Reform in the WA Building and Construction Industry 2018".

As has been said by other members, a lot of construction work is going on around Western Australia, and it is very important that we have the right legal framework and contracting arrangements in place to protect subcontractors so that work can happen. I see different methods being tried. In my electorate, the new Thornlie community centre and bowling club will combine with the tennis club. The City of Gosnells, in a very novel fashion I think, is subcontracting to specialist subcontractors without having to go through the umbrella contractor. The City of Gosnells has a very good executive director in Mr Martyn Glover, who was able to bring in the right expertise and contractors to do the work. He has also been able to get it done very efficiently and, as it turns out, at a much better price. The old method of just giving the whole job to one big construction firm that then subcontracts to small firms turns out to be much more expensive. I will really be watching with a lot of interest how that construction project that the City of Gosnells has underway delivers a real quality asset for our community. I acknowledge that it is a project that has received funding from federal, state and local governments, and contributions from the clubs involved, to give us a really good community asset.

There is this whole issue of people cascading down risk and responsibility. A lot of people have made a lot of money by putting the risk away from them and down the chain. In fact, we could say that some people who are about to leave the White House might have made some of their money doing something along those lines. It is a way of delaying payment. That is what this legislation tackles as well—that is, the clarity about the time frames by which people will be paid. That will be very welcome news to subcontractors in my electorate and across the state. It is such an important sector that delivers so much for us. It clearly deserves to have the very best legal framework possible. That will help a lot. There is a need for payment schedules. When there is some sort of dispute, and something needs to be clarified, this legislation provides very clear provisions around when payments should be made. A respondent to a payment claim cannot just put their head in the sand. We cannot have people ignoring payment claims, because this legislation has built into it some really serious ramifications. Indeed, if a respondent fails to provide a payment schedule or make a payment within 15 business days, the claimant will be entitled to elect to refer the matter to an appropriate court for rapid adjudication to recover the amount claimed as a debt. Those provisions will be very reassuring to subcontractors and give them a much greater degree of confidence to provide the really valuable work that they do.

Another issue that has been raised with me by subcontractors is the complexity of the legal agreements they are asked to sign when they subcontract. I am told that typically a contract will have 70 pages and they need to have it signed in a very short time; otherwise, someone else will get the job. There is a need for us to visit that issue of how we make sure that contracts are clear, nothing is left to chance and all the detail is there, but are readily readable by the subcontractor so it is clear what they are getting into. A lot of subcontractors around would be signing up for jobs. They probably have a high degree of confidence and trust in the umbrella contractor that has built up over the years, but they are still being asked to sign and trust, without always having the time to go into the detail or to commission their own legal advice. In fact, they may not be inclined to want to commission legal advice because of the costs involved. It is an issue making sure that the legal arrangements between contractor and subcontractor are as clear and simple as possible so business decisions can be conducted quickly and efficiently.

The legislation before us is very welcome. It will be very reassuring to that significant percentage of the population in my electorate who are subcontractors. They are people who work really hard and are very proud of their achievements and their contribution to all sorts of projects around the state. This will be a valuable protection to enable them to deliver on their commitments and to conduct good, successful businesses that are profitable for them and their families and that make sure that we keep building the state in the best possible fashion. I commend the bill to the house.

MR J.R. QUIGLEY (Butler — Minister for Commerce) [12.47 pm] — in reply: I rise to thank honourable members for their contributions to the debate on the Building and Construction Industry (Security of Payment) Bill 2020. I appreciate that all members of this house support the reforms contained in this bill. This is a very important bill that touches on the lives of some 140 000 Western Australians who earn a living in the building and construction industry in the state, and the 42 361 local businesses that operate in the industry. The McGowan government is acutely aware of the plight faced by many subcontractors and suppliers in getting paid for the work that they do, and it strongly believes that all participants in the building and construction industry should be paid properly for the work they perform on time and every time.

In the lead-up to the March 2017 election, WA Labor made a firm set of policy commitments to drive much-needed change across the industry. Most importantly, we committed to implementing long-term solutions, not simply short-term fixes. The bill delivers on this commitment. A check of our election manifesto will confirm that we promised to introduce trusts for all retention moneys held back from contractors or subcontractors in the course of construction contracts. This bill delivers on that promise to introduce those retention trusts. I will say more on that later. Because of the comments made by one or two members, I thought it appropriate to define what the election promise was: it was to introduce trusts for retention moneys. Some members, especially members of the opposition, have commented on the timing of the introduction of the Building and Construction Industry (Security of Payment) Bill 2020 in October 2020.

Debate interrupted, pursuant to standing orders.

[Continued on page 7556.]

HEPBURN AVENUE–WALTER PADBURY BOULEVARD, PADBURY

Statement by Member for Hillarys

MR P.A. KATSAMBANIS (Hillarys) [12.50 pm]: Traffic congestion and dangerous intersections remain big issues in my electorate of Hillarys. The intersection of Hepburn Avenue and Walter Padbury Boulevard is the main access road to the Hepburn Heights residential estate in Padbury. This intersection is hazardous and sometimes outright dangerous, particularly during peak traffic periods. Traffic turning right onto Hepburn Avenue competes with four lanes of traffic and the narrow median strip in the middle of the road offers minimal protection. Similarly, traffic turning left onto Hepburn Avenue must wait for a break in the oncoming traffic and sightlines are often blocked by large cars and trucks that are trying to turn right. This causes long delays during peak periods and results in traffic banking up on Walter Padbury Boulevard. Safety issues are compounded midweek by the low-cost fuel offered by the popular independent petrol station that is located on the corner of this busy intersection.

I strongly support fixing this dangerous intersection. The City of Joondalup has been working with Main Roads WA to identify a workable solution. A proposal to install traffic lights at this intersection has not been supported and does not appear to be the best option for this site. However, maintaining the status quo is also not an option because it would lead to more collisions and the threat of serious injury, or even death, at this very dangerous intersection. Other solutions, including the consideration of a roundabout or modifying the intersection, need to be urgently considered to achieve a sensible and safe outcome. The safety of local residents in Hepburn Heights and Padbury should not be forgotten. I and local residents will continue to fight to fix this dangerous intersection.

BUNBURY POLICE AND COMMUNITY YOUTH CENTRE — LEADERSHIP COURSE

Statement by Member for Bunbury

MR D.T. PUNCH (Bunbury) [12.52 pm]: Two weeks ago, I had the privilege of attending the graduation of 21 young people who received their certificate I in leadership along with their white card and first aid certificates.

This program, run by the Police and Community Youth Centre of Bunbury, involved a group of young people aged between 14 and 18 who had, essentially, withdrawn from mainstream schooling. The program involved building work skills and self-awareness through activities such as volunteering, communication, teamwork, presentations, health and safety, and basic project management. As a project, the group designed and built a nature-based playground next door to the PCYC, which they are all very proud of. They spent a lot of time volunteering with different groups, including with the Bunbury Aero Club. The students actually went on a flight around Bunbury as a reward. These young people were motivated by their participation in an alternative learning program and all spoke about their plans for the future, which included various options for further training.

I would especially like to congratulate Kaiowas Carroll, who took out the award for Leader of Tomorrow and for his support of other group participants throughout the course. I would like to congratulate course coordinator, Amanda Ferguson, and training assistants, Ben Marsh and Bradley Humble, for their amazing support and leadership of these young people. Programs such as this can be a turning point in the lives of many young people. I know this from experience as a person who opted out of school at the age of 12 and who did not re-engage until I arrived in Australia at the age of 14. I am sure all members in this place will join me in wishing them all the best of luck for the future. There has never been a more important time for our young people to understand what it means to be a leader.

GREAT NORTHERN FOOTBALL LEAGUE

Statement by Member for Geraldton

MR I.C. BLAYNEY (Geraldton) [12.53 pm]: Congratulations to the Great Northern Football League for a successful season during this COVID-19 pandemic year. In the grand final, Rover Football Club beat Railway Football Club by six points. The *Geraldton Guardian* medal for best player on grand final day went to Tristan Simpson of Railways. The Rovers team were Shukri Pearce, Tom Denton, Kobe Simpson, Farren Parfitt, Chad Crudeli, Beau Simpson, Justin Crudeli, Gabriel Parfitt, Dwayne Nevill, Jaimon Alone, Dylan Curley, Anthony Kyanga, Bradley Roworth, Judd McVee, Kingsley Dawson, Raymond Taylor, Carl Green, Jack Eastough, Chris Scott, Brandon Collard, Jamie Geier and Shannon Cox. Rover's coach was again Ian Comben. The Reserves winner was Chapman Valley. The Colts were won by an undefeated Brigades. In the Great Northern Women's Football League, Brigades defeated Chapman Valley.

The J.J. Clune Award for League Fairest and Best was won by Tom Denton of Rovers, who also won the *Geraldton Guardian* Football Writers' Award and the Spalding Park Golf Club Pro Shop Coaches Player Award. The winners of the Snap Action Goal Kicker of the Year Award were Weston Balaam of Northampton for Colts; Roland Drummond for Reserves; Aaron Thompson and Brad Dick of Chapman Valley for Rovers League; and Chloe Spence of Chapman Valley for the GNWFL. The East Fremantle Rookie of the Year Award went to Mitchell Thomson of Chapman Valley. The President's Medal for Colts Fairest and Best went to Brendan Cockman of Brigades. The Jim Scott Medal for Reserves Fairest and Best went to Kasey Hasleby of Northampton. The GNWFL Fairest and Best Award went to Aaliyah Jones of Towns. The Geraldton Toyota Club Person of the Year Award went to Steve Trent of Rovers. The Maurie Drennan Rising Star Award went to Richard Bartlett of Chapman Valley. The Umpires Awards went to Theo Bennett for field, Connor Harris for goal and Morgan Ley for boundary.

Congratulations to all.

TRANS AWARENESS WEEK

Statement by Member for Maylands

MS L.L. BAKER (Maylands — Deputy Speaker) [12.55 pm]: I want to recognise members of the trans and gender diverse community living in my electorate and the wider WA community. In particular, I recognise the advocacy and advice provided to me by Jaime Page.

Next week, 13–19 November, is Trans Awareness Week. People and organisations around the country participate in TAW to help raise the visibility of transgender people and address issues that members of the community face. The week will end on 20 November with the Transgender Day of Remembrance to honour the memory of transgender people whose lives have been lost this year in violent acts against transgender people. Trans Awareness Week is a chance to celebrate and learn about gender diversity and to take real action to support the trans and gender diverse community. The Trans Awareness Week website contains extensive information for organisations to support them in holding an activity or hosting an event that features meaningful conversation and positive actions about diversity. Educational tools are available, along with online training that provides facts and shows people how to be an ally to the trans and gender diverse community.

The McGowan government leads by example and has recently announcement funding to establish an advocacy body for the rights of youth from our LGBTIQA+ community.

To members of our trans and gender diverse community, I would like to add that you are loved, you are valued, and there is no shortage of people who have your back.

ABORIGINAL CULTURAL HERITAGE BILL 2020

Statement by Member for Kalgoorlie

MR K.M. O'DONNELL (Kalgoorlie) [12.56 pm]: Greetings, Madam Acting Speaker.

Today I would like to talk about the Aboriginal Cultural Heritage Bill 2020, which is set to replace the Aboriginal Heritage Act 1972. The bill is aimed at protecting Aboriginal cultural heritage sites in this state. Let me be clear: I am completely and utterly supportive of safeguarding these sites. My concerns lie with the technicalities of the bill, not its main purpose. I recently attended a briefing on this bill at the Railway Hotel, Kalgoorlie, which was organised by the Department of Planning, Lands and Heritage. The briefing was well attended by local Aboriginal people, prospectors, small miners and anthropologists. I was concerned to note that every person at that meeting rejected the bill. In fact, I do not recall anyone from the crowd speaking in support of the proposed bill. The people at that meeting put an advertisement in the paper that states —

> TO ALL MEMBERS OF PARLIAMENT AND THE GENERAL PUBLIC
> We disgruntled Aboriginal Elders
> REJECT
> the Aboriginal Cultural Heritage Bill 2020
> IN ITS ENTIRETY.

The advertisement is signed Ron Harrington Smith, Ivan Frazer, Gary Sambo, Bronwyn Newland, Eric Thomas, Delson A. Stokes, Leo Thomas, Dion Meredith, Dennis Sambo, Vivien Dimer, Aubrey Lynch and Bruce Smith.

Worryingly, even the big community based in Warburton also rejected the bill in its entirety when it had its briefing a day before ours in Kalgoorlie.

Other than that, I also understand that the Chamber of Minerals and Energy of Western Australia, as well as the Kimberley Land Council, have their own concerns about this bill. It is not just us in the goldfields but also important representative groups across the state that are opposed to this. It is most concerning when local Aboriginal people, the very people whom the bill is aimed at looking after, are not at all supportive of this. A major argument is that the bill is ambiguous, especially because of the lack of regulations. It has too many grey areas that are open to different interpretations and need to be addressed.

TUART HILL PRIMARY SCHOOL — *THERE IS NO PLANET B*
TAKARI PRIMARY SCHOOL — BALCATTA BUZZ FAMILY HALLOWEEN FETE

Statement by Member for Balcatta

MR D.R. MICHAEL (Balcatta) [12.58 pm]: Congratulations to the Tuart Hill Primary School students for their outstanding musical *There is no Planet B*. This powerful and inclusive musical was written, managed and produced by Mrs Edwards, with student actors from years 3, 4, 5 and 6 performing. *There is no Planet B* highlighted the importance of everyone working together to preserve the only home we have. It included a performance of Julian Lennon's song *Saltwater*, which was one of the songs at my year 7 graduation from Tuart Hill Primary School in 1992. It has been nearly 30 years since that time and we still have a long way to go to improve the way we treat our planet. Well done to the principal, Beverly Innes; the producer, Fay Edwards; and all the staff, parents, volunteers and students on the amazing performance. The message is clear: look after the earth, because there is no planet B.

On the weekend, I joined in the festivities at the Balcatta Buzz Family Halloween Fete at Takari Primary School. Hundreds of people came to this fantastic display of community spirit. Dedicated volunteers transformed the Takari Primary School playground into a haunted forest. The fete was held on the school oval and had food trucks, a bouncy castle and local small businesses. I want to give a shout out to Todd Di Rosso and Jeremy Shirazee and the administrative team behind the Balcatta Buzz, as well as Kelly Praetz, the Takari Primary School P&C, and the principal, David Tennant. This was a terrific community event, and their hard work made it happen. I very much look forward to supporting this event again next year.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

KWINANA OIL REFINERY — CLOSURE

851. Mrs L.M. HARVEY to the Premier:

I refer to the announcement that the BP oil refinery will shut down operations, with the potential loss of 600 local jobs. Can the Premier advise whether he has made any personal representations to the Prime Minister to secure the ongoing operations of this critically important strategic energy asset; and, if not, why not?

Mr M. McGOWAN replied:

I have not spoken to the Prime Minister about this matter, but I am very concerned about it. It is obviously a matter on which the commonwealth should attempt to assist us. When we were advised of the closure, we looked at what we could do within the law in Western Australia. We took the advice of the Department of Jobs, Tourism, Science and Innovation about what could be done within the state agreement act. The best advice that we have at this point is to secure the supply of oil and fuel into Western Australia, which is an important initiative. The commonwealth has various approaches to dealing with matters of strategic energy supply. I am advised that Angus Taylor was made aware of these matters but BP did not take up any of the suggestions that the commonwealth may have put to it.

KWINANA OIL REFINERY — CLOSURE

852. Mrs L.M. HARVEY to the Premier:

I have a supplementary question. When the Premier said yesterday that all the fuel BP deals with is imported, can he confirm that absolutely no domestically produced condensate is refined at BP's refinery, or was he misleading the house?

Mr M. McGOWAN replied:

To be clear, the overwhelming bulk of the oil that goes through BP's oil refinery is imported from elsewhere. That is a fact—the vast majority of oil. We are as disappointed as anybody. In fact, I would probably be far more disappointed than anyone as the refinery is in proximity to my electorate. The Deputy Premier and I live in close proximity to the oil refinery. I know a bunch of people who have worked there or who do work there. These decisions are made in boardrooms in London. I have expressed my grave disappointment to BP—in fact, my anger and

hostility—about what it was doing, but we have investigated what we can do. If the commonwealth can do something to assist here, that would be a good outcome. I am advised that it owns the land. It is the commonwealth's refinery; it built it. It claims that it is suffering losses of $100 million to $200 million a year through the refinery. Obviously, refining of oil has expanded in capacity in the region over the last couple of decades. In addition, demand has gone down. COVID-19 has sent demand through the floor. As members know, the price of oil and oil refined products have gone down.

Several members interjected.

The SPEAKER: Members.

Mr M. McGOWAN: The aviation industry has suffered. All those things within this environment have combined to arrive at this outcome, which was not anything of the state government's making—indeed, it was not of the commonwealth government's making. We have done everything we can to try to keep the refinery open for as long as we can. If there is any opportunity for the commonwealth to assist—again, it has been raised with the federal minister—we would welcome that assistance.

CORONAVIRUS — INTERSTATE BORDER RESTRICTIONS — HIGH COURT CHALLENGE

853. Mr J.N. CAREY to the Premier:

(1) Can the Premier update the house on the High Court challenge to Western Australia's hard border by Clive Palmer, including when we are expecting to learn of the High Court decision?

(2) Can the Premier outline to the house why the state government will not give in to Mr Palmer and his efforts to undermine the health of Western Australians?

Mr M. McGOWAN replied:

(1)–(2) I thank the member for the question. Tomorrow will be a very important day for Western Australia and the entire country.

Several members interjected.

The SPEAKER: Members.

Mr M. McGOWAN: At 6.45 am tomorrow, the High Court will hand down its judgement on Western Australia's hard border, which Mr Clive Palmer is challenging. We will learn whether the High Court supports our position. The hard border has been necessary to protect Western Australians and stop the spread of COVID-19 into our state. It is absolutely vital that Western Australia, and indeed all states, retains the capacity to implement borders to protect the health and welfare of the citizens within the states, particularly those more isolated states such as Western Australia and Tasmania.

Our Solicitor-General, Joshua Thomson, SC, has been in Canberra putting forward Western Australia's case. I would like to thank him and his entire team for all their work. Our position has been: first, WA border controls have been reasonably necessary for the protection of the Western Australian community against the health risks of COVID-19 and, indeed, any pandemic that might arise; second, our border controls are reasonably appropriate and proportionate to achieve that purpose; and, third, no other equally effective means would impose a lesser burden on interstate trade, commerce and intercourse available to achieve the purposes that we have achieved. We have already succeeded before the Federal Court in relation to findings of fact on this matter. Justice Darryl Rangiah found —

> The border restrictions have been effective to a very substantial extent to reduce the probability of COVID-19 being imported into Western Australia from interstate.

We have demonstrated to the courts that our border measures have protected the health and wellbeing of all Western Australians. The border has kept Western Australia safe and strong during this period. We have been determined to fight Mr Clive Palmer the whole way.

I would like to say once again that Mr Palmer's conduct has been disgraceful. We will not give in to Clive Palmer no matter how much money he spends trying to undermine this state. He makes his money in this state and then he uses that money, delivered by the taxpayers and the people of this state, to undermine the health and welfare of the people of this state. The way he behaves is disgraceful and disgusting. We have also been very disappointed in the Liberal Party for supporting the greedy Queensland billionaire. The Liberal Party chose to back Mr Palmer, which was a very, very bad decision.

I urge the opposition to support what the government is attempting to do through the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020 to extend the state of emergency legislation. We are attempting to ensure that the protections contained within that legislation that is before Parliament today are extended in this state for another six months. We live in a world full of COVID. I invite members to look at Britain, Germany, the United States, France and Spain and what is occurring internationally. We obviously need the capacity to keep in place the measures we currently have. I urge the Liberal Party and the Nationals WA to help us here. Stop trying to score political points out of this. This legislation was introduced on the advice of the Commissioner of Police.

The police commissioner has also asked for this legislation to be extended. It is necessary for no other reason than to ensure the measures that are currently in place to keep the people of this state safe continue to be kept in place. The moment we no longer need them, obviously, the legislation will expire. I urge all members to please support us. We are going into a caretaker period. We will not be able to reinstate the legislation. Please support us to help protect the health and welfare of Western Australians and do not play politics anymore.

ELECTRICITY PRICES

854. Mr D.C. NALDER to the Premier:

Given the Minister for Energy is struggling with the Liberal Party's plan for cheaper power bills, can the Premier explain —

Several members interjected.

The SPEAKER: Members!

Ms J.J. Shaw interjected.

The SPEAKER: Member for Swan Hills, I call you to order for the first time. It is not a "shoutathon". Start again, member.

Mr D.C. NALDER: Thank you, Mr Speaker.

Given the Minister for Energy is struggling with the Liberal Party's plan for cheaper power bills, can the Premier explain to the Minister for Energy the concept of tariff equalisation so that he understands that electricity customers in the regions will be completely unaffected by the Liberals' plan?

Mr M. McGOWAN replied:

Once again, it is a convoluted and unusual question from the opposition. One thing I can absolutely advise members opposite is that no-one in this Parliament understands energy more than the Minister for Energy. He understands the energy and electricity system of this state to a greater degree than all opposition members put together. If it is such a good plan, why, in eight and a half years, did the Liberal Party not do it? Why did members opposite refuse to do it? This is just a Trojan Horse on the way to the Liberal Party privatising our electricity assets. As anyone who understands anything about energy knows —

Several members interjected.

The SPEAKER: Members! The Premier is giving a good speech. I want to hear it.

Mr M. McGOWAN: As anyone who knows anything about energy knows, this will put up the cost of power for ordinary citizens because, before we go to full retail contestability, we go to full cost reflectivity. That is a fact and members opposite are ignoring it.

ELECTRICITY PRICES

855. Mr D.C. NALDER to the Premier:

I have a supplementary question. Can the Premier explain to the Minister for Energy that the Liberal Party's plan for cheaper power bills —

Several members interjected.

The SPEAKER: Members! It is question time. The opposition has the opportunity to ask questions and I want to hear the answers. I will call to order anyone else who interjects.

Mr D.C. NALDER: Can the Premier explain to the Minister for Energy that the Liberal Party's plan for cheaper power bills is not a thought bubble, given Labor first came up with the concept as part of the legislation for the disaggregation of the old Western Power?

Several members interjected.

The SPEAKER: Members!

Mr M.J. Folkard interjected.

The SPEAKER: That is very funny but your leader is on his feet and you think you are smarter than he is. Let the Premier answer.

Mr M. McGOWAN replied:

In the history of bizarre questions in this Parliament, that will be in the top 10. Can I explain to the minister, who is sitting here, what the member's policy means based upon something that happened 16 years ago? That is the member's question. Legislation that dealt with those matters was in the first half of the last decade. In fact, it was in 2005. The old Matt Birney was sitting there at that time.

Mrs L.M. Harvey: The young Matt Birney.

Mr M. McGOWAN: He is not so young anymore. He was right there. I remember it well, back in that era. The member asked me about something that happened 15 years ago when the current Minister for Energy was not here, the member for Bateman was not here—in fact, none of the opposition members, bar the member for South Perth, were here —

Mr D.C. Nalder: You were.

Mr M. McGOWAN: Yes, I was here and I remember it well. The premise of the member's question, considering I am the only one who remembers it, at least amongst the opposition, is false. I will explain it. To get to full retail contestability, we must get to full cost reflectivity first. Full cost reflectivity means a big increase in prices for households all over Western Australia. That is a fact. The member's policy will mean a big increase in prices across the state and enormous losses that the taxpayer will have to endure via Synergy. It is a Trojan Horse for the Liberal Party to sell Synergy and Western Power. Do not worry; we will let the people of the state know about it the whole way between now and the state election. The thing about the opposition leader is that she should not listen to the shadow Treasurer; he does not know what he is talking about.

CORONAVIRUS — BUILDING BONUS PROGRAM

856. Ms L.L. BAKER to the Treasurer:

I refer to the McGowan Labor government's commitment to driving Western Australia's economic recovery from COVID and ensuring that the state remains safe and strong. Can the Treasurer update the house on the government's decision to extend the construction period for the building bonus program and also tell us how the building bonus is driving more activity in our building construction industry and supporting jobs and business?

Mr B.S. WYATT replied:

I had a go at this yesterday and I will have another one today! It is such a successful policy that I want to ensure that the people of this house know about the success it is having. As people are aware, the government announced a building bonus policy to try to create activity in the residential construction space. As we found out when we were entering into the restrictions to fight the coronavirus, bearing in mind population growth is expected to be very low over the next couple of years, the pipeline of work was very small. We wanted to ensure that tradies—tens of thousands of Western Australians—had a sure pipeline of activity.

Therefore, we implemented the building bonus program. It is a $20 000 grant for really anyone building a home. We did not cap it by value or say it had to be owner occupied. We are allowing investors to take advantage of this particular grant as well. The commonwealth complemented the grant with its $25 000 HomeBuilder grant, which is much more limited. Both programs have had success. The number of applications so far for the building bonus is 1 256. As a result, we are seeing a very strong increase in activity. Building approvals continue to lift in Western Australia—in fact, not just lift, but surge. The Minister for Housing will be familiar with this. It was up 43 per cent in September and up 74 per cent relative to September last year. This is the strongest outcome in the entire country.

As a result, we now have a very strong pipeline of activity. Even earlier than that, with the housing finance commitments, the number of loans taken out by owner–occupiers increased by 26 per cent, underpinned by a 41 per cent increase in loans for construction. Of course, we are seeing this flow on to not just the new builds, but also the established market is undergoing an incredible increase in activity, and transaction data is the strongest it has been in nearly a decade. We are seeing the property market come in very strongly and, as a result, CoreLogic is now expecting an increase in the value of homes in Western Australia.

We have had to tweak the policy a couple of times to ensure that we smooth the pipeline of activity. As I discussed yesterday, the most recent decision was to allow a longer period to commence construction through to the end of the 2021 calendar year, which means that we expect this pipeline of activity to continue well into 2022. Of course, as we all know, hopefully by then we will have managed to secure a more normal environment of migration and movement around the globe. There is no doubt, in terms of a stimulus program, that the building bonus has been the most successful in the country. It is delivering exactly what we wanted it to do—that is, create a pipeline of jobs for Western Australians. All up, the McGowan Labor government has put around $1.6 billion or $1.7 billion into the property sector by way of supports, tax rebates et cetera over the last three budgets. It is delivering in spades for Western Australia. We are very proud of the policy.

DONGARA–GERALDTON BYPASS ROUTE ALIGNMENT SELECTION STUDY

857. Mr I.C. BLAYNEY to the Minister for Transport:

I refer to the Dongara–Geraldton bypass route alignment selection study.

(1) Is the minister aware of a large amount of community concern in the Allanooka and Walkaway areas about the proposed route due to its impact on the community, the environment at the Allanooka reserve and valuable farmland?

(2) Why was upgrading the existing Brand Highway as far as Rudds Gully not considered as an option?

Ms R. SAFFIOTI replied:

(1)–(2) I thank the member for Geraldton for that question. A number of options were considered as part of the process of determining the preferred corridor. The preferred corridor was announced about three weeks ago. Last week, I visited Geraldton to meet with the Shires of Irwin and Chapman Valley and the City of Greater Geraldton. We discussed the fact that we have the preferred route and now we are consulting with individual landowners and groups. In respect of the member's comments about the Brand Highway, there are a number of difficulties with expanding the Brand Highway through that area; for example, it would pretty much cut off access to many landowners. Secondary access points would have to be built and there would be an enormous disruption to landowners along that way as well. A number of options were considered, but this is the preferred option. At the moment, consultation is happening on the details of the route. As I said in that meeting, where we can avoid private landownership and structures we will do that. We are working now through the fine detail to create a detailed route. We continue to consult with all the landowners in that area; that consultation is happening right now.

I went to Geraldton to meet with the relevant shires. The Shire of Northampton was not there, but the Shire of Irwin spoke on its behalf. We sat and talked through all their issues. I am not sure where the City of Geraldton is at with the project; sometimes it supports the project and sometimes it does not. But I know that many of the residents want this project to go ahead because they want Geraldton to grow. They want to see increased tourism possibilities and they want to separate, where possible, heavy traffic from tourist traffic in particular. That is what we are working on. As I said, we are working with individual landowners to ensure that the final route minimises disruption and impact. As always, a lot of work has to happen around local access and making sure in particular that businesses can continue to operate.

The key thing that I have heard, in particular from those shires and the landowners north of Geraldton, is that they want certainty. This route has been discussed and on the table for about 15 to 20 years. As I said, the easy option was to do nothing, particularly north of Geraldton, and to leave the lines on the map. But I am committed to giving landowners certainty. It is tough and challenging, but that is why we are working with individual landowners and groups and we have dedicated Main Roads Western Australia consultation happening to provide people with certainty as soon as possible.

DONGARA–GERALDTON BYPASS ROUTE ALIGNMENT SELECTION STUDY

858. Mr I.C. BLAYNEY to the Minister for Transport:

I have a supplementary question. Given the importance of getting the Dongara–Geraldton bypass route right, will the minister listen to the concerns of the community and rethink the proposed route, including reconsidering an upgrade to the existing Brand Highway?

Ms R. SAFFIOTI replied:

As I said, we are consulting with landowners at the moment. The reality is that when we build a new road or expand a road, there are impacts. With Brand Highway, as I said, the amount of work required to build up the road would basically cut off access and involve the building of secondary roads, which would change the entire dynamics of that road. If that is the Nationals WA plan, that is fine. At the election, people can decide what they prefer, but we are currently in consultation. We have a preferred route. We are talking to landowners about that route and making sure that their concerns are heard. I have instructed my department, as I said at that meeting, that we will do all we can to minimise the impacts on businesses, farms and also landowners. That is what we will strive to do and that is what the current consultation is all about.

RENEWABLE ENERGY — COLLIE

859. Mr D.R. MICHAEL to the Minister for Energy:

I refer to the McGowan Labor government's commitment to support the town of Collie as demand for coal and coal-fired electricity generation declines. Can the minister outline to the house how the government is supporting a just transition for Collie and if he is aware of any threats to this transition that will hurt local workers and local businesses and drive up higher electricity costs?

Mr W.J. JOHNSTON replied:

I thank the member for the question. I know of his deep interest in the people of Collie. This is very interesting because the government has gone through a very careful process to deal with the Collie transition. There is no question that the rise of renewable energy is having a direct impact on the need for the coal-fired power stations. That means that we need to respect those people. I am very proud to have worked with the member for Collie–Preston and representatives of the workforce—the various unions—to manage those transitions. Indeed, the Premier and I went in person to meet with the Synergy workers at the Muja power station who had been impacted immediately by the decisions of government to move towards the closure of Muja stage C. But the good news for the people of Collie and those workforces in the coal industry and the power industry is that because the government owns Synergy, it can manage that transition in a careful way so that their interests are properly looked after.

Interestingly, the member asked whether I am aware of anybody who would get in the way of that careful management. Of course, I can let the member know that the Liberal Party would get in the way of that transition because it wants to transfer demand for electricity from Synergy to businesses that do not own coal-fired power stations. Every kilowatt hour of power that is moved from Synergy undermines the continued operation of coal-fired power stations in Collie. It undermines the jobs of coal workers in Collie.

Before the coming election, the long-term member for Collie–Preston will be retiring. The Labor Party was concerned that the Liberal Party might make a pitch for the coal workers in Collie. But the Leader of the Opposition has completely abandoned the people of Collie because the policy announced on Sunday totally and utterly undermines the careful transition plan that is being done in conjunction with and led by Synergy.

Several members interjected.

The SPEAKER: Members!

Mr W.J. JOHNSTON: Synergy is the key business that manages the transition.

Dr M.D. Nahan interjected.

The SPEAKER: Member for Riverton! I call you to order for the first time.

Mr W.J. JOHNSTON: The Leader of the Opposition wants to throw that out the window and give it away. She wants to transfer electricity demand from Synergy to other electricity companies —

Dr M.D. Nahan interjected.

The SPEAKER: Member for Riverton! This is becoming another habit. I call you to order for the second time.

Mr W.J. JOHNSTON: — that are owned by people on the east coast and by Chinese interests as well. Is that not interesting?

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman!

Mr W.J. JOHNSTON: They are supporting the interest of foreign-owned companies and east coast–based companies against the interests of workers in Collie.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman! I call you to order for the first time.

Mr W.J. JOHNSTON: That shows members what is behind this policy. This is not acceptable and, let me make it clear, it also undermines the uniform tariff policy. I will explain the uniform tariff policy, which was supported by the Liberal Party the last time it was in government. The member for Bateman spoke a moment ago about things that happened 15 years ago. Let me remind members what happened when he was a member of the cabinet before he was sacked. Colin Barnett rejected this proposal in the same way that it was rejected by Eric Ripper, Geoff Gallop, Alan Carpenter and this government as well. Just because a person can do something, does not mean that they should do something. Abandoning Synergy and throwing the people of Collie is not the way forward. The opposition is abandoning the policy that says regardless of whether a person lives in Perth, Kununurra, Esperance or Albany, they will pay the same price for electricity. The member is saying that some people who live in Perth and the surrounding areas will be able to get cheaper electricity, which means that everybody else who does not get on that privatisation agenda will have to pay more.

AMBULANCE RAMPING

860. Mr Z.R.F. KIRKUP to the Premier:

The SPEAKER: Member for—member for Dawesville. Sorry, member. Only two weeks to go.

Mr Z.R.F. KIRKUP: That is right. Thank you very much, Mr Speaker. Before I commence, I would like to recognise Mr Kenny and the students from Falcon Primary School who are here in the Speaker's gallery today.

I refer to the Premier's previous claim that record levels of ambulance ramping in WA were due to COVID ambulance cleaning, and his recent claim that they were due to the respiratory illness streaming process, claims that have since been rubbished by the Australian Medical Association and were today labelled a disgrace.

Mr B.S. Wyatt interjected.

The SPEAKER: Treasurer!

Mr Z.R.F. KIRKUP: When will the Premier stop this theme and actually provide a plan for the people of Western Australia to respond to this very real crisis?

Mr B.S. Wyatt interjected.

The SPEAKER: Treasurer, I heard you the first four times. I call you to order.

Mr M. McGOWAN replied:

I have not heard the Australian Medical Association's latest commentary on this issue.

Mr B.S. Wyatt interjected.

Mr M. McGOWAN: The AMA does have many views and it has obviously been in communication with the Liberal Party. Our position has been very clear. Over the course of this year, we have been dealing with a worldwide pandemic, the likes of which have not been seen for a hundred years. We have had to do some very, very difficult things in all sorts of areas. We had to suspend most elective surgery for months and months. That freed up positions in hospitals, but also created a big backlog of activity. That activity is now being caught up, and it will take a long time to get through it. That means beds are occupied at very, very high levels in our hospitals. Our hospitals are very full with people recovering from elective surgery, which is logically understandable, if members think about what we are currently having to cope with.

Secondly, as I said the other day, hospitals, which are vulnerable environments, with many vulnerable people in them, have to be extremely careful about how they deal with people who may be, as unlikely as it is, COVID positive. Therefore, they have streaming measures within the emergency departments. We have put in place hospital liaison officers with St John Ambulance to ensure that we try to manage those issues in our major hospitals as much as possible. Thirdly, there is an enhanced cleaning regime in ambulances. Enhanced cleaning obviously slows down the operation of the system. Like we are doing everywhere, it slows things down. Those three things are totally understandable.

The fourth bit of advice I have had from the Department of Health is that there appears to be a spike in mental health presentations in our emergency departments. It is difficult to know why that is, but there appears to be a significantly increased number of presentations. Over the very, very dire period of COVID, earlier this year, there was a decline in the number of mental health presentations. As difficult as it seems, perhaps there is some catch-up going on with people attending emergency departments who did not attend earlier. That is the advice I have received from the director general of the Department of Health.

All those things have been happening in our emergency departments in this difficult year, but I tell you what, if you got sick, you would want to be here rather than anywhere else in the world. We have the best hospitals, the best-trained staff and the best system; you would want to be here. If we look at hospitals around the world, we see that they are overflowing. Once hospitals overflow, people die in large numbers. That is what is happening all over the world, but it is not happening here. We are prepared and we are ready as best we can be for whatever may come in this environment. I once again urge the Liberal Party—although it does not seem to matter how many times I say it—to be a little bit constructive in the midst of a worldwide pandemic.

AMBULANCE RAMPING

861. Mr Z.R.F. KIRKUP to the Premier:

I have a supplementary question. Compared with the same time last year, there are 3 000 fewer admissions but 900 more hours of ambulance ramping —

Mr R.H. Cook: That's not true.

Mr Z.R.F. KIRKUP: It is true. When will the Premier come clean with the people of Western Australia that the real reason for the ambulance ramping crisis is because of his government's lack of a plan to deal with this very real issue?

Mr M. McGOWAN replied:

Mr Speaker, it never stops. I will be happy when Parliament ends this year because the undermining of our efforts to deal with COVID by members of the Liberal Party is shocking They never stop and have done that the whole way along.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: Do not worry; the public knows the way Liberal Party members have acted. If we look at other states, we see that the opposition parties have not acted in the same way as the Liberal Party in Western Australia. The Liberal Party has been disgraceful and undermined our efforts to deal with a worldwide pandemic at every turn. This state has been extraordinarily successful. If Liberal members had their way, the virus would have come back.

CAPEL POLICE STATION

862. Ms C.M. ROWE to the Minister for Police:

I refer to the McGowan Labor government's commitment to keeping Western Australia safe and strong through its unprecedented investment in police resources across the state. Can the minister update the house on this government's investment in police stations across WA and outline how this investment is not only supporting hardworking police officers, but also local jobs in the WA economy as we recover from COVID-19?

Mrs M.H. ROBERTS replied:

I thank the member for Belmont for the question and for her very strong commitment to supporting our Western Australia Police Force. The member for Belmont is quite right; the McGowan Labor government has put unprecedented investment into supporting Western Australia's police officers. We have taken our total commitment up to 1 100 police officers. We are in the process of delivering them. In addition, we have provided them with new personal-issue vests, body cameras and mobile phones, and provided additional support for meth enforcement in particular.

More recently, we announced $90 million to build, renovate and upgrade police stations across the state. The new Armadale complex is already under construction. Only last week, I was in Collie with the Premier—the member for Collie–Preston is waving to me—to open Capel Police Station. We are very proud of that station. It was an election commitment by the McGowan Labor opposition. The member for Collie–Preston had lobbied very strongly on behalf of his community for the project. These projects support and deliver for our police, making our communities safer, and also provide jobs locally. Many of the refurbishment projects we do will provide some very local jobs. For example, the Capel station was constructed by Bunbury based builder Devlyn Australia Pty Ltd. That station project alone created jobs for about 18 local businesses and employed about 200 workers during construction. It is a particularly good station. It is fit for purpose and the most environmentally friendly station we have ever built. I understand that it is expected to achieve net zero power use status, which means it will produce as much power as it uses over the course of a year. We have a specialist operations room there. Capel is a strategic location where all kinds of strategic operations and multiagency operations can take place—be that a missing person or child, or a bush fire or other natural emergency. This will mean a significantly increased police presence.

I know from the start that people did not want to see a police station in Capel; at the last two elections the Leader of the Opposition said it was not needed. Unfortunately, it appears that that is still the Liberal Party's position. I was pretty incredulous, on Tuesday, 27 October, to hear comments from Liberal upper house member for the area Hon Dr Steve Thomas on ABC radio. It was said on ABC radio —

> A new police station has opened in Western Australia's South West region, but despite being located near a notorious stretch of highway there is debate about whether it is needed at all.
>
> …
>
> South West Liberal MP Steve Thomas said he did not think a police station was needed in Capel …

He went on to say —

> "Capel is not a high-crime location—it's actually a pretty safe little town.

I do not know who else has been down to the south west in recent times, but it is a rapidly growing region. There is a lot of residential development throughout the region. The Liberal Party tried to suggest that there would not be additional officers, but they would be borrowed from Bunbury or another area. We have promised extra officers and we have delivered them to Capel. We put additional officers into that south west district to cater for that. One of the key tasks of those officers based in Capel will be to do traffic patrols of those roads. Tragically, only recently, we saw again how dangerous Bussell Highway and other roads in that region are. This police station is set near a 17-kilometre stretch of Bussell Highway. It will be an ideal position for our traffic police to police from. This will keep the community safer. It adds to our commitment to keeping our communities safe and strong.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION — "PRIVATE PROPERTY RIGHTS: THE NEED FOR DISCLOSURE AND FAIR COMPENSATION"

863. Mr R.S. LOVE to the Minister for Transport:

I refer to recommendation 27 of the Standing Committee on Public Administration's thirty-third report titled "Private Property Rights: The Need for Disclosure and Fair Compensation", which recommends compensation on just terms. When a decision on the Dongara–Geraldton–Northampton route is finalised, will the government take heed of this recommendation and compensate landowners on just terms for land that is sterilised or otherwise impacted by the choice of route?

Ms R. SAFFIOTI replied:

Provisions in the Land Administration Act 1997 and other acts deal with the valuation process in the acquisition of properties for public works. A valuation is being undertaken just as valuations for projects around the state have been done for decades. We are very fortunate in Western Australia to have a strong system that has not led to situations such as the one in New South Wales in which a property that was valued at $3 million was bought by the New South Wales government for $30 million. I do not think anyone has discovered those types of situations. I have never seen a situation like that in WA and I do not want to see a situation like that in WA. There is a fair process. The issues involved when properties are affected by public works are challenging. Many people whose homes are along train lines have experienced it. People in the suburbs and the regions have experienced these issues for decades. People get valuations and become involved in negotiations with the Western Australian

Planning Commission, Main Roads WA and the Department of Lands. In many instances, private landowners have an opportunity to get their own valuation to crosscheck the government's valuation. There are processes underway. As I said, we have been very fortunate in WA to have strong systems to ensure that the example of a $3 million property being purchased for $30 million does not happen in WA, and nor should it.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION —
"PRIVATE PROPERTY RIGHTS: THE NEED FOR DISCLOSURE AND FAIR COMPENSATION"

864. Mr R.S. LOVE to the Minister for Transport:

I have a supplementary question. For many years, some of my constituents in Chapman Valley have been disadvantaged by the Oakajee Narngulu infrastructure corridor, which most likely will now form part of the Dongara–Northampton route. Will the minister ensure that addressing their plight is prioritised so that they receive just compensation as soon as possible to put an end to the many, many years of waiting?

Ms R. SAFFIOTI replied:

Member for Moore, as I said in my answer to the member for Geraldton's question, the years of uncertainty are years that I want to end, and this is the issue. Under the previous government, there were liens on that for many, many years. When we won government, I met with some individual landowners and representatives from the shire and they said, "We just want certainty and we want the ability to move on", and that is why we went through this process. As I said, the easiest thing for me to have done would have been to not do anything for another year. But my view is that we want to provide certainty and that is what we are working through. Once we finalise routes, there are processes in place. I feel for those people who live in Chapman Valley because they are the ones who, for over a decade—because the previous government never finalised the route—have had uncertainty. I particularly feel for those people. One of the driving forces in doing this route alignment, having a preferred route and now trying to finalise it through individual negotiations with landowners, is to give people certainty so that they can get on with their lives. That has always been a big challenge for us. It is something that I have prioritised because I do not like it when people cannot get on with their lives. They need certainty and we are striving to give people certainty, particularly those in Chapman Valley who have had 15 years of uncertainty.

CORRECTIVE SERVICES — PRISONS

865. Ms J. FARRER to the Minister for Corrective Services:

I refer to the McGowan Labor government's commitment to keeping Western Australia safe and strong by addressing the pressures placed on our prison system due to the eight and a half years of mismanagement by the previous Liberal–National government. Can the minister outline to the house how this government's efforts have not only improved community safety, but also supported local Western Australian businesses and created more local jobs as the economy recovers from the impacts of COVID-19?

Mr F.M. LOGAN replied:

I thank the member for Kimberley for the question, and I congratulate her for spending her time in this house fighting for the people of the Kimberley in trying to address some of the injustices that have occurred in that part of our state.

I have said this in the house a few times before: after three years and nine months as the Minister for Corrective Services, what I inherited from the previous government in the area of corrections was a dysfunctional department and a dysfunctional prison estate that had no plan, no money, no spare beds, and security that was left to deteriorate. Having given a commitment to this house to fix those things, over the last three years and nine months I have gone ahead and fixed them on behalf of the people of WA and on behalf of the prisoners to keep our state safe and strong.

In the area that the member for Kimberley comes from, members will remember that in this house I referred to the absolutely disgraceful state in which Broome Regional Prison was left after the time of the previous government. It did not know whether to keep it open or close it. It kept moving from one position to another, spending no money on Broome Regional Prison. If members look at the coroner's inquiry into Mr Jackamarra's death in Broome prison, it points directly to the fact that the hanging points were not taken out of the prison because the government did not know whether or not to keep it open. It was a disgrace that Mr Jackamarra ended up losing his life because of a failure to remove those hanging points from the ablutions in Broome prison. We fixed it. As soon as I became the Minister for Corrective Services, I immediately moved on Broome prison and allocated $2.7 million to upgrade the security facilities and reception area, remove the hanging points and fix up the women's cells. Those works created 160 jobs and 39 apprenticeships, all of which was local content because the work was done by companies in Broome.

We are now moving on to replace Broome prison because, at the end of the day, it is more than 100 years old and it needs to be replaced. We are in the process of planning a new Broome Regional Prison. In fact, the member for Kimberley joined me recently in a meeting with traditional owners to identify the right location for a new Broome prison. We have allocated $1.4 million in this year's budget to do the planning and design work and to start doing the contractual work for the replacement of Broome prison. I hope we can make some announcements in the near future about the location and design of the new Broome Regional Prison.

Those are two examples of massive changes that have occurred within the Department of Corrective Services in Western Australia; so much so that for the first time in more than a decade, the prison estate is at only 82 per cent capacity. When I took responsibility for this portfolio, there were more prisoners than beds. We now have more than 8 500 beds in the Western Australian prison estate, and we are running at 82 per cent capacity. That means that we can cope with any surge that may happen as a result of the great work that has been done by the Minister for Police in having more police on the beat. For any surge that may result in extra people either on remand or sentenced to prison, we have the beds to put them in. That was not the case in March 2017. The people who work in corrections are in a much better space. Their heads are in a much better space and they enjoy going to work. As I said, that means that we have created a stronger and safer state.

DEVELOPMENTWA PROJECT — MIDDLETON BEACH

866. Mr A. KRSTICEVIC to the Premier:

Can the Premier advise the house why DevelopmentWA is involved in building a mixed-use residential and commercial development on Middleton Beach when more than 9 000 people in Western Australia experience homelessness every night?

Mr M. McGOWAN replied:

The member obviously does not understand, at all, how DevelopmentWA works. DevelopmentWA is the old LandCorp and Metropolitan Redevelopment Authority, which were merged—a long-awaited project that we put in place. It is a state government land development agency. It develops land. It is called DevelopmentWA. It does both commercial and residential developments and is doing some marvellous developments all over the state—for instance, the redevelopment of the old Subiaco Oval and Princess Margaret Hospital for Children sites. It does industrial estates all over the state, regional and metro, such as Meridian Park.

Mr B.S. Wyatt: Ocean Reef Marina.

Mr M. McGOWAN: It is doing the Ocean Reef Marina. It particularly does projects in regional WA. Sometimes those projects are much needed in regional Western Australia and have been awaited for years. Clearly, the private sector does not get on and do them, or does not reach the hurdle rate or the rate of return that a private sector developer might wish to achieve. The state has had this model going back basically 180 years. We have had this model in various forms for 180 years. We have done all sorts of wonderful developments around the state through this model. From the tone of the member's question, it appears that the Liberal Party does not support this model anymore. Is that true? Does it not support this agency, DevelopmentWA, actually getting out and doing these innovative and exciting developments that create jobs for Western Australians? Do members opposite not support that now?

I do not think there is any vetting of the questions, because whenever one of these dumb questions is asked, suddenly everyone over there looks at their phone! One or two members over there—perhaps one who is about to retire—do not have a poker face. I can always rate the question based upon the look on the face of one of the members opposite. I will not say which one, but he gives it away, Mr Speaker!

Frankly, this question shows how unfit for office the Liberal Party is. That is what it shows. The member does not even understand the way the land development model works in Western Australia. Just so the member knows, back before the 2013 election, the Liberal Party policy was to compulsorily acquire the land at Middleton Beach so that it could be developed. That was the policy it took forward—compulsory acquisition so that the state could get on and develop the land. That was the policy that Colin Barnett put in place.

Mr B.S. Wyatt: Bought it but didn't develop it.

Mr M. McGOWAN: Yes. It was a compulsory acquisition process because the old hotel that was on the site had been demolished and the land was sitting there unused. This government has ensured that Middleton Beach is being redeveloped. There is a new shark safety net going in, development of the foreshore and boardwalk, and a seawall being built because of the sea level issues that are increasingly occurring. There is a marvellous development going on there that will create jobs for people in Albany. I am going to make sure that the people of Albany understand that Rebecca Stephens, Peter Watson and this government are committed to important commercial, residential and job opportunities for the people of Albany, and the Liberal Party is not.

DEVELOPMENTWA PROJECT — MIDDLETON BEACH

867. Mr A. KRSTICEVIC to the Premier:

I have a supplementary question.

Several members interjected.

The SPEAKER: Members! I want to hear this.

Mr A. KRSTICEVIC: Given that the development will be available on the open market, can the Premier confirm whether any of the residential properties will be available for social housing?

Dr A.D. Buti: Why? Do you want to buy them?

The SPEAKER: Member!

Several members interjected.

The SPEAKER: Members, as funny as it was, I call the member for Armadale to order for the first time.

Mr M. McGOWAN replied:

The member for Carine knows a bloke! He has a friend who wants to buy the Homeswest properties. We have seen that before with the member for Carine.

When the member for Carine asks supplementary questions, I am reminded of that great scene in *Rocky* when Burgess Meredith, who plays Mickey, is telling Rocky, "Don't get up; stay down!" My advice to the member on asking supplementary questions is, "Stay down; don't get up", because your supplementary is even worse than your original question!

We are providing social housing all over Western Australia. We have announced the best part of a billion dollars' worth of packages for repairs and new housing initiatives for lower income people, and new social housing all over Western Australia. The member for Carine confuses those two issues. The role of DevelopmentWA is to put in place great job-generating projects. That the member does not even understand that the role of this organisation is to fix longstanding issues like Middleton Beach once again shows how inept and unfit for office the Liberal Party in this state is.

The SPEAKER: That is the end of question time.

BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) BILL 2020

Second Reading

Resumed from an earlier stage of the sitting.

The SPEAKER: Attorney General, you may speak. Are you getting up to talk or are you putting your tie on?

MR J.R. QUIGLEY (Butler — Minister for Commerce) [2.56 pm] — in reply: I was picking up where I was in my notes! As I was saying before the speech was interrupted for members' short statements prior to the luncheon adjournment, the McGowan Labor opposition made a promise, going into the election, that it would introduce statutory trusts for retention moneys in construction contracts, and the Building and Construction Industry (Security of Payment) Bill 2020 delivers in full on that promise. I think it is worth saying that at the outset of my reply to the second reading debate, because some members seemed to suggest in their contributions yesterday that the promise was to provide cascading trusts for every payment made under a construction contract. That was never the promise, but I concede it was a recommendation of the Fiocco report, which was considered by all stakeholders and, indeed, by the government. I will come back to that issue in a moment.

Since the election in 2017, the Labor government has introduced a number of separate, complementary reform initiatives in line with our election commitment to protect subcontractors in the construction industry and to ensure, as far as possible, that contractors in the building and construction industry are paid properly, on time and every time, for work performed. One of the changes to construction industry payments included the extended rollout of project bank accounts on government-funded projects. Project bank accounts are now being used on the majority of government projects worth over $1.5 million. Previously, these were used only on projects managed by the Department of Finance. I am sure members will appreciate that this threshold of over $1.5 million is a low floor and captures a lot of projects in Western Australia, as the government does fund many projects in the construction industry in Western Australia. The government is one of the largest clients of the construction industry in this state, if not the largest, when we take into account all the civil works, such as Metronet, hospitals and the like.

At the same time, we have been expanding the powers and responsibilities of the Small Business Commissioner under the Small Business Development Corporation Act 1983 to investigate complaints by small business contractors of unfair market practices so that subcontractors in the construction space can take their concerns and complaints to the Small Business Commissioner. We have also created a supplier debarment scheme under the Procurement Act 2020.

The bill before the house will deliver the remainder of the McGowan government's election commitments to introduce industry-wide laws to protect payments to subcontractors working on both government and private projects. Something has been made—I mentioned this just before the luncheon adjournment—of the timing of this bill's introduction to Parliament. Comment has been made that it may not pass through the other place in the current parliamentary session. Nonetheless, it was important to introduce the bill. One cannot predict what will happen in the other place; that is up to members there. However, it is my responsibility, as the minister, to have the legislation drafted as soon as I can following stakeholder consultation, and then to take an exposure draft back to the stakeholders prior to taking it to cabinet for approval to print.

I acknowledge the comment made by the manager of opposition business in the house when speaking on this topic at the time of the introduction of the bill that no criticism was being levelled at me as minister for getting the bill

here. Indeed, my staff tell me that it is the fifty-eighth bill I have presented to the chamber in the four years that I have been Attorney General and the two years that I have been Minister for Commerce. We have been very active in our law reform agenda.

Mr P.A. Katsambanis: How many bills did you say?

Mr J.R. QUIGLEY: I was told 58.

Mr P.A. Katsambanis: And I have been here for every single one of them!

Mr J.R. QUIGLEY: That is right, and the member has participated in the debate on every single one of them, so he can bear witness to the fact that I have had a busy agenda. With this particular bill, there has been so much pressure. There had been inertia in the law reform space before we came to government, and there has been so much pressure to deliver on so many fronts, supported by my friend from Hillarys on most of those bills. For example, there was a bill to lift the statute of limitations. There was also a bill to introduce fines reforms, which was very complicated, to ease the burden especially on the vulnerable and the Indigenous from incarceration for non-payment of fines. A lot of bills needed attending to and this was a complicated one. This bill has been the subject of reports on reform, as the member for Hillarys noted, dating back to the Law Reform Commission's report of some 21 years ago, when Hon Wayne Martin, QC, was the chairperson. Of course, members have noted that in the ensuing years, there was, first of all, the report of Mr Collins, QC, to the New South Wales Parliament, and then the Murray report to the federal government, prior to my cabinet colleague and the former minister, and now the Minister for Energy and other matters, commissioning the Fiocco report. The government was determined that the Fiocco report would not become just another learned paper on the construction industry from which no legislation was actually produced. We were determined to study the Fiocco report, get it out to stakeholders and take action. As I said earlier, together with those other three areas—introducing project bank accounts, expanding the powers of the Small Business Commissioner and creating the supplier debarment scheme under the Procurement Act—what is before the chamber delivers on our suite of promises to all those who work in the construction industry, especially subcontractors.

One of the significant parts of this bill is the introduction of statutory trusts for retention moneys. This is money that has been earned by the contractor or subcontractor but has been retained as a surety against the need for remediation on the works during a 12-month period. As some members have noted, that can amount to between five and 10 per cent and can constitute the profit margin of the contractor or subcontractor on the contract. If the principal or head contractor goes into administration, as we have seen time and again, the subcontractors can lose all their profit on the job because the liquidator has responsibilities under the Corporations Act to pay the Australian Taxation Office as a first priority, and then to pay secured creditors, and the person who put the asset together does not get paid. It was just untenable. Now these moneys will go into a statutory trust.

The member for Hillarys raised the issue of education about the statutory trusts. These trusts are not complicated. They are not as complicated as a solicitor's trust account. A solicitor might have 1 000, 2 000 or 3 000 clients all paying money into a single trust account. The accounting and tracing of the moneys that go into these trust accounts can be quite complex and the auditing of the accounts expensive and required on an annual basis so that the solicitor can renew their practising certificate. However, in this case, if we were building a college at Alkimos, it could involve simply opening up an Alkimos retention trust account at the local bank and paying into it the retention scheme money. It could be an isolated account to hold that money, and if it is marked "Alkimos retention trust account", it would satisfy the requirements of the legislation. The administration on it would be absolutely minimal. The same will apply to a subcontractor who employs a sub-subcontractor and holds back 10 per cent retention money.

Mr P.A. Katsambanis: It's not the technical operation of the trust; it's the respective obligations of the parties that do not seem to be very well understood and, in particular, that apparent convenience that many builders have used—using retention money as working capital. That's what we're trying to avoid.

Mr J.R. QUIGLEY: They will not be able to because it will be against the law. It will be deemed to be trust money. If they do not pay it into a trust account, it will be like stealing from a trust account. Although this will be a huge change and a shift away from the way that the construction industry has operated in the past, it is not that complex. I have had the pleasure of sitting down with the main stakeholders: the Master Builders Association, which covers many hundreds of builders and subcontractors; the Australian Subcontractors Association; and the Housing Industry Association. I have sat down with them all. They can see that this is not that complex and will not introduce the complexity of cascading trusts for every payment made under a construction contract. This will fulfil our promise of statutory trusts for retention money. It is not that complex.

The member for Hillarys asked about education. The department will send out information about statutory trusts for retention funds to all registered builders, as will the associations, such as the Master Builders Association et al. The member raised concerns about the government not implementing all the recommendations of Mr John Fiocco; the Murray report; the report of Mr Collins, QC, to the New South Wales government; or the recommendations of Mr Wayne Martin, QC, to the Law Reform Commission. The recommendation I speak of is for cascading trusts for every payment in the industry, which would be an epoch change for the industry. At this stage, that is not off the table for a future stage, but complexities are involved, especially for Western Australia. We have the west coast

model of payment of construction contracts, which gives primacy to the terms of the contract between the builder and the principal, or the subcontractor and the head contractor. There is a primacy of contract in terms of resolution of disputes. I think the west coast model was also used in the Northern Territory, but that is the only other jurisdiction that I believe adopted this arcane system of giving primacy to the common law contract. Under that model, payment could be dragged out for 90 days or 120 days and disputes were expensive to resolve. Introducing cascading trusts for every payment under a construction contract in such an environment would mean a hold-up in the payment of moneys. One thing that we all know is critical in the construction industry is keeping money flowing through the contract chain; otherwise, people further down the chain will suffer immeasurable damage.

The first thing that had to be addressed was the security of payment and bringing in payment demands under the security of payment legislation that is now before the chamber. Under this system, demands can be made and there will be a statutory time frame within which the principal or head contractor will have to respond to those demands. Once that demand is made, the head contractor will have 10 days to serve a payment schedule to the subcontractor. Once it gets the payment schedule, the subcontractor will be able to ask, by sending another 10-day notice, that the matter go to adjudication. Importantly, and this has never been the case under the west coast model, once the payment schedule has been delivered to the subcontractor, the head contractor will not be able to add new items to that payment schedule as disputed items when going to adjudication. Within 10 days of a subcontractor serving a payment demand upon the head contractor, when the payment schedule comes back, the subbie will know where it stands within 10 days. In Western Australia, that will be revolutionary. Previously, people could keep disputing for months what would be paid under the demand for payment, so it became really expensive and lawyers had to be engaged.

Under this system, the payment demand will be put in and a payment schedule will come back. Within 10 days, people will know where they stand. They will have another 10 days to ask for the matter to be sent to an adjudicator. Very importantly, the member for Hillarys said that there was some concern about who will be the adjudicator and that because there is inequity or a power imbalance between a big company and a smaller subcontractor about who the adjudicator would be, the head contractor could lean towards an adjudicator who is biased towards the contractor. Firstly, I do not think it pays proper respect to the adjudicators who are recognised by the department as adjudicators to suggest that they would act in a biased way. Under our current system, there has not been a great problem with the independence of adjudicators. In any event, there are associations that can be nominated as appointers of adjudicators. One firm, Adjudicate Today, was angling to become the appointer for all adjudicators, but we did not want to do that because it is a private enterprise. I do not criticise Adjudicate Today in any way, but nor would we want it to have a monopoly in the field to appoint adjudicators. I could be corrected, but I understand that its fee is up to 30 per cent of the adjudicators fee, but it supplies secretarial and administrative services to the adjudicators. Parties can say they will appoint the Master Builders Association as the appointer of an adjudicator. That regularly happens under contracts that have been alive in Western Australia over many years. I understand that the MBA charges a flat fee on the appointment of an adjudicator of some $250, but it does not supply secretarial services to the adjudicator. The adjudicator has to supply those himself or herself and add that as a disbursement to the adjudication fee. A person will get an answer back within 21 days. Through this process, there will be an acceleration of the payment of funds under construction contracts, which will be to the benefit of suppliers and builders right down the chain. That is why, no doubt, all these important stakeholders have come out in support of this bill. When I read the second reading speech to the Parliament last month, the Master Builders Association and other stakeholders came out in support of this bill.

Mr P.J. Rundle: What about the subcontractors?

Mr J.R. QUIGLEY: Subcontractors support this bill, but they are looking for more. They are looking for cascading trusts for every payment. I have already explained that until we introduce this legislation and work out a swift, efficient and stable method of sorting out disputes, subcontractors will be disappointed with cascading trusts because all a contractor would have to do is dispute the demand for payment. Then money would get locked up in the trust and could not be released. Then there would be a problem for the contractor because when money is locked up in the trust, the contractor cannot get his money out either. There would be problems. We had to step this out. It had to be reformed by evolution, not revolution. This industry is too important to the jobs market in Western Australia to subject it to a revolution, which could destabilise the industry. As I said, they are all getting behind this bill, although some want more. Interestingly enough, we have gone further than, say, the conservative government of New South Wales with the report of Mr Collins, QC. It did not even introduce statutory trusts for retention moneys. We have gone further than the commonwealth government did with the Murray report because it did not introduce a trust for retention moneys. The McGowan government has gone further than any other jurisdiction in Australia with the evolution of reform in the construction industry.

I think I have addressed the concerns of the member for Hillarys about section 29(a) of the Construction Industry Portable Paid Long Service Leave Act 1985. Parties are free to appoint their own adjudicator or appoint a nominator in the contract, such as the Master Builders Association of WA or the Housing Industry Association or, if they want, Adjudicate Today, which charges a higher fee but provides administrative and secretarial services. We are giving services complete freedom to nominate an adjudicator. As I said, the adjudicators have a good reputation. We do not hear complaints from the industry that the adjudicators are so biased that it is causing a significant problem.

The member for Hillarys, on the other hand, wholeheartedly endorses the scheme of statutory trusts for retention moneys. We think that no reasonable opposition could take any other step. The opposition also recognises that the government has gone that extra distance in introducing statutory trusts for retention moneys.

In his opening comments, the member for Roe addressed the other scourge of the building industry—that is, the practice of phoenixing. To address that in a longhand method for the chamber, that is where a company puts itself into voluntary liquidation and is wound up whilst owing subcontractors or suppliers money for services or goods supplied. The Australian Taxation Office comes in and get its whack because it gets priority under the Taxation Administration Act. The banks, the secured creditors, come in and get their money and then the unsecured subcontractors or suppliers are left whistling *Dixie*, only to see the officers of that company then reconstitute a new company, obtain a building licence for the new company and start all over again, having left behind a swathe of deprived and bankrupt subcontractors and suppliers—all the damaged people in businesses from the first company. It galls them to see the same officers running a new company. As explained in the second reading speech and as other members have recognised, this bill contains provisions that will prohibit this. The Building Commissioner will have the power not to issue a licence to officers or managers of a company that has defaulted on payments to the building industry and seeks to phoenix. They just will not get a licence. For the first time, we will have a fit and proper person test and the Building Commissioner, using his or her powers, will be able to keep these people out of the industry.

Dr D.J. Honey: A good move.

Mr J.R. QUIGLEY: That is right. When I was at the Master Builders Association awards last Saturday night, I think, there was a little round of applause in the room when I explained that was coming because most of the builders present realised that the reputation of the industry is generally damaged—they read about this in the paper—when a company has started up as a phoenix company and it identifies all the people who have been left behind as the damaged persons of the other company. Part 7 of the bill addresses this issue. It is very important that this occur. The member for Cottesloe said that it was a good move, which it is.

I want to make sure that I have covered most of the issues raised by the member for Hillarys, who was the lead speaker for the opposition on this bill. He raised the question of consultation with stakeholders. This bill has taken a little while to bring forward because we discussed the Fiocco report with the stakeholders, and when we did our first draft of the bill and I had to make calls about cascading trusts and the like, we went back to the stakeholders and eventually got a bill in a form that I could consult with until there was unanimity and support amongst stakeholders for the bill that is now before the chamber.

The member for Mount Lawley raised the issue of the decreasing time and cost for the resolution of disputes, which this bill will facilitate. I addressed that earlier by saying that once the demand for payment is made, businesses will have only 10 days within which to respond to the demand for payment. This will put pressure on everyone. If they are not going to pay subcontractors, they will need a reason not to pay the subcontractor. They do not need three or four weeks to sit down and dream up reasons. They know why they are not going to pay them. They know what they are arguing about so let us give them the payment schedule properly. If the payment claim was for $1 million and $500 000 is in dispute, businesses should identify those items that constitute the items of dispute and pay the other $500 000 immediately. If they do not, it is a debt due and recoverable in the courts. As I said earlier, then the subcontractor is not left for months wondering what the detail is going to be. Once they get the details in the payment schedule of what the dispute is about, they can take it to adjudication and the principal contractor cannot add new items of dispute, so everyone knows where they are early in the proceedings. It is important to remember that this is an adjudication to keep the money flowing. It does not extinguish the head contractor's right to subsequently seek arbitration or litigation on matters. It does not wipe out the rights of the principal or head contractor to subsequently seek arbitration or remedy at law. It is a process for quick resolution of disputes whilst the project is afoot.

One of the other important matters, which was raised during the second reading debate, is that of progress payments. At the moment, it is unclear when a progress payment is due. It can be stipulated in the terms of a common law contract, but under the provisions of the bill, at the end of each month, a subcontractor will have the right to submit a claim for a progress payment. Once again, when a claim for a progress payment is submitted at the end of the month, the contractor can, in the payment schedule, dispute some of the jobs that were done during the month. That can go to arbitration; it will happen quickly. The subcontractor will not be left swinging in the breeze, month after month, arguing about when he can get a progress payment. He will have a statutory right to do so. That is important for subcontractors.

We have subcontractors that are bigger than building companies. The oil and gas and mining industries have massive subcontractors. Equally, throughout the construction industry, there are small, mum-and-dad subcontractors. Once upon a time, they were employees of bigger companies. They now have a Hilux ute, a cement mixer and all the equipment. These small subcontractors support families, meet mortgage payments et cetera. They need regular payment for the work being done. They cannot be expected to capitalise on their work by letting the tier above them hold back the moneys for payment and thereby capitalising their own business by holding up payments to their

subcontractor. We have to keep the money flowing down through the contract chain. The right for subcontractors to put in their claims is a statutory right. Until now, there has never been a right to suspend works for non-payment. There are now statutory provisions concerning the suspension of work, which came out of the "Security of Payment Reform in the WA Building and Construction Industry" report by John Fiocco. Before, if a subcontractor suspended works because there had been an adjudication and he was not being paid, the adjudicated money was recoverable through the courts under the statutory scheme in this bill. We have seen what happens. There have been lockouts, but the principal contractor then has brought in another subbie to do the work. There was not the ability to suspend the works until there had been payment for the work that had been done. That is a very important evolution in the construction contracts space.

In my reply to the second reading debate, I see that I have gone on and have only four minutes left, but I do not want to go on and on. In the last four minutes, I do not know whether members have any particular queries or otherwise, we can go into consideration in detail.

Mr P.A. Katsambanis: We can go into consideration in detail.

Mr J.R. QUIGLEY: In that case, I thank members for their contributions. I particularly thank the honourable minister, the member for Cannington, for his efforts in commissioning the Fiocco report and instigating this process of reform in Western Australia. Of course, I would like to acknowledge Mr Fiocco and Mr Matthew Swinbourn, who assisted Mr Fiocco. I also acknowledge the contributions made by the authors of previous reports in the personages of the Honourable Wayne Martin, QC, Bob Collins, QC, and Mr Murray. I thank members for their contributions to the second reading debate.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 to 33 put and passed.

Clause 34: Adjudication response —

Mr J.R. QUIGLEY: I move —

Page 37, line 16 — To delete "Division 1," and substitute —

this Part,

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 35 to 38 put and passed.

Clause 39: When claimant or respondent may apply for review of adjudication —

Mr J.R. QUIGLEY: I move —

Page 44, line 21 — To delete "Division 1; and" and substitute —

this Part; and

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 40 to 52 put and passed.

Clause 53: Certification of determination if adjudicated amount not paid or excess amount not repaid —

Mr J.R. QUIGLEY: I move —

Page 59, after line 7 — To insert —

(1A) The Building Commissioner cannot provide the claimant with a certified copy of the determination of an adjudicator if an adjudication review application in relation to the determination has been made but not determined.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 54 to 138 put and passed.

Title put and passed.

PAY-ROLL TAX RELIEF (COVID-19 RESPONSE) AMENDMENT BILL 2020

Assent

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

SAFETY LEVIES AMENDMENT BILL 2019

Returned

Bill returned from the Council without amendment.

House adjourned at 3.45 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTERIAL OFFICES — MEDIA ADVISERS AND STAFF — COMPLAINTS

6432. Mr D.T. Redman to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

I refer to formal complaints made to media outlets since the March 2017 election by government ministerial media advisors (or ministerial office staff), and ask:

(a) Can the Premier outline all formal complaints made to media outlets by government ministerial media advisors including the following in the answer:

  (i) Ministerial office from which the formal complaint was made;

  (ii) The name of the media advisor (or other) making the formal complaint;

  (iii) The media organisation to which the formal complaint was made;

  (iv) The topic of media interest for which the formal complaint was made; and

  (v) Whether the complaint was upheld or not in the response from the media outlet to the formal complaint;

(b) Does the McGowan Government have a policy that gives direction to media advisors in respect to making formal complaints to media outlets; and

(c) Is it policy or practice for Ministers to be informed of their respective media advisors making formal complaints to media outlets on matters to do with portfolio media activity?

Mr M. McGowan replied:

The Premier is unaware of any formal complaints made by ministerial media advisers since the March 2017 election.

If the Member has a question about a particular Ministerial Office or media organisation I would suggest he asks a more specific question.

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