



# **Parliamentary Debates**

**(HANSARD)**

FORTIETH PARLIAMENT  
FIRST SESSION  
2019

LEGISLATIVE ASSEMBLY

Wednesday, 25 September 2019



# Legislative Assembly

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**THE SPEAKER (Mr P.B. Watson)** took the chair at 12.00 noon, acknowledged country and read prayers.

## VISITORS — PALMYRA PRIMARY SCHOOL

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson)** [12.02 pm]: On behalf of the member for Bicton, I would like to acknowledge that joining us in the gallery today is Mr Simmonds, the teacher, and the year 6 students from Palmyra Primary School, including the member's daughter Matilda. Put your hand up, Matilda. I thought a boy put his hand up then. Welcome to our chamber.

## FRACKING — SHIRE OF NORTHAMPTON

*Petition*

**MR R.S. LOVE (Moore)** [12.02 pm]: I have a petition containing 592 signatures, which has been certified as confirming with the standing orders and is couched in the following terms —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, express our deep concern that fracking is being planned within the Northampton Shire and around the Murchison River. This region is a significant food growing, tourism and cultural region, including the towns like Kalbarri and Northampton and farming localities like Ajana and Binnu. Our water and communities are too precious to sacrifice to the fracking industry.

**Now we ask the Legislative Assembly to ban fracking in the Northampton Shire.**

[See petition 146.]

## PAPERS TABLED

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

## BILLS

*Notice of Motion to Introduce*

1. North West Gas Development (Woodside) Agreement Amendment Bill 2019.

Notice of motion given by **Mr M. McGowan (Minister for State Development, Jobs and Trade)**.

2. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019.

Notice of motion given by **Mr R.H. Cook (Minister for Health)**.

3. Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019.

Notice of motion given by **Mr D.A. Templeman (Leader of the House)** on behalf of Mrs M.H. Roberts (Minister for Road Safety).

4. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019.

Notice of motion given by **Mr J.R. Quigley (Attorney General)**.

5. Sunday Entertainments Repeal Bill 2019.

Notice of motion given by **Mr J.R. Quigley (Minister for Commerce)**.

6. Public Works Amendment (WA Building Management Authority Abolition) Bill 2019.

Notice of motion given by **Mr B.S. Wyatt (Minister for Finance)**.

7. Railway (METRONET) Amendment Bill 2019.

8. Government Railways Amendment Bill 2019.

Notices of motion given by **Ms R. Saffioti (Minister for Transport)**.

## METROPOLITAN REGION SCHEME AMENDMENTS 1323/41 AND 1324/41 — SOUTH AND CENTRAL BULLSBROOK URBAN PRECINCT

*Statement by Minister for Transport*

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [12.07 pm]: I present for tabling metropolitan region scheme amendments 1323/41 and 1324/41, which propose to collectively rezone 362.52 hectares of land in the Bullsbrook locality from rural to urban and urban deferred zones. A third proposal to rezone approximately

63 hectares in north Bullsbrook will not be progressed at this time due to concerns from affected landowners, the requirement for further consideration of the Bullsbrook wastewater treatment buffer and its extent, and the amount of adequate urban land supply in the area. The tabled documents will facilitate future residential development, including a neighbourhood centre, district centre, areas of public open space, a primary school and associated playing fields, and conservation areas, in accordance with the Western Australian Planning Commission–endorsed “Bullsbrook Townsite District Structure Plan”.

The majority of the land will be zoned urban deferred, as a range of requirements will need to be addressed before the land can be transferred to urban zone. This includes confirmation of water and wastewater infrastructure, the location of a high school site, confirmation of road upgrading requirements to support the proposed scale of development, and confirmation that the existing landfill and clay extraction operations and associated buffers have ceased. The tabled amendments implement the recommendations of the endorsed “Bullsbrook Townsite District Structure Plan” and the “North-East Sub-regional Planning Framework”, which forms part of the Perth and Peel@3.5 million suite of strategic planning documents. These documents identify the sites as urban expansion.

The Environmental Protection Authority advised that the proposed amendments would not require formal assessment under the Environmental Protection Act 1986, and provided advice on matters relating to flora and vegetation, terrestrial fauna, hydrological processes, inland water environmental quality, social surroundings and human health. These matters will require further consideration in subsequent planning stages, such as for the lifting of urban deferment requirements and structure planning, in consultation with the City of Swan and the Western Australian Planning Commission.

The central and south Bullsbrook amendments were modified by excluding areas of road widening required by Main Roads WA, excluding lots subject to a separate metropolitan region scheme amendment process, and the zoning of the Bullsbrook town centre as urban. The lifting of urban deferment requirements for the two amendments were also modified by removing reference to the need for a district structure plan, given that the Western Australian Planning Commission approved the “Bullsbrook Townsite District Structure Plan” in the intervening period.

In accordance with the statutory provisions for region scheme amendments, these amendments were advertised for three months. A total of 38 submissions were received on the two amendments, comprising 33 general comments, two comments of support and three comments of objection. Copies of the submissions and the Western Australian Planning Commission’s reports on submissions are also tabled today.

I am pleased to now table the documentation for metropolitan region scheme amendments 1323/41 and 1324/41, and I commend them to the house.

[See papers 2811 to 2815.]

## **2019 WA INDUSTRY AND EXPORT AWARDS**

### *Statement by Minister for Asian Engagement*

**MR P.C. TINLEY (Willagee — Minister for Asian Engagement)** [12.10 pm]: On Monday evening I was thrilled to represent the Premier at the 2019 WA Industry and Export Awards. In its thirty-first year, the awards have grown from three export categories in 1988 to 13 national export awards and four state awards. This year I was thrilled by the addition of a new award category, the Exporter to Asia Award. Western Australian businesses and companies are world leaders in innovation and are competitive with the best in the world. On Monday night, this innovation was on full display, with category nominations for businesses across the spectrum of Western Australian industry sectors, including international education; primary industries, technology and advanced manufacturing; mining equipment, technology and services; and tourism, events and creative industries. Finalists included companies ranging from well-known WA businesses such as CBH Grain and Austal to companies such as Dutjahn Sandalwood Oils, which is a 50 per cent Indigenous-owned company producing a superior Australian sandalwood oil for export to the global luxury perfume market.

The WA economy is built on a foundation of trade. In Australia, one in five jobs in the Australian economy involve trade-related activities. That is more than 1.5 million jobs nationally that are directly connected with exporting. In Western Australia, it is closer to one in every three jobs that are involved in trade-related activities. When it comes to exports, WA punches well above its weight class, contributing more than 46 per cent of the nation’s total exports and in the process contributing approximately \$130 billion in export value directly into the WA economy. The McGowan government understands the importance of building on the contribution of exports to our economy to create new markets, deepen existing relationships and build economic resilience. The state’s economic framework “Diversify WA” articulates the McGowan government’s vision to create a strong and diversified economy, and to create jobs through investment in the state’s priority sectors. The WA Asian engagement strategy builds further on that vision and sets forward a plan that is specific to our Asian markets, which by 2050 will represent more than 50 per cent of the world’s economy.

Congratulations to all the award finalists and, of course, to the category winners who will represent Western Australia in the national finals in Canberra in December.

**RIDE AGAINST DOMESTIC VIOLENCE***Statement by Minister for Women's Interests*

**MS S.F. McGURK (Fremantle — Minister for Women's Interests)** [12.13 pm]: I rise to inform the house of another community-driven initiative supporting our critical services that work with women and children experiencing family and domestic violence. Last week, on Tuesday, 17 September, I had the honour of hosting this year's celebration event for the Ride Against Domestic Violence initiative spearheaded by the member for Armadale, Dr Tony Buti, MLA. As the name suggests, the Ride Against Domestic Violence is a community awareness activity focused on cycling through country Western Australia to raise funds for women's refuges. This year's route took cyclists from Busselton to Perth on a weekend in May.

I am not known for my cycling skills, yet I am very glad that others in our state's private and community sectors chose to put theirs to good use and participate in such a worthy, if not tiring, effort. Six refuges have benefited from the profits, \$60 000 in total, raised from this year's ride—namely, the Lucy Saw Centre, Pat Thomas House, South West Refuge, Starick Services, Tuart House and Zonta House. Most refuges were at last Tuesday's event to thank the riders for their good work. Those services look forward to putting those funds to good use for the clients they work with.

Women's refuges and safe houses provide important services to help women and their children escape violence and abuse and to manage their safety. I have visited around 80 per cent of the refuges and safe houses operating throughout the state. Every visit is an opportunity to better understand what makes a quality service, what the workforce needs are and the client outcomes that services are working towards. Just as importantly, it is a privilege to hear the experiences of survivors about leaving violence and looking forward to getting settled in a home and a safe community—a goal that many of us take for granted.

**RESERVES (MARMION MARINE PARK) BILL 2019***First Reading*

Bill read a first time, on motion by **Mr R.R. Whitby (Parliamentary Secretary)**.

Explanatory memorandum presented by the parliamentary secretary.

*Second Reading*

**MR R.R. WHITBY (Baldvis — Parliamentary Secretary)** [12.15 pm]: I move —

That the bill be now read a second time.

The Reserves (Marmion Marine Park) Bill 2019 seeks Parliament's approval to excise an area of 143.0667 hectares from Marmion Marine Park, marine reserve 1—a class A marine park of approximately 9 500 hectares—to enable the grant of registerable tenure and to facilitate the expansion of Ocean Reef Boat Harbour, once expanded to be known as the Ocean Reef Marina. The expansion of the Ocean Reef Boat Harbour to a large-scale multi-use marina precinct has been considered for over 30 years. The site has been identified for development in the Western Australian Planning Commission's 2008 "Perth Coastal Planning Strategy" and the Department of Planning's "Perth Recreational Boating Facilities Study 2008". A concept plan of the marina was prepared by the City of Joondalup in 2014, and has received widespread community support. The new Ocean Reef Marina is proposed to provide approximately 12 000 square metres of retail and commercial space, capacity for 565 boat pens and 200 boat stackers, and over 1 000 new homes. The development is being undertaken and managed by LandCorp, on behalf of the state and local governments.

Marmion Marine Park lies offshore from Perth's northern suburbs, between Trigg Island and Burns Beach. The marine park was created under the Conservation and Land Management Act 1984 and was declared on 13 March 1987 as the state's first marine park. The development of the Ocean Reef Marina in Marmion Marine Park is inconsistent with those uses permitted under the "Marmion Marine Park Management Plan". On that basis, an excision is proposed from Marmion Marine Park to ensure that the Ocean Reef Marina is not constructed within the boundaries of Marmion Marine Park.

The environmental impacts of the proposal were considered by the Environmental Protection Authority, which found that the Ocean Reef Marina could be implemented subject to a range of conditions relating to marine habitat, water quality, coastal processes and commercial and recreational abalone fishing. Four appeals were received against the Environmental Protection Authority's report, and although the Minister for Environment considered that the authority's assessment was justified and appropriate, he made a number of changes to the conditions to clarify intent and improve environmental outcomes. The proposal was approved for implementation by ministerial statement 1107, which was published on 7 August 2019, and final notice to decision-making authorities was given under section 45(7) of the Environmental Protection Act 1986 on 7 August 2019.

Section 13(4AA) of the Conservation and Land Management Act 1984 requires that a marine park remains reserved for that purpose until it is amended either by an act of Parliament or pursuant to section 13AA of the act. The excision of approximately 143 hectares from Marmion Marine Park for the development of the Ocean Reef Marina does not fall within the category of excision referred to in section 13AA and, therefore, an act of Parliament is

required. To facilitate the development of the Ocean Reef Marina, it will be necessary to excise the development area from Marmion Marine Park. The effect of doing this is portrayed graphically within schedule 1 of the bill. The area proposed for excision is technically described as lot 500 on deposited plan 415585. This bill will enable the excision from Marmion Marine Park. Once excised, a new reserve can be created over the excised area under powers from part 4 of the Land Administration Act 1997. The new reserve creation action has not been included in the Reserves (Marmion Marine Park) Bill 2019.

I commend the bill to the house.

Debate adjourned, on motion by **Mr P.A. Katsambanis**.

### **CIVIL PROCEDURE (REPRESENTATIVE PROCEEDINGS) BILL 2019**

#### *Second Reading*

Resumed from 26 June.

**MR P.A. KATSAMBANIS (Hillarys)** [12.20 pm]: I rise to speak as the lead speaker of the Liberal opposition on the Civil Procedure (Representative Proceedings) Bill 2019. I indicate at the outset that the Liberal Party will support the bill.

This bill seeks to introduce a procedure into the legal system of Western Australia to allow what are termed in the bill as representative proceedings—perhaps better known in the community as class actions—to be undertaken in Western Australia in a manner that is modern and in accordance with the federal jurisdiction and jurisdictions right across Australia. The model for creating a regime that allows for representative proceedings or class actions in Australia is contained in part IVA of the Federal Court of Australia Act 1976. It came into force many years ago, in March 1992, and it has been used extensively since that time to allow people to bring class actions when it was deemed necessary to do so. Large parts of that model have been implemented in other states, including Victoria, which adopted the act back in 2000, and New South Wales and Queensland, which implemented it earlier this decade. It is now a pretty well-tested model.

The principle behind class actions is to bring together parties when a wrong has been committed that has affected many people and has given rise to meritorious claims for compensation. Class actions give people the opportunity to come together and take out representative proceedings when either the individual's loss is not sufficient to make it individually economically viable to bring an action or the matters traversed in a dispute are so broad and so large that, again, it would be difficult for one person to compete, particularly against large corporations and their well-funded legal teams. Some of these proceedings have been immortalised across the world. I think people are aware of the sort of work that people like Erin Brockovich have done, which has been immortalised in semi-fictional films and the like. I have a very good friend, Tony Merchant, who is known in Canada as being the creator and the greatest exponent of class actions. I had the opportunity not so long ago to speak to Tony about how he goes about his practice and what it means to the people he represents who, if it were not for representative proceedings, may never have been able to access justice or to afford such access, or, in some cases, although they knew they had suffered a wrong, may not have thought that they may be entitled to legal compensation. They dealt with the wrong, perhaps one that had caused them significant illness or distress, but they could not contemplate how they could seek financial redress through legal action. These cases have proven over the course of time that class actions or representative proceedings have a place in our legal system. There are not hundreds of them every year, but there are some. It is worthwhile to create a regime to enable people who have been aggrieved and have suffered loss to seek access to justice.

There is an existing mechanism in Western Australia to bring representative proceedings, which is contained in order 18 of rule 12 of the Rules of the Supreme Court 1971; however, over time, that order has not really been utilised. It does not contain a lot of detail. There are not prescriptive rules behind the order made in the Rules of the Supreme Court, and, really, it has been superseded by modern developments such as part IVA of the Federal Court of Australia Act 1976. Although the bill before the house is modelled on the part IVA regime, it makes some changes to that regime. Most of the changes are to tidy up the language to make it more contemporary and modern. As we progress from year to year and decade to decade, we have seen that the language of Western Australian acts changes, as do some of the drafting protocols. The changes have been made to improve the readability and to indicate that it is a modern 2019 act. I do not see any harm in that.

The bill proposes an expansion of the provision contained in part IVA of the Federal Court of Australia Act to allow the court to remove and substitute a representative party in particular circumstances. In Western Australia, the bill foreshadows the expansion of that provision so that the court may remove and substitute a representative party when it is in the interests of justice to do so. It places the ultimate onus on the court, with fewer restrictions and less prescribed circumstances than in the federal jurisdiction. Again, I think that is right, because we cannot foresee every circumstance. As I said at the outset and as the Attorney General said in his second reading speech, this is about facilitating access to justice for people who may otherwise not be able to seek justice for a wrong that has been caused to them, so giving the court that additional flexibility is a good thing. I have looked at the provision and compared it. I do not think the modern provision will cause any great harm. In some limited circumstances, it may advantage people who do not currently get an advantage under the Federal Court regime. I think that is a good thing.

The bill seeks to change the definition of “representative party” slightly to clarify that a substituted party is a represented party. I do not think that has ever been an issue in the federal jurisdiction or the other jurisdictions that have mirrored the federal rules, but, again, it gives clarity. If we are going to allow someone to be substituted, they should be deemed to be a representative party for all purposes under the bill. Again, I think that is a good thing. Another provision in the bill that is different from the Federal Court provisions is the direct provision that allows a representative action to be commenced against multiple defendants, regardless of whether each person to the representative action has a claim against every defendant. This issue was addressed in the Full Court of the Federal Court in the case of *Philip Morris (Australia) Ltd v Nixon* [2000]. It was outlined in the Attorney General’s second reading speech. The Full Court of the Federal Court found that all representative plaintiffs must have a claim against each of the named defendants in the proceedings. This clause was introduced into the bill to try to address that issue in which there are multiple defendants and claimants and there might be a mishmash of liability. It has relevance when we consider that some of the defendants to these actions may have a series of related entities or subsidiary companies and some action by some plaintiffs may lie against one of the companies and other plaintiffs may have action against a separate but related company. It would defeat the purpose to allow representative proceedings to be so narrow and prescriptive; therefore, again, I do not necessarily agree that the expansion of the provisions in the Federal Court jurisdiction is a bad thing.

There is also a review clause, and I think that is good. With legislation such as this, we need to look at it at all times to see whether it is working correctly, so introducing the review clause is good. A five-year review clause is included in this bill. I am not sure what our friends in the upper house are going to think of that part. Knowing the history of class actions in Australia, some class actions are quite large and they go for a long time, so five years is appropriate. Numerically, we will not see many. The ones that do occur may extend over a lengthy period, so having a review every two or three years might actually defeat the purpose of having a review at all if a case has started and it is going to run for three, four or five years. I think that is a good idea.

The Attorney General made it clear in his second reading speech that although this legislation will be enacted—it will be passed in this place in the near future and, then, eventually, it will be passed in the other place—it will not commence immediately. The operative parts of the bill, which is everything other than part 1, will commence on a day to be fixed by proclamation. In his second reading speech, the Attorney General outlined that a series of steps will need to be undertaken before the bill will be operational as an act. The Supreme Court will need to develop supporting practice directions and rules to back up the regime that is legislated for by Parliament. As we know, the court sets its own rules and proceedings, and that should be how it is in our jurisdiction when there is a clear separation of powers between Parliament and the judiciary. What I would seek from the Attorney General, perhaps in summing up, rather than requiring us to go into consideration in detail, is an indication of how long he thinks it might take, not a prescriptive drop-dead date—to use some colloquialisms the Attorney General sometimes likes to use—but a best-endeavours time frame of how long after the legislation receives royal assent he thinks the Supreme Court, in cooperation with the Attorney General and the Department of Justice, will be in a position to have its rules and practice directions in place so that this regime can start.

The other area I want to raise is the interoperation of the jurisdiction of the Federal Court with some of the eastern states’ courts, particularly those in New South Wales and Victoria. What has emerged is simply a by-product of our federal system of government and the nature of having both federal and state courts sometimes with competing jurisdiction, sometimes with overlapping jurisdiction and at other times with jurisdiction cross-vested between the courts. What has happened in New South Wales and Victoria in particular is that law firms that undertake class actions or representative proceedings on behalf of the variety of claimants represented in the action are commencing actions against common parties and dealing with similar issues in more than one jurisdiction, and often in a federal and state jurisdiction, either at or about the same time, but they are common parties with similar or sometimes the same issues. Occasionally, it might be an either/or claim. Sometimes it may involve a claim that is partly a federal and partly a state jurisdiction, but it is happening and it is real. On the eastern seaboard, the Federal Court has tried to deal with this by putting in a series of protocols in the Supreme Courts of both New South Wales and Victoria to deal with these issues and to allow the courts to cooperatively manage these sorts of class actions that involve common parties and similar or the same issues and that are commenced at or about the same time in competing courts in more than one jurisdiction.

From a case management point of view, and also to ensure fairness for both the represented parties and the defendants, I think the introduction of those sorts of protocols is a really, really good step. The protocols are only new. The protocol between the Federal Court and the Supreme Court of New South Wales was introduced in the middle of 2018, and the protocol between the Federal Court and the Victorian Supreme Court was introduced only around the middle of this year. They are new. There is probably not a lot of experience around them, but I think they are a pointer to the sort of class action that we are likely to see in many cases in Western Australia; I would not say in all cases, but in many cases. They would be class actions that would probably have a genesis in both state and federal law, and it would be prudent for a legal practitioner, at least in the first instance, to commence action in both the state and federal jurisdictions and then, as the case goes forward, see which jurisdiction is the most applicable, or whether parts can be separated, with some heard in the state jurisdiction and some heard in the

federal jurisdiction. When we think of the types of class actions there might be, there might be class actions around consumer law whereby there is an interaction between state and federal law, but usually the guidance is taken at a state level. There might be class actions against the state government or the commonwealth government, or, in some cases, both governments, that deal with all sorts of issues, such as environmental or water issues and the like, and that might require the commencement of actions in more than one court.

In his summing up, can the Attorney General indicate whether, in the period since this legislation was introduced, any thought has been given to implementing some protocols with the Federal Court from the outset so that any matters that have already been dealt with in states such as Victoria and New South Wales can be dealt with fairly, equitably and efficiently in Western Australia rather than waiting for these sorts of dual actions in competing courts to start before we take action? In commenting, the Attorney General might also want to indicate whether he thinks that these things are best dealt with through protocols enacted between the courts or whether this is something that may also need to be considered at an interjurisdictional level by Attorneys General. The acronyms for the Attorneys General national group keeps changing; I am not sure whether the Attorney General is able to help.

**Mr J.R. Quigley:** I do not know.

**Mr P.A. KATSAMBANIS:** He does not know either! The name keeps changing. I hesitate to use an acronym, but there are regular meetings with the federal and state Attorneys General. I would welcome the Attorney General's comments about what he thinks is the best way to go in the future in dealing with these cross-jurisdictional claims—that is, whether to allow the courts to deal with it through their own rules or protocols or whether it needs to be addressed at a legislative level.

I do not want to delay the passage of this bill. It was recommended for introduction into Western Australia by the Law Reform Commission of Western Australia in a report it tabled in this Parliament in October 2015 called, interestingly enough, "Representative Proceedings". The Law Reform Commission said it is a good idea; the other states thought it was a good idea. The Federal Court has been dealing with these issues for almost 30 years. There was a lot of hesitation when the federal jurisdiction was first introduced, but since then there have been a series of very significant class actions. I know other members will most likely speak about some of those class actions, so I will not go through all of them. A small number of very significant actions have benefited a large class of people who had been wronged and had suffered both physical suffering and financial loss, as well as mental health impacts. It has enabled those people to seek compensation, perhaps not the monetary compensation they were seeking but, at the very least, a sense of justice being done as well as some monetary compensation, if not the full amount. Without representative proceedings, it is doubtful that those people would have ever had either the financial wherewithal or simply the gravitas and the time to undertake what can sometimes be protracted legal battles, often dealing with matters of law in which precedent is being set rather than followed.

The federal regime has proven itself. There are still some question marks around the regimes in other states because of that nexus between federal and state laws. Often, the federal jurisdiction is preferred; sometimes it is an either/or situation. I see absolutely no harm in moving away from the very narrow rules of the Supreme Court in Western Australia, which do not have a lot of detail around them and do not seem to be used very often anyway, and moving towards this legislated regime for representative proceedings. As I said at the outset, the Liberal Party supports the introduction of this bill.

**MR M. HUGHES (Kalamunda)** [12.44 pm]: I would like to make a contribution to the second reading debate on the Civil Procedure (Representative Proceedings) Bill 2019. I was delighted on 26 June 2019 when this bill was introduced into this house by the Attorney General. The new legislation, thankfully, will modernise Western Australia's class action regime, which the legal profession regards as being outdated, uncertain and silent on many important procedural aspects of representative proceedings. The regime had been developed, as we heard from the member for Hillarys, by the commonwealth and a number of other states. As we also heard from the member for Hillarys, the proposed regime is modelled substantially on part IVA of the Federal Court of Australia Act 1976.

If passed, the bill will bring Western Australia more or less in line with the class action procedures that apply federally and in other states on the east coast of Australia. Western Australian class actions that attract federal jurisdiction will likely still be instituted in the Federal Court. This legislation will not replace that pathway; it will still be determined based on jurisdiction. However, the modernised procedures provided by the reforms contained in the bill will provide a clearer and more certain pathway; therefore, it is anticipated there will be an increase in the uptake of representative proceedings for state-based causes of action such as contract and tort.

As we have heard, large-scale class actions are now a common feature of the legal landscape in Australia. It was not always the case. The Federal Court has become the forum of choice for such actions. However, over the last 10 years or so there has been an increase in the number of representative proceedings in the state courts of Victoria and New South Wales, and more recently Queensland, as these jurisdictions have made legislative provisions for representative proceedings.

Murphy and Cameron, in "Access to Justice and the Evolution of Class Action Litigation in Australia", examined the origins and purposes of class action proceedings in Australia. They recognised that the policy and purposes



underlying part IVA of the Federal Court of Australia Act, upon which the Western Australian act is substantially based, were identified in the second reading speech that was given in the commonwealth Parliament. I would like to quote from the second reading speech that was delivered then, to give an indication of the importance of representative proceedings. I quote —

The Bill gives the Federal Court an efficient and effective procedure to deal with multiple claims. Such a procedure is needed for two purposes. The first is to provide a real remedy where, although many people are affected and the total amount at issue is significant, each person's loss is small and not economically viable to recover in individual actions. It will thus give access to the courts to those in the community who have been effectively denied justice because of the high cost of taking action.

The second purpose of the Bill is to deal efficiently —

I emphasise “efficiently” —

with the situation where the damages sought by each claimant are large enough to justify individual actions and a large number of persons wish to sue the respondent. The new procedure will mean that groups of persons, whether they be shareholders or investors, or people pursuing consumer claims, will be able to obtain redress and do so more cheaply and efficiently than would be the case with individual actions.

The part of the second reading speech that I just read underscores that facilitating access to justice is a central aim of the class action regime. It was established with the intention of providing a mechanism for individual citizens to seek redress through the courts for civil wrongs essentially committed by the “big” and “powerful” in our society— governments, corporations and other defendants that are more powerful than any individual claimant. Clear access to such a mechanism is of fundamental importance in a globalised economy in which civil wrongs are often committed on a mass scale by large and powerful entities and those nearer to home, of course, that emulate them. Such entities, the large corporations and the like, have all the advantages that are accrued to those in litigation and dispute resolution that sheer size and wealth commands. This legislation, in common with the legislation both at the federal level and in other state jurisdictions, rebalances this power differential. It is a clear aim of the class action legislation. It provides the means by which the solitary individual with a grievance shared in common with another can combine in a way that would be non-existent if claims were pursued individually. It provides a mechanism by which a greater number of those claims can and will be litigated.

Compared with measures that we have recently considered in this place, this is a relatively small piece of legislation, but it is long overdue and an important step forward to bringing fairness into our judicial system for ordinary folk seeking redress before the courts in Western Australia. It is another indication of the hard work of the Attorney General and the McGowan Labor government in tackling and delivering on justice issues that were known to the previous government, but rather than acted on were either consigned to the too-hard basket or suffered from the characteristic all too lazy indifference of the previous Attorney General.

The bill has had a long gestation. It was introduced in response to the recommendation of the “Representative Proceedings: Project 103: Final Report” tabled by the Law Reform Commission of Western Australia on 21 October 2015. On the face of it, the previous government would seem to have had ample time to draft a bill and bring it into law; but that it did not is an all too familiar tale. Commenting on the recommendations of the commission, Herbert Smith Freehills in one of its legal briefings on 21 March 2016 remarked —

Uncertainty surrounding the class actions or ‘representative proceedings’ ... in Western Australia make such claims a rarity but a new report by the state’s Law Reform Commission could see this change.

It certainly was not done speedily. It was expected that the commission’s recommendations that the Western Australian government should seek to introduce class action legislation based on the federal regime reform would likely result in a measure of uniformity with Australian jurisdictions and would have a significant effect on the litigation landscape for defendants who are faced by a large class of plaintiffs in Western Australia. It was hoped that the introduction of such legislation would be imminent and thus would finally bring greater fairness into play, but, as I said, predictably, nothing happened, apart from rampant inertia. Let us look at the report that gave rise to the recommendations for reform. This goes back as far as July 2011. The then Attorney General, Christian Porter, directed the state Law Reform Commission to investigate and report on representative proceedings within Western Australia. As stated in its report, the commission was tasked to give close consideration to the following —

- i. the need for a detailed guiding framework for the manner in which representative proceedings are to be conducted or concluded;
- ii. the need to reduce the uncertainty and lack of clarity in the area;
- iii. the adoption of an appropriate and effective model, either through amendment to the Supreme Court Rules or statutory reform, taking into account recent developments regarding representative proceedings in other jurisdictions both nationally and internationally;

- iv. the need to ensure that representative proceedings are conducted in a fair manner which gives those who will be bound by orders made in the proceedings a reasonable opportunity to decide whether or not to participate in the proceedings and to be heard in relation to issues affecting their rights; and
- v. any related matter.

As we heard, the commission released a substantial discussion paper of 150 pages in February 2013. In it, the commission made the following proposals —

- (a) that Western Australia should adopt legislation to create a scheme allowing representative actions in substantially similar terms to Part IVA of the *Federal Court of Australia Act 1976* ... and
- (b) Order 18 Rule 12 of the Rules of the *Supreme Court 1971* (WA) should be retained in its current form as a surviving alternative.

To the terms of reference, the commission sought specific comments on three issues. The report states —

- (1) If a new regime is appropriate, should such amendment be effected by amendment of the rules of the Supreme and/or District Courts only, or by the passage of legislation?
- (2) Should Western Australia adopt a legislative representative proceedings regime substantively similar to that existing in Part IVA of the *Federal Court of Australia Act 1976* ...

The report went on to comment —

The other key difference in the *Civil Procedure Act 2005* (NSW) —

From the Federal Court legislation —

is the extent to which there is an express permission to issue a representative action against multiple defendants, irrespective of whether or not the persons affected have a claim against every defendant in the action ...

This was as we heard in the so-called Philip Morris issue. The issues addressed by the commission were well known to the first term Barnett Liberal–National government. A representative proceedings in the Supreme Court of Western Australia, as we have heard, is defined in order 18, “Causes of action, counterclaims and parties”, rule 12(1) of the Rules of the Supreme Court 1971, and it says —

Where numerous persons have the same interest in any proceedings, not being such proceedings as are mentioned in rule 13, —

That is, it pertains to representation of interested persons who cannot be ascertained —

the proceedings may be begun, and, unless the Court otherwise orders, continued, by or against any one or more of them as representing all or as representing all except one or more of them.

I am a layperson and I find that very difficult to follow, but no doubt the lawyers amongst us are used to that language. However, the commission’s final report found that order 18, rule 12 of the rules, was inadequate to facilitate large representative actions in Western Australia and lacked clarity for those who wished to bring class action to the court. The commission recommended that a new legislative scheme be introduced in order to allow more efficiency in the realm of representative actions. The aim of the scheme would be to assist in reducing interlocutory disputes and lower costs and to alleviate procedural barriers. The commission recommended that the legislative scheme should be based on part IVA of the commonwealth Federal Court of Australia Act 1976, and to include various provisions from the Civil Procedure Act 2005, New South Wales.

As we have heard from the member for Hillarys, since 1992, part IVA of the Federal Court of Australia Act has provided for a legislative regime under which representative proceedings could be commenced in the Federal Court. It sets out the requirements and tests in which a class action is to be brought before the Federal Court. Since its implementation, similar schemes have been adopted in Victoria, New South Wales and more recently Queensland. As I understand it, the starting point for consideration of the benefits of a representative proceedings regime is the comment made by Hon Justice McHugh in *Carnie v Esanda Finance Corporation Ltd*. In that judgement, Justice McHugh said —

*The cost of litigation often makes it economically irrational for an individual to attempt to enforce legal rights arising out of a consumer contract. Consumers should not be denied the opportunity to have legal rights determined when it can be done efficiently and effectively on their behalf by one person with the same community of interest as other consumers.*

As far back as June 2013, the Law Council of Australia took the opportunity to comment on the Law Reform Commission of Western Australia’s discussion paper that I mentioned. The Law Council of Australia observed that —

... it is likely that these actions benefit the wider community by making wrongdoers accountable and thereby improving compliance with corporate standards and consumer safety ... whereas absent a facilitated class action procedure, very few claims have been made for compensation by groups of claimants.

Therefore, the central importance of class actions, or representative proceedings, to access justice by John Citizen is very much recognised by eminent lawyers. As a layperson and a mere citizen, I am very thankful for the opportunity that this legislation will bring to the citizens of Western Australia. It continued —

Successful Australian class actions have compensated people suffering injuries from defective products and those misled into poor investments ...

...

Class actions have also successfully sought compensation for a range of other reasons and a number of actions for victims of mass torts have been concluded,

Another eminent person who certainly has more standing in this area than I would ever lay claim to, Justice Bernard Murphy, in a keynote address titled “Class Actions Current issues after 25 years of Part IVA”, which was delivered to a seminar titled “Access to Justice Under Part IVA Regime” held at the University of NSW on 23 March 2016, commented —

It is important to remember that, before the class action regime —

That is part IVA of the Federal Court Act —

was introduced, it was either impossible, or at least exceedingly rare, for consumers, cartel victims, shareholders, investors and the victims of catastrophe to recover compensation, even where the misconduct was plain.

[Member’s time extended.]

**Mr M. HUGHES:** He continued —

Since 1992 —

An important figure is coming up —

the regime has permitted claimants to recover more than \$3.5 billion in compensation for civil wrongs they have suffered.

I will turn to the bill for a moment or two. The Civil Procedure (Representative Proceedings) Bill 2019 will provide for a new Western Australian representative proceedings scheme that implements a clearer set of processes to govern the commencement and conduct of class actions in Western Australia to ensure fairness and efficiency in the system. To achieve that, the bill provides for the minimum threshold requirements in the commencement of representative proceedings; the right to opt out or formally discontinue from the proceedings; settlement of individual claims; discontinuance of proceedings; and the distribution of payments.

I turn now to commencing a class action. Representative actions will be available when at least seven people have claims against the same person or entity if the claims arise out of the same or similar set of circumstances and give rise to a common question of fact or law. This same threshold applies under the federal regime. I refer to group membership. The system proposed for Western Australia adopts an “opt out” model for group membership of a class action. This means that consent to be a group member is not required, except, as the member for Hillarys referred to in his contribution, for specified state entities and public corporations. However, members of the action must be given an opportunity to opt out of a class action before the action reaches a certain stage. The bill provides that it will be open for a class action to be commenced against multiple defendants irrespective of whether the lead plaintiff and all other group members have a claim against every defendant. I understand that in this way Western Australia is seeking to avoid the Philip Morris issue, which has been previously referred to, in which all representative plaintiffs must have a claim against each defendant named in the proceedings. I believe that is how the federal regime had been interpreted until 2014. Under the provisions of the bill, the Western Australia Supreme Court will have the power to disband a class action if it is satisfied that it is in the interests of justice to do so because the cost of the action is likely to make it uneconomical or inefficient, or it is an ineffective or inappropriate means of resolving the class action claims. The bill will give the court power to substitute the lead plaintiff in a class action with another group member if the plaintiff is not adequately representing the interests of the group or if it is in the interest of justice to do so—a provision that largely mirrors the Federal Court equivalent. The Western Australian provision will allow for greater flexibility by also permitting the court to act in the interest of justice rather being limited to just considering the interests of the group. That covers the main points I wanted to raise about the legislation.

As we heard from the Attorney General in his second reading speech, there are some notable differences from the commonwealth legislation. I will recap those. First, the courts will have additional powers to remove and substitute a representative party if it is in the interests of justice to do so. Secondly, the definition of representative party is expanded from covering only an individual who commences representative proceedings to include an individual who has been substituted as a representative party. The expansion of this definition will reduce the risk of possible challenges to the legitimacy of a substituted party. Finally, the bill will allow for representative action to be taken against multiple defendants, regardless of whether each individual in the action has a claim against every defendant.

In his media release about the bill, referring to class actions, the Attorney General stated —

... at its heart, is an access to justice issue ...

...

... there are situations where a legal wrong has been committed which affects many people, but each person's individual loss is not such as to make it economically viable to bring an individual action. Without a strong and sustainable mechanism for bringing class actions, countless individuals will not see justice and their losses will go uncompensated.

Until the present time, the uncertainty surrounding the class action mechanism in Western Australia has led to such claims being a rarity in our courts. With this bill, that position is expected to change. At long last, the provisions of the bill will make it simpler for plaintiffs to establish and efficiently pursue representative proceedings in the Supreme Court of Western Australia. The McGowan Labor government and our hardworking and reforming Attorney General are to be congratulated on the energy directed in the fortieth Parliament to improve access to justice for the people of Western Australia.

**MR S.A. MILLMAN (Mount Lawley)** [1.07 pm]: It gives me great pleasure to follow the member for Kalamunda and make a contribution to the second reading debate on the Civil Procedure (Representative Proceedings) Bill 2019. As usual, he made a clear, informed and erudite contribution to this debate and summarised the relevant history and a lot of philosophical and policy considerations. It also gives me great pleasure to once again speak about another piece of legislation this activist and reforming Attorney General has brought before the Legislative Assembly. It is another feather in his cap. This Attorney General has introduced a succession of bills that modernise and reform the Western Australian legal system, which is to his great credit. Before I go any further, I am grateful to the member for Hillarys for spelling out in clear and unambiguous terms that the opposition will be supporting this legislation, as it ought to, which will be understood once members hear my contribution.

I commence my contribution by reiterating two recurring themes I have raised on a number of occasions—namely, equity and access to justice. At the moment, there are class action provisions in the laws of Queensland, New South Wales, Victoria, South Australia and the federal jurisdiction of the Federal Court. On the basis of equity of access, Western Australia should catch up with the rest of the nation. I will return to that point a little later. The greater good achieved by this legislation is the facilitation of class actions in the Western Australian jurisdictions. As everyone knows, the public policy purpose of the law is to right wrongs and discourage bad behaviour. In that regard, when a plaintiff who has been wronged and desires access to justice has an impediment removed thus facilitating that access to justice, it is a good thing, because the wrong can be exposed and remedied. What sort of wrongs are we talking about? The first place to turn and the best place to start is John Fleming's *The Law of Torts*. I cite page 1 from the introduction of that text —

Broadly speaking, the entire field of liability may be divided according to its purposes into criminal, tortious, contractual ... Each of these is distinguishable by the nature of the conduct or its consequences and the purpose for which legal remedies are given.

The laws of tort and crime, despite their common origin in revenge and deterrence, long ago parted company and assumed distinctly separate functions. A crime is an offence against the State, as representative of the public, which will vindicate its interests by punishing the offender. A criminal prosecution is not concerned with repairing an injury that may have been done to an individual, but with exacting a penalty in order to protect society as a whole. Tort liability, on the other hand, exists primarily to compensate the victim by compelling the wrongdoer to pay for the damage he has done.

Further, on page 3 it states —

The law of torts, then, is concerned with the allocation of losses incident to ... activities in modern society. "Arising out of the various and ever-increasing clashes of the activities of persons living in a common society, carrying on business in competition with fellow members of that society, owning property which may in any of a thousand ways affect the person or property of others—in short, doing all the things that constitute modern living. There must of necessity be losses, or injuries of many kinds sustained as a result of the activities of others. The purpose of the law of torts is to adjust these losses and afford compensation for injuries sustained by one person as the result of the conduct of another."

The history of the law of torts is hinged on the tension between two basic interests of individuals. We know that in this debate it is important to put an emphasis on civil liberty and individual rights—the interests of security on the one hand and the interests of freedom of action on the other. The first, the interest of security, requires that one who has been hurt should be compensated by the injurer regardless of the latter's motivation and purpose; that is when the interests of security are being protected. The second, the protection of the interest of freedom of action, requires that the injurer should, at best, be held responsible only when his activity was intentionally wrongful or indicated an undue lack of consideration for others. The former is content with imposing liability for faultless causation; the latter insists on fault and culpability. The purpose served by the law of torts is to make sure that people who do the wrong thing and by that conduct injure others do not get away with it. The purpose of class action

is to aggregate those claims when, as the member for Hillarys and Kalamunda have already said, they might for other reasons otherwise be uneconomic. The reason I make those points is that up until now the most common form of class actions have been in respect of the law of torts, but later on in my contribution, as the member for Hillarys asked, I will outline some of the more common types of class actions that have been taking place more recently.

**Dr D.J. Honey:** Do we get CPD credits for this one?

**Mr S.A. MILLMAN:** We sure do! Back when I was at Slater and Gordon, we were registered for the provision of continuing professional development. We were a quality assurance provider, but unfortunately I do not think that carries today!

There have been a number of papers written about this. The member for Kalamunda has already alluded to some of the research papers written by Herbert Smith Freehills, which is a renowned commercial firm with a long and established reputation for acting for defendants in class action matters. Another firm with a similar characterisation is Ashurst. The paper I will refer to is dated 9 March 2017 and is produced by Ashurst. It is called “Class Actions in Australia”. The paper starts with a relatively simple proposition. It states —

Class actions are firmly established as a means by which a large group or class of persons can bring a claim in Australia. Over the last 25 years, there have been numerous significant class actions brought and a number have resulted in substantial settlements.

Opponents, or perhaps I should say sceptics, of class actions note, as stated in the paper, that their introduction has resulted in a number of cases being brought that may otherwise not have been pursued. If members refer to the point I just made about the public policy imperative of these cases being brought so wrongdoers can be held to account, they will appreciate that that is not a good thing. If people who have suffered an injustice have a valid claim and are unable to bring it, it is something we should fix. The member for Hillarys has already alluded to this, but these reforms that this reforming Attorney General has brought forward mean that people who are not otherwise accessing justice now have the opportunity. The Ashurst report goes on to say —

- Class action lawyers are accessing reports and documents obtained by regulators such as ASIC and the ACCC to support their clients’ claims.

I would say that that is entirely appropriate —

These same regulators have publically given their support to class actions as having a positive role to play in enforcement and in deterring misconduct.

This is the legal system operating entirely as it ought to, with the plaintiffs seeking assistance and representation to bring their claims and aggregating their claims so they derive the utility, the benefit, of collective action. The federal government and the courts continue to support the role of third parties in facilitating class actions, subject to, obviously, ensuring that the interests of class members are protected.

In his contribution, the member for Hillarys asked: what types of claims have been the subject of class actions and what types of claims are likely to be in the future? I should pause to acknowledge Professor Vince Morabito, who was quoted at length in the Ashurst paper and also in the WA Law Reform Commission report that the member for Kalamunda has already referred to. Professor Morabito did an outstanding study of 25 year history of class actions from 1992 and he found that the first 12 years of the federal class action regime were dominated by product liability actions, industrial claims and migration actions, but over the next 12 years—that is, the more recent 12 years—prominent federal class actions included claims by investors, shareholders and consumer protection class actions. Shortly, I will come to a list of some of the most substantial class action settlements. What types of claims are likely to occur in the future? The reason this is a relevant consideration is that at the moment citizens of Western Australia have access to class action jurisdiction when the matter falls within the purview of the jurisdiction of the Federal Court, when it is a commonwealth matter, when it is a federal law matter, but not when it is a matter pertaining to state law because of the access of the class action regime in the WA jurisdiction. Class actions of the future, according to professor Morabito, will include claims by residents and businesses following disasters such as bushfires and floods—members need only recall the Parkerville bushfire claim—claims by creditors against directors and advisers of failed companies, claims by investors in managed investment funds and cartel claims. There are claims that will necessarily fall within the jurisdiction of the Western Australian Supreme Court for which the Western Australian Parliament has in my view an obligation to legislate. The shareholder class actions have delivered significant settlement amounts, and that is why class actions are closely followed by the legal profession. In *Kirby v Centro Properties Ltd* and *Vlachos v Centro Properties Ltd* there was a settlement of more than \$200 million; in *Dorajay Pty Ltd v Aristocrat Leisure* it was \$144 million; in *Pathway Investments Pty Ltd v National Australia Bank* it was \$115 million; in *King v AG Australia Holdings Ltd* (formerly *GIO Australia Holdings Ltd*) it was \$112 million; in *P Dawson Nominees Pty Ltd v Brookfield Multiplex Limited* it was \$110 million; and in *Modtech Engineering Pty Limited v GPT Management Holdings Limited* it was \$75 million. We can see that these sums are significant. In every one of these cases one of two firms was representing the plaintiffs. It was either Maurice Blackburn, which is a renowned plaintiff firm, or Slater and Gordon, which, as everyone knows, is the firm I used to work at. We can see that the work that has been done in other Australian jurisdictions—Victoria, New South Wales, Queensland and the federal

jurisdiction—has delivered justice for all of these people in all of these different circumstances. We can go back and look at some of the work done by Slater and Gordon in the early years of class actions in the 1980s in Victoria and in the 1990s in the federal jurisdiction. Perhaps because the lawyers at Slater and Gordon had a great appreciation of the power of aggregating individual claims and a great appreciation of the utility of collective action, being a significant union firm, we can see the similarities in the philosophical approach that was adopted. In *That disreputable firm... the inside story of Slater & Gordon*, published in 1998, author Michael Cannon says at page 101 —

The exploding complexity of high-technology societies like America and Australia often makes it difficult to achieve true justice for individual citizens.

That is the Joe, John or, may I say, Jane Citizen in the example presented by the member for Kalamunda. It continues —

Once upon a time it seemed sufficient to use common law precedents based on a multiplicity of cases, or to codify them into statute law after parliamentary debate.

There is a long history of Parliament taking an interest in what the courts are doing. A lot of cases have evolved over time. The best example of that is when courts adjudicate on a number of workplace injury cases and Parliament recognises it has a role to play so it passes workers' compensation legislation. This is a more nuanced response, in that we are assisting the courts with their case management and the way in which plaintiffs can access justice. We are not adjudicating on the fundamentals of each case; we are just facilitating the courts to have that role. This is statute law that is being developed after parliamentary debate. The book continues —

But with thousands of new products and techniques being marketed each year to millions of consumers, the law has been struggling to find effective ways of dealing with what are called 'mass torts' —

That is, mass wrongs —

— that is, harm done to many individuals by faulty mining or manufacturing procedures. A good example is the silicone breast implant made in the USA by Dow Corning, which has caused agony to many women throughout the world.

The rhetorical question posed in Cannon's book is —

... how could the average Australian woman without ample funds hope to sue a large American corporation?

Since the mid-1980s, Slater and Gordon has been at the forefront of developing answers for such clients. There are two ways it can be done. The member for Hillarys touched on one of them, which is test cases—when lawyers bring forward one case and run that case to trial, get an adjudication and then use that as the basis for proceeding on behalf of the other plaintiffs. The other is class actions, which are a mass procedure in which many similar individual complaints against the one defendant—I will come back to this point later—are boxed into a single action and taken to court by nominal plaintiffs. Decisions are binding on the whole group of plaintiffs, and awards and costs are shared equally. The changes in the law in Victoria in the 1980s that facilitated this really were at the cutting edge. It meant that plaintiffs who had not previously contemplated the opportunity to pursue a remedy for the damage that they had suffered had that opportunity before them. What has transpired since is that this philosophical underpinning has started to influence more and more how Parliaments and courts respond to provide people with access to justice. What we are doing today is the latest iteration of that process, whereby Western Australia is catching up with all the developments that have taken place in other parts of the Federation. As Cannon says in his book, had it not been for such widespread advertising, the victims would probably never have known that they could recover damages. Straightaway we can see that the legal process has evolved to a point at which plaintiffs now see that they have an avenue through which they can access justice. That is by way of the policy or philosophical background of the bill.

I come now to the chronology of the bill, which the member for Kalamunda has already outlined. It bears repeating, because it shows that this will not be a controversial law; this is an appropriate response to legal, political and economic imperatives that exist in Western Australia.

[Member's time extended.]

**Mr S.A. MILLMAN:** In July 2011, the then Attorney General for Western Australia asked the Law Reform Commission of Western Australia to examine and report on representative proceedings. I refer now to the foreword of the report, which states —

... and if so in what manner, the principles, practices and procedures pertaining to representative proceedings being commenced in the courts of Western Australia require reform ...

The Law Reform Commission was asked to give close consideration to —

- i. the need for a detailed guiding framework for the manner in which representative proceedings are to be conducted or concluded;
- ii. the need to reduce the uncertainty and lack of clarity in the area;
- iii. the adoption of an appropriate and effective model, either through amendment to the Supreme Court Rules —

That is option 1 —

or statutory reform, —

That is what we are doing now, which is option 2 —

taking into account recent developments regarding representative proceedings in other jurisdictions ...

- iv. the need to ensure that representative proceedings are conducted in a fair manner which gives those who will be bound by orders made in the proceedings a reasonable opportunity to decide whether or not to participate in the proceedings and to be heard in relation to issues affecting their rights;

That is a fundamental principle of justice. Quite appropriately, the Law Reform Commission selected a person of unimpeachable credentials to author the report—Mr Tim Hammond, who is a friend of mine and an eminent barrister. The Law Reform Commission released a discussion paper in February 2013 and sought submissions from the legal community. I will just pause to thank the eminent organisations that took the time and made the effort to make submissions to the Law Reform Commission's inquiry—the Mental Health Law Centre of Western Australia; the Law Society of Western Australia; Clayton Utz; Maurice Blackburn Lawyers, which I referred to earlier in my contribution; the Western Australian Bar Association; the Law Council of Australia; and the Chief Justice of Western Australia on behalf of the Supreme Court. In June 2015, the Law Reform Commission released its final report, and that is where it stayed; unfortunately, no further action was taken by the former government for the rest of 2015 or in 2016. In March 2017, the McGowan government was elected and the member for Butler became the Attorney General, and we have had a succession of reforming initiatives on his part. Today, the legislation has been drafted, it has passed through cabinet, it has been introduced into Parliament and it is being debated. Happily, the bill is supported by the opposition.

As with every piece of legislation, it is important that we pose three questions. I have asked these three questions when I have made contributions to the debate on other bills. The three questions are: Is it needed? Will it achieve its purpose? Does it deliver on an election commitment? The answer to the third question is easy: yes, this legislation does deliver on an election commitment. Is it needed and will it achieve its purpose? The answer to those questions is contained in the Law Reform Commission report. As to the question of whether it is needed, hopefully through my contribution, members will appreciate that any mechanism that enhances, facilitates or improves access to justice for individual plaintiffs is a worthwhile endeavour. That is the first thing. Secondly, by doing this, the Parliament can assist the legal system in holding wrongdoers to account. Thirdly, it can help to deliver remedies for those who have been wronged by the actions of others. All of those are good public policy reasons to try to encourage people to bring their claims before the courts.

I take members to chapter 4 of the Law Reform Commission of Western Australia's report. In the course of its deliberations, the Law Reform Commission contemplated whether amending the Rules of the Supreme Court or specific legislation would be the most effective mechanism. The trouble is that although the Rules of the Supreme Court currently provide for group proceedings—I do not need to touch on that, because the member for Kalamunda has already covered it appropriately in his contribution—they are not widely accessed in Western Australia. The Law Reform Commission concluded that the current rule relating to representative proceedings was unsatisfactory—presumably for other reasons, but also because very few people were accessing it—and that it required amendment. This conclusion was supported by the submissions that were provided to the commission. In circumstances in which the need for reform was accepted, the commission's focus in its final report was to identify the most effective framework for reform. The report states at chapter 4.3 —

The options for reform that are available have previously been tested in the current federal, Victorian, New South Wales and South Australian regimes. Each of these have been created by way of substantial amendments being made to either:

- (a) the court rules; or
- (b) the legislation from which the court rules derive their power.

The Law Reform Commission also considered whether the court rules were an appropriate vehicle for reform and concluded that they were not. It concluded at chapter 4.15 that legislative reform would be a more prudent approach. It states —

While there may be debate as to whether it is strictly necessary to introduce representative actions through legislation rather than rules of the court, the legislative approach that was followed in Victoria is considered to be the prudent one.

Again, the Attorney General is both reforming and activist, but he is also sensible, prudent, and proceeding on the basis of the evidence and the material that has been collated. We need to bear in mind, of course, that when the submissions were made to the Law Reform Commission, there was Clayton Utz on one hand, a renowned defender of class action proceedings, and Maurice Blackburn on the other hand, a noted prosecutor of class action proceedings, both making submissions to the Law Reform Commission. Clearly, both sides of the argument were presented, in

addition to all the submissions made by eminent organisations such as the Western Australian Bar Association, the Law Society of Western Australia and the Chief Justice of the Supreme Court. All submissions received from interested parties, including from the Chief Justice of Western Australia on behalf of the Supreme Court of Western Australia, supported the contention that a regime facilitating representative actions should be implemented by the passage of legislation. The report states at chapter 4.22 —

The Western Australian Bar Association observed that legislative reform would ‘increase certainty and access to justice for those affected by multiple wrongdoing by’:

- (a) providing clarity of process and procedure;
- (b) increasing the capacity for the commencement of and participation in representative proceedings in Western Australia;
- (c) providing a more cost- and resource-efficient means of recovery; and
- (d) addressing issues such as suspension of limitation periods for group members.

We can see the thorough and detailed analysis that has been undertaken by the Law Reform Commission to arrive at the conclusion that a statutory response is the appropriate response. Armed with that, the Attorney General has brought the current legislation to this chamber. It picks up all the recommendations contained in the Law Reform Commission report and gives effect to them.

The answer to the question, “Does this bill meet the policy imperatives that drive it?” is yes. Will it achieve its purpose? Absolutely, it will. Is it needed? The answer to that question is really a philosophical consideration. If one believes that access to justice is important, that righting wrongs is important, and that people should have the opportunity to commence, prosecute and conclude proceedings fairly and appropriately without overly burdensome legal costs and so on, then clearly the answer is yes, it is needed. Does it provide Western Australians with equitable access to justice on a par with that in South Australia, Queensland, New South Wales and Victoria? Yes, it does. Clearly, this is both excellent reforming legislation and an inevitable consequence of a hardworking Attorney General turning his mind to what should be done to make sure that our Western Australian legal system is functioning effectively and efficiently to the benefit of the citizens in this state.

I note in concluding that it is a shame that it has taken such a long time since the Law Reform Commission concluded its report to introduce this legislation. This is such unarguable legislation that it could easily have been brought before this Parliament many, many years ago. It is a testament to this government’s assiduous and diligent efforts to make sure that the Western Australian justice system is fit for purpose, and it is a testament to this Attorney General that the legislation has now been brought before this chamber. As I said at the outset, I am grateful to hear that the opposition is supporting it. Once again, it is in line with this Attorney General’s legislative reform agenda, and it is great to see. I commend this legislation to the house.

**MS J.M. FREEMAN (Mirrabooka)** [1.35 pm]: I, too, rise to speak on the Civil Procedure (Representative Proceedings) Bill 2019. I thank the previous speakers for their contributions, but mostly I thank the Attorney General for bringing forward this piece of legislation. As we heard earlier, the delays in bringing on this legislation have been to the detriment of Western Australian citizens. Other jurisdictions already have access to these sorts of class actions in law.

I agree with the member for Mount Lawley that this legislation deals with issues around access to justice, particularly with regard to the notions of common interest, shared interest and equity. Indeed, access to justice is one of the founding principles of many of the organisations I have been involved with, including community legal centres. I recently attended the Community Legal Centres Association conference to launch its new brand. I would like to congratulate the community legal centres for the good work that they do in Western Australia to ensure that people have access to information and the capacity to pursue their rights within the law. Many people would not otherwise be able to pursue actions in law and in tort. I am not a lawyer, so I am always very concerned about using terminology like that. I understand that torts all came about from some woman drinking out of a lemonade bottle and catching something in her throat. Is that the case, member for Mount Lawley?

**Mr S.A. Millman:** The snail in the bottle!

**Ms J.M. FREEMAN:** The snail in the bottle case. Does the member for Dawesville not know it? I have a very limited understanding of it, but I understand that the history of torts, which is the law of damages —

**Mr S.A. Millman:** Wrongs.

**Ms J.M. FREEMAN:** The law of wrongs. I am not a lawyer; I should have asked the member for Mount Lawley! Someone bought a drink back in ye olde England, and while drinking it, ended up with a snail caught in their throat. Please interject, member for Mount Lawley!

**Mr S.A. Millman:** What happened was that she and her friend were travelling to a fair—it was in Glasgow, I think—and her friend bought her a ginger beer and an ice cream; it was like a ginger beer float. She poured some of the ginger beer onto the ice cream and then she looked at the bottle and she could see a decomposing snail in the bottle. This was in the 1930s, I think.



**Ms J.M. FREEMAN:** Not so ye olde England!

**Mr S.A. Millman:** Ye olde England was perfect! As a result of seeing the decomposing snail in the bottle, she suffered a stress reaction and was unfit, so she brought proceedings against the bottler of the ginger beer.

**Ms J.M. FREEMAN:** If we think about it, it is a bit like the class action against Volkswagen for selling dodgy diesel cars that did not have the emissions standards it said they had. Volkswagen was wrongful in its actions and that led to a class action. I will try to get back on track here.

**Mr Z.R.F. Kirkup:** Thank you for enlightening me.

**Mr D.A. Templeman:** This is turning into a fireside chat.

Several members interjected.

**Ms J.M. FREEMAN:** I should just say that I did not study law at university. As I understand it, the history of class actions starts with Duke of Bedford v Ellis. Ellis was the plaintiff in that case. All the tenants on the Duke of Bedford's landholdings came together to argue that his rent increase was unjustified, given that they paid fixed rent. At that time, the court said that the tenants acted as a shared interest and had a group proceeding. Since that time, there have been many different legal cases, but I understand that it has become less and less easy to run cases as group proceedings and that is why we now have a federal system of class actions. That system has been put in place in Victoria, New South Wales and other jurisdictions, but we do not have that uniformity. I assume that leads to people shopping around for the appropriate jurisdiction to launch a class action, and that means that Western Australian citizens do not have the same capacity because they cannot take or be a plaintiff in a class action in Western Australia.

Speaking of uniformity, and at the risk of digressing once again, I want to raise that uniformity of legal rights and access with those in the rest of Australia is absolutely important to all our citizens, including women—actually, not just women, but mostly women—in de facto relationships who, under the current system of the federal Family Law Act, are in a situation whereby when de facto partners in Western Australia separate, they cannot split their superannuation. We are the only jurisdiction where people walk away after a relationship breakdown with their individual superannuation.

**Ms S.F. McGurk:** The federal Attorney-General has indicated that he is prepared to change that, finally, but like the snail; he's moved on that pretty slowly!

**Ms J.M. FREEMAN:** Yes. He is the snail in the bottle and he is causing the injury in this case. Last year, he announced that he would introduce changes to the legislation. He announced about a year ago that the government had agreed to amend the act. An article in *The West Australian* of Thursday, 25 October 2018 states —

“If a woman has got \$100,000 in super and there is \$100,000 equity in a house, and the man has got \$500,000 super, then the woman always comes out worse off than she would under any other situation in Australia—and that's just not fair.” Mr Porter told *The West Australian*.

It is just not fair that Mr Porter has not got on and fixed that inequity that he identified, spoke to *The West Australian* about in 2018 and announced he would change. We are still waiting and we feel that change is necessary.

I want to talk about the risks and cost burdens in class actions. I think we have the idea that class actions are without risk. We have all seen the Hollywood movies in which people come together to defeat the protagonists—the big corporations and bad governments—in cases about various problems in the community or damage to people's health or finances. Because the cases are always successful, it portrays the idea that these things are without risk. In bringing in this legislation, we need to make people firmly aware of the risks. It would be good if the Attorney General could talk about that. In March 2018, the Victorian Law Reform Commission released the report “Access to Justice: Litigation Funding and Group Proceedings”. One of the chapters refers to the risk and cost burdens in class actions. The report is worth looking at; it raises issues around whether the representative of the plaintiff should take on that financial risk. I take into account that, in many cases, financial risk is dealt with by law firms entering into class actions on a no win, no fee basis. The Australian Law Reform Commission found —

... that for all finalized shareholder claims —

I gather that is claims and class actions —

between 2013–2018, the median percentage of the settlement used to pay legal fees was 26%, and litigation funding fees was 23%. As a result, the median percentage of a settlement that was paid to group members was 51%.

Often, even on a no win, no fee basis, plaintiffs in a class action can feel like the funds they have been compensated with have been misappropriated, because they had the idea that they would gain such largesse, but find that much of the largesse that may come from a successful claim will go into costs. How do we ensure that those costs are

reasonable and borne equally? Another issue is that the plaintiff and the group that has agreed to come along with the plaintiff take the risk, but if the class action is successful, the compensation may go to a broader group than those who took the risk and, frankly, paid the costs associated with the class action. I understand that there are litigation funders that charge a funding fee. I accept all these things, but I would like to raise in this debate how we look at ensuring that access to justice means equity and whether there is capacity to debate and discuss public funds for class actions through community legal centres. When I was a committee member of the Welfare Rights and Advocacy Service, one of our major responsibilities was to take important cases to the Australian Administrative Tribunal, as it was at that time, or further. We had capacity to do that because we had free legal assistance from good lawyers around town at that time. Those cases shifted the interpretation of the laws around Centrelink so that people were treated fairly and reasonably under the legislation. The cases got good interpretations of the law and we got good outcomes for people in need. Class actions often do that. If we look at some of the class actions that have occurred over the last couple of years, we see there is currently a class action on foot with the Department of Defence about the firefighting foam used in Katherine, in the Northern Territory. It is really important that we ensure that people have their safety and health taken into account. The Takata airbag class action will continue. Combustible cladding is important also. These things are not just for the plaintiffs and the litigants; they are for broader general public safety and public good.

**Mr S.A. Millman:** Don't forget the Robodebt class action that has just been commenced by Peter Gordon of Gordon Legal. That is another example of the public policy imperative being met by those actions being brought, which holds governments to account.

**Ms J.M. FREEMAN:** Yes, and I think that is really important. The banking royal commission held major corporations to account. Slater and Gordon commenced a class action around getting people's superannuation back and Maurice Blackburn Lawyers commenced a class action against AMP. Those actions are important for those issues; however, they are not without significant cost and time, and class actions take a lot of time. Partially because people go to a no win, no fee lawyer, often a bird in the hand is better than two in the bush and they may settle because it is better to settle and get an outcome for the plaintiffs than to set up the public good aspect of the case. I note that Ontario has a class proceedings fund. It was a topic of debate for many years. The Australian Law Reform Commission's 1988 report argues that without public funding, the purpose of the class action regime in providing access to justice would be undermined by the operation of the cost-shifting rule and the burden that places on the representative plaintiff. Public funding was seen as an appropriate acknowledgement of the public purpose of many class actions, the burden of which should not rest with the representative plaintiff. The Victorian Law Reform Commission report points to its law aid fund, and that may be a good facility to pursue public funds for class actions. I am not sure whether similar funds in Western Australia could do that. The report states —

... the Ontario Class Proceedings Fund provides financial support to approved class actions, to cover adverse costs awards as well as disbursements. Cases are selected on the basis of the merits of the claim and the public interest involved.

I raise that as an important aspect that we consider now that we are giving our community access to class actions.

**MR J.R. QUIGLEY (Butler — Attorney General)** [1.52 pm] — in reply: I rise to thank members for their contributions and, in particular, to thank the opposition for its indication that it will support the Civil Procedure (Representative Proceedings) Bill 2019. The member for Hillarys asked how long it would take for the procedures to get going once the bill was proclaimed—that is, once the act is in place and the rules are amended. Between the passage and the commencement of the new representative proceedings, there will need to be developed new practice directions and also amendments to the Rules of the Supreme Court. That process is likely to take around six months. The necessary tasks include the following. The Rules of the Supreme Court 1971 of Western Australia will need to be amended in that period, given that clause 12(2) of the bill requires opting out to be by written notice given under the rules of the court. Also, clause 26 in this bill requires that other notices be in a form as approved by the court. The court will need to determine whether this will be by way of Rules of the Supreme Court or practice directions. The court will also need to review rule 12 of order 18 of the Rules of the Supreme Court 1971, which presently provides for the bringing of representative proceedings as a whole when proposed legislation is introduced, requiring consultation with the profession in the District Court, as order 18 currently applies in the District Court by virtue of rule 6 of the District Court Rules 2005. The Department of Justice has undertaken to keep the Supreme Court updated on the progress of this bill so that it can progress the rules and practice directions as soon as possible after the commencement of the legislation.

I note further that the member for Hillarys sought information on the protocols between the jurisdictions. I agree that such protocols are beneficial and I am of the view that this issue can be appropriately dealt with by the Chief Justice and his court in their regular collaborations through the Council of Chief Justices of Australia. I am confident that the Chief Justice will apply his mind and energies to this issue within the six-month period set aside for the development of the practice directions to support the new representative proceedings regime.

The member for Kalamunda made supportive remarks on this bill and I thank him for that. He correctly highlighted both the access to justice and the court efficiency purposes of the legislation. The member made mention also of

the lack of action of the previous government in bringing forward this legislation subsequent to the Law Reform Commission of Western Australia's 2015 report. I thank the member for Kalamunda for taking us through the main features of this bill.

My learned colleague at law the member for Mount Lawley was as eloquent as ever and laid out the philosophical underpinnings of this bill and its role in fulfilling the legal public policy. I thank the member for his erudite discussions of tort law and the importance of holding wrongdoers to account. The member also acknowledged the pioneering work of Professor Vince Morabito in the area of class actions. Relevantly, I wish to thank Professor Morabito for his assistance in providing to the Department of Justice statistical and other relevant information relating to representative proceedings. I am grateful also to the professor for sharing his expertise so generously. The member noted accurately that the bill before us will not be controversial and will allow Western Australia to catch up with developments elsewhere in our Federation.

The member for Mirrabooka emphasised enhancing access to justice and I acknowledge the member's comments about the importance of community legal centres. I thank the member for her discussion of the history of class actions and of the risks and cost burden involved. The member asked what are the risks. The representative party takes on a significant risk by so acting. In particular, as with equivalent legislative representative proceedings regimes elsewhere in Australia, it is the representative party that will bear the costs of an unsuccessful action. If the representative proceeding proceeds, the group members will share the costs of bringing the proceedings. Clause 31 of the bill provides that members are immune from adverse costs orders, with the exception of costs authorised under clauses 18 and 19. Successful defendants must seek costs from a representative party. When the proceeding has been brought with the assistance of a litigation funder, the funding agreement will ordinarily provide that the funder pays the adverse action costs orders. Lawyers acting for a representative party must inform their clients of the risks they are assuming.

Relevantly, section 260(1)(f) of the Legal Profession Act 2008, which deals with disclosure of costs to clients, provides that if a matter is litigious, a law practice must disclose to a client an estimate of the range of costs that may be recovered if the client is successful and the range of costs that the client may be ordered to pay if they are unsuccessful. In the event that an action is successful, clause 33 of the bill provides for some security for representative parties to ensure that they are not left out of pocket. This clause provides that when the representative party satisfies the court that the costs reasonably incurred by the representative party are likely to exceed the costs recoverable by the person from the respondent, the court may order that an amount equal to the whole or a part of the excess be paid to the person out of damages awarded in the proceedings.

I am very, very proud to be bringing this legislation for class actions and representative proceedings before the Parliament of Western Australia and note that its passage through this Parliament will mark the delivery of yet another McGowan Labor government election promise, made in 2017, that we would increase access to justice for all Western Australians. It has been shown in other jurisdictions that class actions and representative proceedings do just that.

Debate adjourned, pursuant to standing orders.

### PARLIAMENTARY DINING ROOM — PHOTOGRAPHY

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson)** [2.00 pm]: I would like to remind members that it is not permitted to take photographs in the members' dining room—Attorney General. If you wish to take photographs with your guests in the building, please do so in your office or in a parliamentary meeting room.

### DISTINGUISHED VISITORS — HON KAY HALLAHAN, DR JUDYTH WATSON, HON BOB PEARCE AND HON SHEILA McHALE

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson)** [2.00 pm]: I would like to welcome to the Speaker's gallery today some former members: Hon Kay Hallahan, former member for Armadale; Dr Judyth Watson, former member for Canning; Hon Bob Pearce, former member for Armadale; and Hon Sheila McHale, former member for Kenwick.

### QUESTIONS WITHOUT NOTICE

#### MCGOWAN GOVERNMENT — PERFORMANCE

#### 824. Mrs L.M. HARVEY to the Premier:

I note the government's recent change in rhetoric, and specifically announcements about stimulating the economy. Is this a clear admission that the McGowan Labor government has failed to deliver on jobs and the economy and that it has hurt Western Australians in the areas of cost of living and house prices?

**Mr D.J. Kelly:** Another dorothy dixer.

**Mr M. McGOWAN replied:**

Yes, another open-ended question. Thank you very, very much. Clearly, this government is known for its good financial and economic management in Western Australia. It is well accepted across the state. I might also point out that the Western Australian government is the only state or territory government that is driving down debt. Every other state or territory government in Australia is driving up debt. The Liberal government in New South Wales sold off its electricity utilities, as members opposite want to do, and is driving debt through the roof. That is what is happening in New South Wales under a Liberal government. The Liberal government in South Australia is driving up debt. The Liberal government in Tasmania is driving up debt. Every government in Australia is driving up debt, except for this government. Our good financial management is noted across the board. We have had credit rating upgrades, whereas the Liberal Party lost credit ratings when it was in office. The most recent Standard and Poor's credit rating has indicated that the strong fiscal resolve of this government is bearing fruit. We have good financial management in Western Australia.

When it comes to economic management, in the two and a half years since we have been in office, 56 000 new jobs—that is the population of Kalgoorlie and Geraldton combined—have been created in Western Australia under this government. In the Liberal–National government's last term—four years—it lost about 30 000 jobs. The former government drove up debt to a level unimaginable in Western Australia. It had annual deficits of up to \$5 billion. It drove debt from \$3 billion to more than \$40 billion across the forward estimates. That is what the former government did. Then the Leader of the Opposition has the temerity to come in here and ask me these questions! Members opposite should be hanging their heads in shame for their economic and financial management when they were in government.

Good financial management has its rewards. In the last few days, we have been able to announce two important projects. One is a school maintenance project in schools across Western Australia. Every single public school in the state will receive some support for important maintenance and refurbishment. That means electrical, roofing and toilet upgrades, and improvements to playing surfaces, administration blocks and the like across Western Australia. On top of that, about 80 hospitals and health sites are going to receive around \$81 million of support for important maintenance, in particular in regional Western Australia, which is getting around half of that allocation. Good financial management has its rewards. This government is ensuring that we run the finances and the economy right so we can invest in important things like schools and hospitals.

#### MCGOWAN GOVERNMENT — PERFORMANCE

**825. Mrs L.M. HARVEY to the Premier:**

I have a supplementary question. Does the Premier realise that to stimulate the economy, he will need to reverse his ill-conceived migration changes and the foreign investor tax?

**Mr M. McGOWAN replied:**

I do not know if the Leader of the Opposition understands, but migration policy is a matter for the commonwealth government under the commonwealth Constitution. It is a matter for the commonwealth government. I do not know why the member is unaware of that.

Several members interjected.

**The SPEAKER:** Members, please. It is a very important question.

**Mr M. McGOWAN:** It is a bit like Peter Dutton. Peter Dutton, the other day, seemed to think that Western Australia should have its own Navy. The Leader of the Opposition seems to think that we are responsible for migration policy. It is a national responsibility. Obviously, we will work cooperatively with the commonwealth on those matters, as we have on many issues, but it is a national responsibility. When it comes to the foreign buyers duty surcharge and ensuring that foreign purchasers of property in Western Australia pay their fair share, I think that foreign purchasers of property in Western Australia should pay their fair share. If the Leader of the Opposition does not agree with that, take it to the next election.

#### FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019

**826. Ms L.L. BAKER to the Attorney General:**

I refer to the McGowan Labor government's commitment to reforming the way that fines are enforced and recovered in the state through legislation that will be introduced this week. Can the Attorney General please outline to the house how these reforms will impact the regions and address the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system? While the Attorney General is at it, can he please tell the house what factors have led to these changes?

**Mr J.R. QUIGLEY replied:**

I thank the member for Maylands for the question. This is very important legislation of which I have given notice this morning, and the second reading will be before Parliament tomorrow. Of course, this legislation was precipitated by the coroner's inquest into the untimely death of Ms Dhu, and the State Coroner's recommendations

of 2015, which were not actioned by the previous government. The McGowan Labor government went to the election with this promise and tomorrow we will deliver on yet another McGowan Labor government promise made prior to the election. What it will do, in effect, is make imprisonment for the non-payment of fines a very, very, very last resort. It will mean that we separate those who just refuse to pay a fine and those who, because of some hardship or disability, are unable to. We will be introducing garnishee orders for those who refuse to pay a fine, to allow the Sheriff's Office to seize money from their bank account or serve a notice on their employer to pay the fine straight to the fine's registry. Of course, when we imprison someone for not paying a fine for \$250 a day to cut it out, it costs us \$770 a day for the first three days, dropping down to \$320, and we do not get the fine money back. These garnishee orders will enable us to take the money back.

People who are in true hardship will be able to apply to the court, at the time or subsequently to their fine being imposed, for a work and development order, which means that in the regions and elsewhere, community organisations will become registered service providers and will supervise people serving work and development orders, and will be audited in Perth. Additionally, if they do development orders we will be able to address people's underlying problems such as alcohol or drug abuse.

Finally, the big get for the regions is that if people lose their driver's licence because they have not paid their fines, they will not lose their licence if their last residential address was in a remote area. In remote areas, where there is no public transport, poor and other people often have to drive get to hospital or visit family members. They inevitably drive and are charged with unauthorised driving. They are then charged with a second offence of unauthorised driving and end up in jail, so we are getting all these extra people in jail. Might I remind members that in the last year of the Barnett government over 1 000 fine defaulters were in our prisons. We have been pushing back and asking the registrar to exercise more discretion. Those numbers were down to 433 in the last financial year, but after the passage of this legislation they should drop to nearly zero. We will save \$1.8 million for the taxpayers by proceeding in this way. We have already cut it from \$3.55 million in the last year of the Barnett government down to \$1.55 million last year with our suppression of imprisonment as a sanction for fine default, and will save a further \$1.8 million for the taxpayers by the imposition of this. There will always be imprisonment as a last resort for non-payment, but that will only be inflicted after the fine defaulter is brought back before a magistrate and examined by the magistrate as to their hardship or otherwise. This is going to be fantastic.

#### PRIVATISATION — GOVERNMENT ASSETS

##### **827. Mr D.C. NALDER to the Treasurer:**

My question is to the Treasurer.

Several members interjected.

**The SPEAKER:** Members! I am sure we want to hear this in silence, especially the member for Swan Hills at the back there.

**Ms S. Winton** interjected.

**The SPEAKER:** Member for Wanneroo, please. Member for Bateman, start again.

**Mr D.C. NALDER:** My question is to the Treasurer.

**Mr M. McGowan:** Don't get nervous!

**Mr D.C. NALDER:** I am scared. Obviously, I am not scared of the Premier, but I am scared of this man.

Several members interjected.

**The SPEAKER:** Members!

**Mr D.C. NALDER:** I refer to the Treasurer's election promise not to privatise state assets. Can the Treasurer confirm that the McGowan Labor government has privatised or is in the process of privatising Landgate, PEXA, Advara, Warradarge wind farm, Albany wind farm, Greenough solar farm and the TAB?

##### **Mr B.S. WYATT replied:**

I thank the member for Bateman for his question. My unrequited love has finally gone answered, it seems! No, I cannot confirm those, but I look forward to the matter of public interest about this topic very shortly. I note that during the member's last interview on this issue with Gareth Parker, I think, the member for Bateman said that Landgate was a commercialisation or a capitalisation of a revenue stream. I have also agreed with that descriptor and it is one that we will no doubt flush out very shortly. In respect of the member's "do you agree with", no I do not.

#### PRIVATISATION — GOVERNMENT ASSETS

##### **828. Mr D.C. NALDER to the Treasurer:**

I have a supplementary question. Can the Treasurer outline to the people of Western Australia the total sales value and forgone revenue from all the assets the government has or is going to privatise?

**Mr B.S. WYATT replied:**

I can give a range of details around any of the assets that the member mentioned a minute ago. I usually do that by way of questions on notice; I have not received any, but I can do that. By and large, the details of all those are outlined in the budget. If they are not outlined in the budget, they are outlined in the annual reports of those organisations.

## HOUSING — REGIONAL WESTERN AUSTRALIA — TAX CONCESSIONS

**829. Mr K.J.J. MICHEL to the Premier:**

I refer to the recommendations of the Productivity Commission that would see tax concessions for housing in regional Western Australian either cut or completely abolished.

- (1) Can the Premier outline to the house what this would mean for the future of regional towns in Western Australia?
- (2) Can the Premier advise the house about what assurances he has received from the federal government that these damaging tax hikes will not be imposed on my community?

**Mr M. McGOWAN replied:**

- (1)–(2) I thank the member for Pilbara for the question, and for being one of the first people to condemn what the Productivity Commission called for a few weeks ago. The Productivity Commission's draft report "Remote Area Tax Concessions and Payments" suggested a number of changes. It called for tax exemptions to be scrapped on housing owned or leased by employers in remote areas, and for the federal government to impose a 50 per cent fringe benefits tax on businesses. The main region in the entirety of Australia that would be impacted by this proposed change is the Pilbara. It would mean the Pilbara, followed by the goldfields and other areas across Western Australia, would be dramatically impacted and therefore this tax change on employers would incentivise them not to have a local workforce. It would mean efforts to grow and maintain a local workforce in regional communities would be harmed and it would promote additional incentives for fly in, fly out operations on resources projects. It is anti-regional Western Australia and anti-regional towns in Western Australia, and it is strange that the Productivity Commission would even suggest these changes that would impact the state that provides the greatest amount of revenue to the commonwealth government.

**Mrs L.M. Harvey:** Didn't the minister kill it?

**Mr M. McGOWAN:** Listen: the federal government has not categorically ruled it out. The federal Treasurer, Mr Frydenberg, has said that it is a draft. He said —

... the report into remote area tax assistance by the PC is only a draft with the final report expected early next year ...

He then went on to indicate, and I quote —

... the Morrison Government was "absolutely committed" to the mining industry and the thousands of Australians it employed in regional and remote Australia.

That is not ruling it out.

Several members interjected.

**The SPEAKER:** Members!

**Mr M. McGOWAN:** Members opposite need to get a basic understanding of the English language.

**Ms L. Mettam** interjected.

**The SPEAKER:** Member for Vasse, please.

**Mr M. McGOWAN:** The commonwealth government has not ruled out these changes. I note the state Liberal Party has been silent on the matter.

**Mr A. Krsticevic** interjected.

**The SPEAKER:** Member for Carine, I call you to order for the first time.

**Mr M. McGOWAN:** We need to join the member for Pilbara in indicating to the federal government that these proposed changes by its federal Productivity Commission would impact on regional communities in Western Australia, damage our regional communities in Western Australia and promote more people living in the city, as opposed to living in regional Western Australia. Whilst I hear the state Liberal Party defending it —

**Mr Z.R.F. Kirkup** interjected.

**The SPEAKER:** Manager of opposition business!

**Mr M. McGOWAN:** — our view is that this is something we should all oppose in the interests of regional Western Australia, and my government will continue to do so. I call on the Morrison government to provide an unequivocal commitment that it will not happen.

## TOM PRICE PRIMARY SCHOOL

**830. Mr V.A. CATANIA to the Premier:**

I refer to the Premier's visit to Tom Price as detailed in his media statement on Thursday, 12 September 2019.

- (1) Why did the Premier not take the time to inspect the devastating fire damage that occurred to Tom Price Primary School three weeks prior?
- (2) Given 330 students attend the school, of which 56 are currently sharing one classroom, how long will it be before the government steps in to ensure Tom Price Primary School has new facilities for the school community?

**Mr M. McGOWAN replied:**

- (1)–(2) No doubt any of these sorts of events that occur to primary schools anywhere, including Tom Price, are debilitating and devastating for the school community and I am confident that the Minister for Education and Training and the Department of Education will be working on resolving those issues. The principal purpose of my visit was in conjunction with the member for Pilbara and the Minister for Transport to drive from Tom Price to Karratha. A project that has been talked about for decades will occur because of the advocacy and the funding of this government, and that is over \$300 million spent on the sealing of the Karratha–Tom Price Road. It is a very important regional road, very welcomed by the people of Tom Price and Karratha, and we are pleased to deliver it. We worked cooperatively with the federal government to ensure that it was funded.

## TOM PRICE PRIMARY SCHOOL

**831. Mr V.A. CATANIA to the Premier:**

I have a supplementary question. It is more important that the Premier had a picture taken holding a shiny shovel with the Minister for Transport and member for Pilbara than meeting with the staff and students left devastated by the damage to their school.

*Point of Order*

**Mr D.A. TEMPLEMAN:** It is not a question. He did not ask a question.

**The SPEAKER:** No, I know; it is an opinion.

**Mr Y. MUBARAKAI:** Mr Speaker.

**The SPEAKER:** Member for Jandakot.

**Mr V.A. CATANIA:** Supplementary!

**The SPEAKER:** That was your supplementary question.

## ARMADALE JUSTICE AND COURTHOUSE COMPLEX

**832. Mr Y. MUBARAKAI to the Minister for Police:**

I refer to the McGowan Labor government's commitment to community safety. Can the minister advise the house how this government is delivering on this commitment by providing more support for the people of the south eastern suburbs and building the new Armadale justice and courthouse complex?

**Mrs M.H. ROBERTS replied:**

I thank the member for Jandakot for his question, his very strong support of our police officers and his strong advocacy for the south east region.

Before I commence the answer, I wish to congratulate Western Australian police officers who today apprehended Laurie Dodd, particularly those officers who were in the lead group—the regional investigations unit, the gang crime unit, the regional operations group, the police air wing and the police dog squad. They successfully apprehended Mr Dodd and did so, I believe, without incident. It is reassuring for the community that he is back in custody.

The member for Jandakot will be aware that our government has prioritised policing in the south east region since we came to government in 2017. As part of that commitment, we have extended police station hours in his electorate. More than that, we made a commitment to building a police and justice complex in Armadale. We have separated Armadale from Cannington as a separate metropolitan district, which gives police a smaller area in which to work. Where there was just the one mega Cannington district, there are now two separate districts—Armadale and Cannington. That is a big acknowledgement of how important that area is and of the growth in the south eastern corridor. I was delighted that yesterday, together with the member for Armadale, the Mayor of Armadale, Mr Henry Zelones, officers from the Western Australia Police Force, the Department of Justice and the Department of Finance, to turn the first sod for the building works that are about to begin. Our government has committed \$85 million to that police and justice complex. It is not just a modern replacement; it is much more than that. I thank the community reference group that was part of it as well. As an example from the policing side, our current police complex is under 2 000 square metres. This will be closer to 5 000 square metres. Excuse me,

Attorney General, I will be announcing some of your things. There will be five courthouses and much better opportunities for victims to have some privacy, which does not occur in the current court complex.

The contract has been awarded to Perkins WA Pty Ltd. Although it is an \$85 million project in total, the contract is for \$56 million. Other money will be used for fit-out and covering costs for the installation of CCTV and the like. This project will employ some 260 subcontractors and 30 apprentices will be employed during the project's construction. Site works will begin next month and we hope that the first concrete pour will occur before the end of the year. This is a brilliant project by the McGowan government. It is something that we have responsibly funded by committing \$85 million to the south eastern suburbs to put in place a proper police and justice complex. It will be something fitting for the twenty-first century. During its construction it will employ hundreds of people and I am delighted to find out that Perkins will be engaging 30 apprentices as part of that. It is a brilliant announcement, which will mean not only more space for officers who are servicing the area, but also, detectives, the district intelligence unit, the forensic investigation unit and a family violence unit will all be housed at the new complex.

#### LAW AND ORDER

##### **833. Mr P.A. KATSAMBANIS to the Premier:**

Today the Australian Bureau of Statistics released statistics that show the causes of death in our state. Those statistics revealed that the number of Western Australians who were killed by assault has doubled over the past 12 months. How much more evidence does the Premier need before he acknowledges the out-of-control violence in Western Australia and starts taking action?

##### **Mr M. McGOWAN replied:**

The figures around people dying as a consequence of being murdered, of manslaughter, or of an assault, as the member put it, move around from year to year. Each and every one of them is a tragedy. Generally, political parties in this place recognise that and do not seek to exploit it.

#### LAW AND ORDER

##### **834. Mr P.A. KATSAMBANIS to the Premier:**

I have a supplementary question.

**Mrs M.H. Roberts** interjected.

**The SPEAKER:** Minister for Police!

**Mr P.A. KATSAMBANIS:** We already knew that assaults in Northbridge had skyrocketed by over 40 per cent and we now know that the number of bashing deaths in Western Australia has doubled in the past 12 months. Why is the Premier sticking his head in the sand over out-of-control violence?

Several members interjected.

**The SPEAKER:** Members!

##### **Mr M. McGOWAN replied:**

I find it pathetic that members opposite would seek to exploit these things. As I said, the figures bounce around. Considering the member's own personal experience with allowing someone who committed a double murder to stay in the country, maybe he should consider before he asks these questions.

#### HARDSHIP UTILITY GRANT SCHEME — BUNBURY SERVICE CENTRE

##### **835. Mr D.T. PUNCH to the Minister for Community Services:**

I refer to the McGowan Labor government's commitment to supporting those who are facing financial hardship in our community.

- (1) Can the minister outline to the house how the new hardship utility grant scheme service centre in Bunbury will ensure a greater level of support for those applying for HUGS?
- (2) Can the minister advise the house how the service centre will provide more employment opportunities, particularly for those who have faced barriers to finding work?

##### **Ms S.F. McGURK replied:**

- (1)–(2) I am very happy to answer this question. I would particularly like to thank the member for Bunbury for the skillset that he brings to his role. He has a good understanding of the complex social issues that one of our regional centres is facing, but he also has some economic nous and understands that jobs and a good economy are the foundations of a good community as well. He is doing an excellent job. I thank him for representing me on Friday at the opening of the HUGS service centre in Bunbury. It will be operated by Anglicare on behalf of the Financial Counselling Network. It is the second service centre that we have opened. The other one is in Armadale.

We have put particular attention into not only making sure that the financial hardship fund has enough resources, but also that those funds go to the people who really need them. I was particularly concerned by



the previous government—not only when it cut funding to financial counselling, which was a staggering decision to blithely cut funding in the metropolitan area to financial counselling, and, of course, it had to do a quick retreat from that position, but also when it decoupled financial counselling from HUGS grants. Under the previous arrangements, people had to get financial counselling —

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range!

**Ms S.F. McGURK:** People had to get financial counselling to make sure that they were given proper assistance.

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range!

**Ms S.F. McGURK:** Not being able to pay utilities is obviously not good, but it is a sign —

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range, I call you to order for the first time.

**Ms S.F. McGURK:** Could you be quiet, member for Darling Range? You might actually learn something about people who are experiencing hardship.

Several members interjected.

**The SPEAKER:** Members!

**Ms S.F. McGURK:** In fact, we have learnt from the HUGS service centre in Armadale that 89 per cent of applicants who had contact with that centre were able to be referred to other support services such as more broad financial counselling, mental health practitioners, Foodbank emergency relief, and parenting and family support—89 per cent! People clearly have issues that they need other assistance with and those service centres are a fantastic opportunity to link them with other services. We are not only putting significant money into HUGS—nearly \$7.5 million in 2018–19—but also making sure that people have the proper expertise and assistance to get the support they need.

There is another bonus, which I know the member for Bunbury is well aware of. Anglicare WA, in staffing this HUGS service centre in the member's electorate, partnered with job network providers in Bunbury. It asked for applicants and made sure that those applicants had appropriate values and attitudes, a willingness and capacity to learn new skills, and, importantly, had empathy and respect for clients who make contact with the centre. As a result of the selection process, 12 candidates from the job provider network are now successfully undertaking a two-week induction and will then undertake a training program to work in the HUGS service centre. That is a fantastic outcome. We have good employment because we tapped into the job network provider and gave people secure employment. This is light-years away from the attitude we saw from the previous government and, frankly, still see from the opposition benches, with their understanding of disadvantage in our community.

It is complex. It requires empathy, it requires compassion and it requires a sophisticated response —

Several members interjected.

**The SPEAKER:** Members! Member for Darling Range!

**Ms S.F. McGURK:** — if we are going to really overcome hardship for those people. I thank the member for Bunbury for his support of that centre in particular.

#### WA COUNTRY FOOTBALL — AFL FUNDING

#### **836. Mr P.J. RUNDLE to the Minister for Sport and Recreation:**

I refer to the minister's media outrage over the AFL's decision to overlook WA country football for increased funding in favour of Victoria. Why has the minister not previously engaged with the national football body to get more funding for regional football in Western Australia?

**Mr M.P. MURRAY replied:**

It has taken a couple of years to get a question as weak as that out! I engage quite regularly with the AFL on all aspects of the sport. One thing that concerns me in particular is the use of drugs in sport and, along with that, life after sport. It is something that we are working on very, very closely because of the number of issues people have with mental health after they finish the game and move on, or have an injury and move out. As far as the country funding goes, it was great that after talking to the West Australian Football Commission, which is associated with the AFL, as the member might know, it brought someone in from the country leagues to have on its board. Previously, that had not been done. I really lobbied the WA Football Commission for that in order to make sure that the country has a say at the table that makes the decisions. Am I disappointed with the AFL and its decision to spend \$17 million on country football in Victoria? Yes, I am. Have I done anything about it? Yes, I have. I have talked to the football commission to get a joint approach to go to the AFL and get it to explain why it has done this only in Victoria and not spread it to Western Australia.

## WA COUNTRY FOOTBALL — AFL FUNDING

**837. Mr P.J. RUNDLE to the Minister for Sport and Recreation:**

I have a supplementary question.

Several members interjected.

**The SPEAKER:** Members, please. I am sure this is a good supplementary, member for Roe.

**Mr P.J. RUNDLE:** Considering that the AFL is in the process of conducting meetings regarding future funding of the game, will the minister push WA's case in Melbourne this week; and, if not, why not, and what will the target be?

**Mr M.P. MURRAY replied:**

There will be a ministerial meeting, with all state ministers meeting very shortly in Adelaide. I think it is next week or the week after, and I am going to it. I will be pushing the case through that area as well. It is very disappointing to say that Minister Colbeck at first refused to come to the meeting of all the ministers of our great country. It was only after political pressure from the Western Australian government that he changed his mind and is now attending. I am very, very disappointed —

Several members interjected.

**The SPEAKER:** Members! This is very interesting.

**Mr M.P. MURRAY:** — not only with the AFL for making that decision, but also with the federal government for not supporting WA.

Several members interjected.

**The SPEAKER:** Has everyone finished?

Several members interjected.

**The SPEAKER:** Leader of the House and Minister for Housing, I call you to order for the first time.

## ASIAN ENGAGEMENT STRATEGY

**838. Mrs R.M.J. CLARKE to the Minister for Asian Engagement:**

I refer to the McGowan Labor government's unprecedented commitment to diversify the WA economy by delivering the state's first Asian engagement strategy. Can the minister update the house on how this government is supporting small and medium businesses in regional WA to access more of the Asian market and, by doing so, create more jobs?

**Mr P.C. TINLEY replied:**

I thank the member for the question. As members would be aware, last month I formally launched the McGowan government's "Western Australia's Asian Engagement Strategy 2019–2030" as an ambition for the state to take the opportunity that the Asian century and the time zone present to us and our businesses to diversify the economy. Of course, the Asian engagement strategy sits inside Diversify WA, which is the economic framework for the state that seeks to deepen and widen the economy outside the traditional sectors that we have grown the state on and to create the numbers of jobs that are going to be needed in the future. Many members will be aware that Western Australia is home to some of the largest ASX-listed companies, but there are nearly 250 000 small businesses in Western Australia employing nearly half a million Western Australians. This is a significant sector that the McGowan government takes very seriously across all of our portfolios, particularly in relation to jobs. This government does not just simply claim to be a friend of small business; it actually has practical, demonstrable outcomes and objectives, and backs them up. Opening on the Monday just gone were the Access Asia grants, which provide up to \$10 000 to businesses and business councils to undertake investigation and/or marketing activities in the Asian markets. It is a clear statement that we support small to medium businesses as they go about the important work that will diversify the economy. They are the engine rooms of innovation around this state, and we very much appreciate the work they do. Eligible businesses can use the Access Asia grants to participate in a recognised trade event, undertake a visit mission, or cover marketing expenses for marketing opportunities they see in those markets. The most important missing piece for small businesses in Western Australia is the capacity to undertake in-market research to identify where they have a competitive advantage and where they can take their business in the future.

I was pleased to be in the Kimberley just recently to launch the Asian engagement strategy in the regional context. It is no mistake that I went to the Kimberley, because it is probably one of the most internationally focused regions, very much looking to the north and not to the south or the east to undertake its own future. The Kimberley is critical to the McGowan government's diversification to deepen the economy, and it has very good representation

across various sectors, including the Ord River scheme, tourism and Indigenous tourism, resources, aquaculture and so much more. The other point I make is that they have not been idle in the Kimberley. Shires there have been very active. Kununurra is about to start direct flights to Melbourne, and there will be flights from Singapore to Broome. The state government has been particularly supportive of this. The Asian engagement strategy has been well received up there. The abiding sentiment that I got from people during my travels in both East Kimberley and West Kimberley is that they are very relieved that there is a government that actually understands the regions and supports small business. We on this side of the house are truly living up to the reputation that we are genuinely the party of the regions and that we are genuinely looking for opportunities to grow the businesses of the regions, unlike those opposite, who previously did nothing to support local businesses in the regions, nor did they do anything to support business here. The Liberal Party in Western Australia was very good at putting its foot on the hose of business growth, with three land tax increases. It put its foot on the hose of the training conduit for our businesses' needs with a 500 per cent increase in TAFE fees. It is the party that is anti-business. It is simply a shell of what it purports to be, and the only way the Nationals WA ever grow their seats is by poaching from this side of the house!

**The SPEAKER:** I was hoping to get extra questions in today, but that knocked that on the head!

#### SEXUALLY TRANSMITTED INFECTIONS AND BLOODBORNE VIRUSES — REPORT

##### **839. Mr Z.R.F. KIRKUP to the Minister for Health:**

I refer to the report released today by the Department of Health about sexually transmissible infections and bloodborne viruses in Western Australia. Can the minister confirm that in the last 12 months there has been an unacceptable 131 per cent increase in syphilis rates, a 35 per cent increase in gonorrhoea rates and an 18 per cent increase in hepatitis B rates amongst Aboriginal Western Australians?

##### **Mr R.H. COOK replied:**

I thank the member for the question. I remember this debate, which we had when we were in opposition. I think the Premier of the day said that syphilis was rampant through the communities and therefore they should be shut down. That spearheaded his program to close down remote communities right across Western Australia.

**Mr B.S. Wyatt:** Minister, that was despite the fact that syphilis had increased in the non-Aboriginal community at a much faster rate.

**Mr R.H. COOK:** Indeed. The Minister for Aboriginal Affairs makes the observation that that was despite sexually transmitted diseases actually increasing in the non-Aboriginal community at a much faster rate.

The fact of the matter remains that there has been an epidemic of sexually transmitted diseases that has been making its way from Queensland through the north of Australia, and now, unfortunately, Western Australia is bearing the brunt of that. That has crept down through the Kimberley and into the Pilbara and is making its way through the state. We are investing record levels of funds to make sure that we put downward pressure on the overall rates of sexually transmitted diseases in our community. We are continuing to invest in education. We are continuing to invest in clinics that can provide these healthcare services. Last year, I announced a discrete package that addressed this issue in particular. It is an important issue and it is a worrying issue, but it is not one that has simply appeared overnight; it is part of a national trend. All the health jurisdictions across Australia are working together to make sure that we address the issue.

#### SEXUALLY TRANSMITTED INFECTIONS AND BLOODBORNE VIRUSES — REPORT

##### **840. Mr Z.R.F. KIRKUP to the Minister for Health:**

I have a supplementary question. Given these distressing statistics, can the minister confirm that the government is spending more on its climate change inquiry than on the entire regional Aboriginal sexual health budget?

Several members interjected.

##### **Mr R.H. COOK replied:**

That is one of the most pathetic and offensive supplementary questions I have heard.

Several members interjected.

**The SPEAKER:** Members!

**Mr R.H. COOK:** What it comes down to is that we are continuing to clean up the mess left by our friend here, who was a staffer on the previous Premier's team. Did you come up with the previous Premier's line? Did you go to the Premier at the time and say, "Look, Premier; look at these sexually transmitted diseases. Why don't you use that to attack the Aboriginal community? We can use that as an excuse to close down regional and remote communities"?

Several members interjected.

**The SPEAKER:** Member for Dawesville!

**Mr R.H. COOK:** Did you go to the Premier at the time and say, “Look, Premier; we can divide the community. We can spread hatred in the community by pointing out all these horrible statistics in the community”? Were you part of that divisive campaign? We know the form of the member for Dawesville. We will continue to roll out public health campaigns because we know that we have work to do, but that includes making sure that we continue to respond to the health needs of the community today.

**Mr Z.R.F. Kirkup** interjected.

**The SPEAKER:** Member for Dawesville, I call you to order for the first time.

**Mr R.H. COOK:** I ask the member: do you think climate change is real?

**Mr Z.R.F. Kirkup:** Absolutely!

Several members interjected.

**The SPEAKER:** Member for Dawesville, I call you to order for the second time.

**Mr R.H. COOK:** As tropical diseases start to make their way down the west coast as we experience an increase in climate change, do you think we should be responding to that? Do you think we should be having plans around that? No, because you are too busy digging up these grubby little questions—questions that go back to the origins of your days in the Barnett government of saying, “Mr Premier, we can get out there and spread a bit of division. We can undermine the Aboriginal community because we can go out with these nasty little statistics to promote our policies to close remote communities.” Thank God we are in government now so that we can stop those nasty little policies!

#### PUBLIC HEALTH CAMPAIGNS

##### **841. Mr C.J. TALLENTIRE to the Minister for Health:**

I refer to the Cancer Council’s national survey of secondary students’ diet and activity, which showed that one in six Australian teenagers consume 5.2 kilograms of sugar each year. Can the minister update the house on what initiatives the government has implemented to help reduce the consumption of sugary drinks and improve the health and wellbeing of the community?

##### **Mr R.H. COOK replied:**

It is another public health issue; the member for Dawesville will hate this as well!

We all know that public health has an important role to play in making sure that we preserve the health of our community. The recent national study by the Cancer Council of Australia of more than 9 000 students around the country demonstrated that Western Australian teenagers are much less likely than teenagers in other states to drink large volumes of sugary drinks. As the member for Thornlie would know, one in 10 Western Australian students consume a litre or more of sugary drinks each week compared with the national average of one in six, or 17 per cent. This is an outstanding example of what we can do when we put proper resources into campaigns such as the LiveLighter campaign. The LiveLighter campaign is the only difference between us and the other states. Therefore, it is the reason that we have such outstanding results. I commend Hon Kim Hames and Hon John Day, who also backed the LiveLighter campaign. We need to make sure that we have proper investment in public health campaigns to ensure that our community stays healthier. This cohort—this generation of Western Australians—will grow up healthier as a result of these important public awareness campaigns. These sorts of themes were captured in the “Sustainable Health Review”. We said in the “Sustainable Health Review” that we want to halt the rise of obesity in Western Australia by July 2024 and have the highest percentage of population with a healthy weight of all states in Australia by 2029. We can do this, as long as we have the proper investment around these campaigns. The other states look at LiveLighter and are envious of the great investments we can make. It is about making sure that Western Australians understand that if they continue to partake in an unhealthy diet, it will have ramifications for that individual and for the society into the future. We want to make sure that Western Australians stay healthier. That is why under the sustainable health review we have committed to the migration of 2.5 per cent of the budget into preventive health to five per cent by 2026. This is an important opportunity to reverse the trends of deteriorating public health in the community and to continue to treat chronic illness and sickness in our community. It is a great example of what we can do when we invest in public health, and it is of great credit to the Western Australian community.

#### WESTPORT TASKFORCE — OPTIONS

##### **842. Ms L. METTAM to the Premier:**

I refer to the Fremantle Port Authority’s 2018–19 annual report, which was recently tabled. A port survey found 78 per cent community support for the inner harbour. Will the Premier now start listening to the community and the Maritime Union of Australia and rule out the three standalone outer harbour port options shortlisted by the Westport Taskforce?

Several members interjected.

**The SPEAKER:** Members!

**Mr M. McGOWAN replied:**

Clearly, the Liberal Party is keen on promoting what the MUA has to say. I saw the tweet by the Leader of the Opposition that promoted the video of people disrupting the Westport Taskforce community meeting. The Liberal Party seems to want to promote that sort of material. It seems to want to work cooperatively with the tactics of the MUA. That seems to be where it is at. Instead of working with the government and looking towards a long-term plan for freight and trade in Western Australia, it wants to score cheap, short-term political points, and it does not care who it joins with in order to do it.

What I have noticed about the member for Vasse is that she will be negative about anything.

**Ms L. Mettam** interjected.

**The SPEAKER:** Member for Vasse, you will not hear the answer.

**Mr M. McGOWAN:** She comes in here day in, day out with the most ridiculous questions, all just to be negative and to hopefully get that one line in a radio story somewhere. That is all it is about. Think about it: we need to work on a long-term plan for freight and trade in Western Australia. We need to make sure that the work of the Westport Taskforce, which is all about ensuring that we have a plan for the next 100 years, is supported. That is what a good government does—it looks to the long term and long-term solutions, not to day-to-day solutions that might score a good headline. All this government is trying to do with the Westport Taskforce is to look at the long-term plan. I remember sitting on that side of the house during the last government and hearing Troy Buswell say on a number of occasions that we needed to move towards a new port in Cockburn because Fremantle port is eventually going to fill. That is what Troy Buswell had to say. That has been a bipartisan position in this state for many, many years—until this opposition came along. The opposition is no good at analysis or long-term thinking; all it is up for is short-term political points scoring, and it does not care who it joins with to do it, including its friends in the MUA.

#### WESTPORT TASKFORCE — OPTIONS

**843. Ms L. METTAM to the Premier:**

I have a supplementary question. When is the Premier going to admit that there is overwhelming community opposition to the contrived Westport Taskforce process, and when will he get on with building Roe 8 and Roe 9 to the inner harbour, which is the best option for WA and, in particular, the people of the southern suburbs?

**Mr M. McGOWAN replied:**

I actually know the southern suburbs well.

Several members interjected.

**The SPEAKER:** Members, your Premier is on his feet.

**Mr M. McGOWAN:** I have lived there for 30 years. I also do not have my questions written for me by some outside parties, like the member for Vasse does. What we saw with the Leader of the Opposition's —

**Ms L. Mettam:** How about that shocking answer!

**The SPEAKER:** How about I call you to order, member for Vasse?

**Mr M. McGOWAN:** What we saw with the Leader of the Opposition —

**The SPEAKER:** Premier! Member for Vasse, since you have become a shadow minister, you think you can just call out all the time. Just listen to it, please.

**Mr M. McGOWAN:** What we saw was a tweet by the Leader of the Opposition promoting that disruption, that intimidation, of ordinary Western Australians who were just wanting to go along to hear information. I think that was deplorable on her behalf, and it shows that she is prepared to do anything and is prepared to join with anyone. As I have said on a number of occasions, the government is trying to deliver on our election promise, have a long-term plan for freight and trade and make sure we deal with this issue for the next 50 to 100 years and beyond. That is what governments should be doing. That was Troy Buswell's view on this when he was Minister for Transport: let us look to a long-term future. The then state Labor opposition did not object; we said that was a good policy. We said, "Good onya, Troy!" Troy had a few other issues, it might be said, but on that one, we said, "Good onya, Troy! Let's think about long-term thinking." Indeed, it goes back for some decades that that is what governments have been working towards, but all of a sudden we have an opposition that is prepared to play politics with long-term infrastructure and long-term thinking for Western Australia. I say to the Liberal Party of Western Australia: it is not fit for office now, and it will not be fit for office for many years to come.

**The SPEAKER:** That is the end of question time.

**PRIVATISATION — GOVERNMENT ASSETS***Matter of Public Interest*

**THE SPEAKER (Mr P.B. Watson)** informed the Assembly that he was in receipt within the prescribed time of a letter from the member for Bateman seeking to debate a matter of public interest.

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

**MR D.C. NALDER (Bateman)** [2.51 pm]: I move —

That this house condemns the McGowan government for its broken election promise of no privatisation, including the sale of Landgate, and its complete lack of transparency on its sales processes.

This government promised to stop privatisation, to deliver a gold standard of transparency, and no new taxes or increases in taxes. Instead, we have seen the government continue to break one promise after another, and we are continuing to see it. As the Premier is leaving the chamber, I would like to remind members about his election material headed, “WA Labor Will Stop Privatisation.” It is important for members in this house to understand that Labor went on to say, in the same press release —

WA Labor recognises that selling your assets is a short term fix, not a long term plan. Privatisation means future generations risk being left without these essential assets and —

Note this —

the revenue they generate for the state.

What do we have here? The government will try to claim that this is not privatisation, but those are weasel words, because it has form. When the former government talked about the lease of a port asset, that was privatisation, according to the Labor Party. It was not the lease of an asset; Labor said that it would not privatise the ports, when it was actually a commercial lease for a few decades. All of a sudden, it is okay to commercialise or lease out this asset for 40 years; back then it said that it was privatisation, but now it is not privatisation. This government cannot be trusted one iota.

Let us look at the list of things that the government has privatised. There has been the sale of Advara for \$7.2 million; the sale of PEXA for \$185 million; the sale of Landgate for \$1.4 billion; and the sale of the Greenough solar farm and the Albany wind farm, and it is unclear how much the government got for those. There was also the sale of the Warradarge wind farm through the private equity fund, and the government is in the process of selling the TAB. I do not recall a bigger privatisation program under any previous government, yet this is a government that went into the last election saying that it would stop privatisation. If that is not a broken promise, what is?

**Dr D.J. Honey:** A core promise?

**Mr D.C. NALDER:** It is a core promise!

We then move on to the gold standard transparency. Let us have a look at this. Last week we asked a question in the other place of the Treasurer, requesting information about the contract. We asked the Treasurer whether he would table the contract for the sale of Landgate. The question was —

I refer to the government’s decision to privatise Landgate services.

- (1) Will the Treasurer table the contract?
- (2) If not, why not?

The answer we got was —

The government will table a summary of details regarding key terms of the transaction documents to demonstrate the benefits and protections for the state. In the meantime, the Treasurer is happy to answer any specific questions that members might have regarding the transaction documents.

How can the opposition ask questions if we do not have access to the detail? Let us look at the history of this. The only asset the former government sold was the Perth Market Authority. The former government tabled the contract with zero redactions so that the then opposition could scrutinise it, and it actually put enabling legislation through to allow the opposition to debate the sale in Parliament.

**Dr M.D. Nahan:** It’s called transparency.

**Mr D.C. NALDER:** It is called transparency.

The government promised a gold standard of transparency, which I believe meant a higher standard than that of the previous government. The previous government put through enabling legislation every time we considered the sale of an asset and, when we sold an asset, tabled the contract in full. The government now expects us to accept spin from the Treasurer without the full facts being put on the table. I believe the people of Western Australia deserve to see all the facts about this sale.

Returning to the government's promise to stop privatisation, I would have thought that people's land titles would be considered to be essential, critical assets. The Treasurer has now sold an asset but is not being clear on the terms. He is not being transparent about the information that third parties will have access to. He is saying, "Trust us; we're keeping it safe because we still hold the register here." That leads to a number of questions and another point from the Treasurer. He has said in this place, "Well, you've got to ask questions. Don't claim I'm not being transparent if you haven't asked me a question." At that point, we had no details of the deal to be able to ask questions. Then we ask for details of the deal, and the government gives us spin. What an absolute disgrace from this Treasurer.

The Treasurer also said that as part of the process, the government was going to use the funds for the National Redress Scheme. This is really important. We have no problem with funds being allocated to the National Redress Scheme, but there is \$153 million in the budget for the National Redress Scheme and the Premier is on record as saying that this could cost as much as \$640 million. Landgate was sold for \$1.4 billion, so if we accept the \$640 million, what is the other \$750 million being used for? Again, there is a lack of transparency. We think that the revenue stream of Landgate has been sold off, but for how much? We put a question on notice in the other house to try to gain a better understanding of how much revenue has been sold off and what is in the forward estimates. I believe—I still do not know, because we do not have any detail—that the revenue across the four services in Landgate that the government is talking about came to \$73.4 million in 2018–19. That is forecast to grow by 6.8 cent this year, 7.14 per cent next year and five per cent the year after. That is very strong revenue growth, but we do not have any details about what has been sold off.

I have been led to understand by the Treasurer that the government continues to retain Landgate people to conduct services, so I am sitting there, thinking, "Hang on; if we've still got all the expenses—and we don't know, because we haven't been told—yet we've sold off the revenue stream, are we going to be paying this \$1.4 billion off for the next 40 years for the expenses?" We still have costs, but we have lost the revenue stream. It is a good question to ask. There are a number of questions we have now put to the Treasurer, and I would like to finish off by formally asking them of the Treasurer, because he claims he is not getting questions. Here are a few questions for the Treasurer, and I look forward to his response today during the debate.

Why does the Treasurer need questions in Parliament in order for him to be transparent about the \$1.4 billion Landgate sale? Given that the Treasurer has not initiated debate through an enabling bill and has refused to table a contract, does he accept that the details of the \$1.4 billion Landgate sale are secret? Does the Treasurer accept that it is hard for the opposition to ask questions when he keeps the details secret? Why is the Treasurer not delivering on his election promise of gold-plated transparency?

How can we trust this government given the asset sales program and its election promise to stop privatisation? Given the government has now sold PEXA, Advara, Landgate and Synergy generation assets and is in the process of selling the TAB, what else is the government planning to sell? How could we trust the government's answer to that question, given that it promised to stop privatisation? Why is the government not running enabling bills to allow for the transparent sale of Landgate, given that this was done on the sales of Utah Point, Fremantle port and Market City? Given the Barnett government tabled the Perth markets sale contract in full, allowing it to be scrutinised by the opposition, why has the government refused to do the same for the Landgate sale, as per the Treasurer's response to a question asked in the Legislative Council last week? What parts of Landgate have been sold and what has been retained? What personal information in Landgate will be accessible to third parties and how could this be used? What assurances can the government provide Western Australians that their personal data will not be misused by third parties involved in this \$1.4 billion transaction? What parameters and/or restrictions have been applied to protect Western Australians in the Landgate deal? What percentage of Landgate's revenue stream, which was \$73.4 million in 2018–19, has been sold, and what percentage in dollar figures of Landgate's expenses has been retained? Given that \$153 million has been budgeted for the National Redress Scheme—it could cost \$640 million to \$650 million according to the Premier—and the sale of Landgate will generate \$1.4 billion, when are the expenses likely to be incurred, why are they only partially budgeted to date, and what is the government doing with the other \$750 million from the Landgate sale? Is it true there was only one bidder in the Landgate sale; and, if so, how does the state know it received the best deal and how did it determine that the sale was in the best interests of the state?

I have asked the Treasurer a series of questions, but we should not need to ask these questions because I believe a gold standard of transparency from the government would mean this information would be on the table for the opposition to scrutinise. I look forward to the Treasurer's response.

**DR D.J. HONEY (Cottesloe)** [3.01 pm]: I rise to enthusiastically support the opposition's motion. As the member for Bateman has outlined in good detail, the decision to commercialise Landgate smacks of absolute hypocrisy from a party that went to the election stating its opposition to privatisation. The spin of commercialisation is clearly setting a new precedent for this place, because clearly everything is on the table now. The government is not going to privatise; it will commercialise. That is just fine by this government. When we are in government—at this rate, it looks like that is not too far away—we look forward to a lot of commercialisation.

The reality is that this decision puts into private hands the control of most of Landgate's functions. The Premier has made a lot of noise about transparency. Remember, when the government was conflating the story about Perth Children's Hospital and lead in the water to delay its opening by two years, which was an absolute disgrace on the part of the Labor Party, the Premier was reported as saying —

The newly elected WA State government has acted with a “gold standard” of transparency ...

This decision clearly demonstrates that this government is anything but transparent. As outlined by the member for Bateman, there is almost a complete lack of transparency. When we ask fair questions, we do not get a response from the government. This is a major decision about an agency that involves the management of transactions and records for people's most important asset and, as such, we should see the detail of that transaction so that we can guarantee that the public interest is protected. There should be enabling legislation that we can debate in this place, and there is good precedent for that in the legislation for the sale of the Utah Point bulk terminal in Port Hedland and the Perth Market Authority, and for the Fremantle port lease. All the detailed information for those transactions was given to the then opposition so that it could come to this place and properly scrutinise those issues. What do we see from this government? It is trying to hide all that information. There is some information available to us in the “Landgate Partial Commercialisation—Invitation for Expressions of Interest”. It is mostly functional information; there is very little that is revealing in the document, but we do see a couple of interesting things. We get an understanding of the apparent scope—we do not know that, because we do not know what is in the contract, because that is hidden from us. It will cover —

- Provision, maintenance and improvement of the following services:
  - Automated land titling services;
  - Automated plan services; and
  - Certain searches and associated products and services

which facilitate Landgate and the Statutory Offices to discharge their statutory functions

Later, I will talk about how we can see value in this sale, but we get a hint of the real value of this transaction, and it cannot possibly be the income that Landgate is deriving. The real value is mentioned on page 4 of this proposal, which states —

In addition, Landgate will grant a non-exclusive licence to the Service Provider to commercialise Landgate's rich data set of land titling information, including developing and marketing innovative new value-added products and services to the public ...

There we go, because that is the gem! When we look at that sale and the deal that has been cut, we initially think that this is a pretty good deal. But what we can see from this statement is that ordinary householders are going to be smashed by this decision. Why? It is because the potential bidder is allowed to inflate the charges at the consumer price index, or CPI plus one per cent. Any contractor in Western Australia would love that deal. This is for 40 years, members. This is not for a few years or a few days; it is for 40 years at CPI, or CPI plus one per cent. This is largely transactional. We all know that transactional costs in every environment—in banks and all those environments—have come down, but here we have a government guaranteeing a massive rise. A three per cent rise over 10 years is a 36 per cent increase in charges. I will not go to the 40-year calculation. The simple fact is that the potential bidder can inflate charges enormously over the life of that contract because of the Treasurer's generosity. There is no requirement for them to show any efficiency dividend. Do members know what happens in parallel sales when public assets are sold and the service has to be delivered to the public? They build in a dividend; in fact, they quite typically build in a negative increase in those contracts because they expect efficiencies; they do not expect to see those costs rise.

Then we look at who is buying Landgate. It is the Land Services WA consortium. It sounds pretty good, does it not? Then we see it is Macquarie Infrastructure and Real Assets, Sunsuper, and HESTA. The consortium is paying \$1.4 billion up-front for this service. That is for an organisation that has \$164 million in revenue and \$26 million in profit over the full 2016–17 year. Boy; that sounds like a good deal, does it not? Of course, look at the people who are buying Landgate. An article titled “Millionaire's factory churns out the \$10m-plus pay packets” published in *The Sydney Morning Herald* reads —

After posting another record annual profit, and dividend, on Friday, Macquarie revealed that its executives continue to be well-rewarded for their endeavours.

Macquarie pays its CEO \$20 million. We are selling Landgate to this crowd—these people expect their pound of flesh!

I have done some simple calculations. Unfortunately, due to the time available, I do not have time to go through them in great detail but I will dwell on them a bit. I have done some simple calculations using government interest at four per cent, or commercial interest at six per cent. I will focus on interest at six per cent. The net present value



for this purchase is \$610 million, and the consortium is paying \$1.4 billion. Guess what, guys! It is going to get its pound of flesh. I did some other simple calculations. At six per cent interest, the consortium will have to get \$92 million a year—it is getting \$26 million at the moment—to get back its investment. If it wants to get Macquarie's expected 23 per cent return on its investment, which is its standard, it will have to get \$110 million a year, against \$26 million today. Guess what? People will pay for that. My great fear in all of this is that the people who will pay for it will be Western Australians. The member for Bateman went through some key questions, and I do not have time to ask some other key questions, but I will put those elsewhere. The Treasurer should come clean with the Western Australian community and bring the details of this transaction before Parliament so that we can ensure that the Western Australian public's interests are protected.

**MR V.A. CATANIA (North West Central)** [3.09 pm]: The percentage of the buyer is not the only matter that will really hurt the people of Western Australia; the percentage that will really hurt this government is the swing against it, because that is what this is going to bring—a swing against the government. Back in 2017, I said it would be a three per cent swing, and this side of the house won Darling Range by 9.5 per cent. Now we are seeing the four per cent swing reach government members' targets. This year, the government members' target has been 4.5 per cent, but let me tell them that this takes the cake: we are now aiming in 2020 for a five per cent margin. For members who are on that five per cent margin, watch out! This side of the fence is clearly telling the people of Western Australia that they cannot trust Labor government members, because they are mean-spirited not just in the way they have been conducting themselves since they have come to government, but also in the broken promises, the lies and the deceit that they actually put over the public of Western Australia that started throughout the election campaign in 2017.

I remember, at the eleventh hour, members opposite put out the budget estimates from which royalties for regions was cut out—it was gone. The people of regional Western Australia were hoodwinked. Those members said that they would not increase taxes, but what have they done? They have increased taxes. They said they were not going to privatise, but what have they done? I do not think we have seen in the history of Western Australia a state government privatise as much as this Labor government has privatised. Never in the history of Western Australian governments had we seen a Labor Party go to an campaign saying that it would not privatise. There is no-one on that side of the chamber. The Minister for Sport and Recreation is there, but perhaps he cannot hear what I am saying. What I am saying is that they went to the election privatising —

**The SPEAKER:** Member, sit down! You do not have a go at people about their hearing disabilities or anything like that, or I will sit you down. I call you to order for the first time.

**Mr V.A. CATANIA:** Mr Speaker, I was not having a go; I was saying that no-one is listening on that side because there is no-one on that side.

**The SPEAKER:** Member, sit down! I call you to order for the second time.

**Mr V.A. CATANIA:** As I said, when the Labor Party was in opposition, it said that it was not going to privatise. Here we have \$1.4 billion. What has it sold? The member for Bateman said, "Show us the contract. Be open and transparent." From what government members were saying prior to the sale of Landgate, all indications were that it could achieve only around the \$600 million mark, but here we have \$1.4 billion. What actually has the government sold? It sold more than the silverware; I think it sold the underwear of Landgate. That is the only way that it was going to reach that \$1.4 billion mark. As I said, the government said that we were not going to have new taxes, and we have. It said it would stop privatisation; it has not. When it comes to privatisation, it has actually been the worst in the history of Western Australian governments. It has broken promise after promise that it gave the people of Western Australia confidence that it would not do. It has done it. It has broken the promise. It has lost credibility. This goes down to the credibility of the Premier. The leadership of this government shows that the people of Western Australia cannot trust it. What is the government going to do with \$1.4 billion? I think that the government is scared. I think it is scared because that five per cent is now a reachable target for this side of the house to get back into government, and government members are scared. They want to try to win votes by throwing a couple of hundred million dollars here and there. The people of Western Australia are not going to buy it.

One of the big question marks is Fremantle port. Members may say that Fremantle port is no longer needed as we have the outer harbour. Is the government planning to privatise the outer harbour to actually fund the outer harbour? That is the question. Answer that for the people of Western Australia. It is a valuable asset to the people of Western Australia for lots of reasons. Is the government going to privatise the outer harbour if it gets the go-ahead? That is the question. Members can look through all the *Hansards* on the sale of the TAB, and let us be frank—"jobs will be lost if the TAB is sold". Who said that? It was the Premier. I could keep going on and on. Member after member, when in opposition, questioned and tore down the government of the day because it put fear into people that it was going to privatise everything. In actual fact, this government has created the fear. It promised no new taxes; it has been privatising more than any other government that Western Australia has ever seen, so I think the people of Western Australia have woken up and that five per cent margin in 2020 is closer than the government thinks.

**MRS L.M. HARVEY (Scarborough — Leader of the Opposition)** [3.14 pm]: I rise to make some closing remarks on this very important matter of public interest that the opposition brings to this Parliament. I would like to say that I feel sorry for the Treasurer because I know that he has to find a way to fund the multibillion-dollar funding black hole that the Metronet project brings to the people of Western Australia. But I do not feel sorry for him because he is part of the dream team that took a promise and a commitment to the community of Western Australia, which I will read out. In the “WA Labor 2017 State Election Fighting Platform” document, the Premier, Mark McGowan, said, “Privatisation has failed Western Australians.” As the member for Bateman mentioned, we then go on to see a full page about privatisation titled “WA Labor will stop privatisation”. It reads —

#### **WA LABOR WILL NOT PRIVATISE ESSENTIAL SERVICES AND ASSETS**

WA Labor recognises that selling your assets is a short term fix, not a long term plan. Privatisation means future generations risk being left without these essential assets and the revenue they generate for the state.

That is what the Labor Party took to the community of Western Australia. As members have asked, what have we seen since March 2017? We have seen one privatisation after another. To fund Metronet, we have seen a fire sale of assets that should be there for the future of Western Australians. The government has privatised Synergy generation assets, including Warradarge wind farm, Greenough River solar farm and Albany wind farm. The government is selling the TAB. It sold PEXA at the bottom of the market for \$185 million—that one was a great business decision! The government privatised Advara, and now it has sold Landgate for \$1.41 billion. It is calling it “commercialisation”, but it is privatisation by any other means.

The former Liberal–National government was transparent about asset sales. We brought legislation to this place so that the sale of public assets could be debated. We had the Perth Market (Disposal) Bill, the Fremantle Port Assets (Disposal) Bill and the Pilbara Port Assets (Disposal) Bill. That allowed the privatisation or commercialisation, whatever spin the government wants to put on it, of assets to be debated in Parliament. Moreover, after a sale had been achieved, such as the Perth Market Authority, the Liberal–National government, in the interests of transparency, tabled an un-redacted copy of the contract so that the community of Western Australia could understand exactly the value that they got as a result of that privatisation. That is something that the Treasurer’s government has refused to do for every single one of these asset sales.

If we need to look where the value of the sale of Landgate comes from, we go to the “Landgate Partial Commercialisation: Invitation for Expressions of Interest” document. I feel really concerned about it because it says —

... Landgate will grant a non-exclusive licence to the Service Provider to commercialise Landgate’s rich data set of land titling information, including developing and marketing innovative new value-added products and services to the public ...

That is the sale of our data. A strata title contains the mortgage information of individuals, and the registered address of the proprietor of the title, commercial leases, or leases that are attached to a particular premises, which form part of the data that is held on a strata title. All this information can now be packaged up, turned into new datasets and sold to anybody who might be willing to pay for it. I put to members that the value of this privatisation comes from all that data being packaged up and sold to other entities, which can then manipulate and use it to their own advantage. Imagine the value of it, and imagine all the competing banks being able to get packaged data, advising them where every registered mortgage of every competitor is, including who those people are and where they live. That is very valuable information. What if commercial leasing agents were able to pay for the data to find out the value and the conditions of leases attached to strata title documents and use that in a competitive way to the disadvantage of the small business owner tenant who might hold that lease? Is that going to be possible under this privatisation agenda? This is the sort of detail that we have been asking the Treasurer to provide to Parliament and the community of Western Australia. What do we get when we ask the Treasurer to provide such information? The Treasurer provided the following response —

The government will table a summary of details regarding key terms of the transaction documents to demonstrate the benefits and protections for the state. In the meantime, the Treasurer is happy to answer any specific questions that members might have regarding the transaction documents.

Why not just table the contract? It is a public asset that the government has sold. Why not table the contract and let us know what the access to this data will be, what the return to the state is going to be, how Landgate’s existing functions are going to continue to be funded and how that cost increase is going to be managed? If the cost of delivering a service becomes cheaper because of technological advancement, will the new owner of all of our data be able to maintain that margin, or will they get to sit on the value of the consumer price index increase forever?

We are really concerned about the sale of Landgate, but mostly we are concerned about the government’s record of continually breaking its election promises. The Treasurer and others on the government benches got into government on the basis of promising the community that they would not privatise assets. They have privatised asset after asset after asset. They can call it whatever they like, but we know what they have done and the community knows what they have done. They have been elected under false pretences, and they need to find another way to fund the Metronet black hole that they have created because they did not get their sums right in the lead-up to the last election.

**MR B.S. WYATT (Victoria Park — Treasurer)** [3.21 pm]: I thank all members for their contribution this afternoon—the members for Bateman, Cottesloe, North West Central and Scarborough. I will try to deal with some of the issues they raised. Interestingly, the member for Bateman rather quickly read out 12 separate questions, I think. They sound like pretty good questions to put on notice, to use the processes of Parliament, and I will try to deal with some of those. I think most of these were raised by the member for Bateman; I will come to those shortly.

Of course, the issue contained in this motion, and most of the debate on it, centres around the Landgate transaction and the complaints about the lack of transparency therein. I want to highlight that the transaction of Landgate has been around for some time. Indeed, the commercialisation of Landgate and its processes has been happening for the better part of 10 to 15 years. I take members back to Landgate's 2015–16 annual report. I want to read this in. Under the heading, "Land Registry commercialisation project", the 2015–16 annual report states —

The land registry commercialisation project, sponsored by Landgate's Innovation Program, reached a significant milestone during the year with Cabinet's approval of the creation of a new company called Advara.

The project was established to respond to the challenge of potentially disruptive trends in the national and international land registry market and to enable Landgate to pursue growth opportunities in other jurisdictions. It resulted in the creation of Advara, through which Landgate and its partners will seek to leverage Landgate's new land registry platform to deliver services in other jurisdictions.

Incorporated in December 2015, Advara will pursue commercial opportunities in other markets and reduce the cost of IT services to Landgate in the future. As at 30 June 2016, Landgate owned 100 per cent of shares in Advara.

That information is relevant as of that date, because later that year, the former government sold about 25 per cent to Adecco. Interestingly, there was no enabling legislation to enable that transaction. Why is that? It is because under the terms of the Land Information Authority Act, it was not required. Enabling legislation is needed when the law needs to be created for the transaction to take place. It was not required when the former government sold its chunk of Advara, and it certainly was not required for this particular transaction. But any suggestion that there is a lack of transparency is just absurd. I want to make this point. Just because the opposition is lazy does not mean we are being less than transparent. I want to deal with some of the points made by the member for Bateman. I have actually released more media statements than I have had to answer questions on this issue in this place from the Liberal Party. Let us start. Back on 15 October 2017, the first time there was public conversation around a possible Landgate transaction, the member for Bateman made a comment, which I quote —

"We understand that the Labor Party has won Government and we need to respect that, however we will scrutinise every policy they bring forward to ensure that it's in the best interests of WA."

It was foreshadowed that I would be scrutinised on this transaction. The following media statements were released: "Commercial advisor to assist the Landgate scoping study" on 2 February 2018; "McGowan Government rejects sale of Landgate" on 27 June 2018; "Commercial advisor to support partial Landgate commercialisation" on 28 August 2018; "Next stage for Landgate partial commercialisation begins" on 8 January 2019; then I did a brief ministerial statement on 21 March 2019 on Landgate's remaining shareholding in Advara; followed by "Landgate transaction delivers for Western Australia" on 10 September 2019. Yet in all that time, I was not questioned about it. I have to say that I found it bizarre.

In answer to the member for Bateman's first question on why we need questions in Parliament to be transparent, the answer is that it is the job of the opposition to ask the government questions. To be honest, I have been surprised at how few questions I have been asked. To its credit, the National Party has asked the majority of questions on this issue. Occasionally the matter has appeared in the media and the leader of the National Party has asked me the occasional question about it, as has the member for Warren–Blackwood, the former Minister for Lands, who obviously has an interest in this. But I have been surprised by the lack of questions on this from the Liberal Party. Indeed, I am pleased that it was at least referenced by the member for Cottesloe. I put the link to the expression of interest on the media statement that I put out on 8 January 2019. This was a public document. I am glad the member for Cottesloe seems to have a copy of it. Indeed, the Leader of the Opposition also referenced it. I want to finish the quote, because I found it interesting that both the member for Cottesloe and the Leader of the Opposition quoted the same paragraph, but not completely. Let me read the complete quotation. I remind everyone that this has been on the website since January this year, and I am yet to have a question on any of the content. I have not been asked one question on this. This sets out the terms of the likely transaction. Just as an aside, member for Cottesloe, as in my media statement of 10 September, it is CPI, not CPI plus one. We considered two scenarios, requested bids on two scenarios, rejected CPI plus one as we did not see the value, and stuck at CPI, as in my statement of 10 September.

I want to quote fully the paragraph on page 10 of the document titled “Landgate partial commercialisation: Invitation for expressions of interest”, which states —

In addition, while the State would retain ownership of Landgate’s data, it expects that:

- Landgate would grant a non-exclusive licence to the Service Provider to commercialise Landgate’s rich data set of land titling information and property transactions, including to develop and market innovative new value added products and services to the public —

That is where the members for Cottesloe and Scarborough stopped. Let me finish off the sentence —

(subject to Landgate’s approval and privacy requirements); ...

That deals with the question that the Leader of the Opposition floated on what data can be used and how it can be utilised. Of course, the third party, the operator—I will come to the operator in a minute—can utilise that data, but that is the situation now with Advava. That is exactly the situation that the previous government created. Indeed it has been going on for at least 15 years. In answer to the question the Leader of the Opposition posed, “What if commercial leasing agents were able to pay for leasing details?”, they can right now. This is something that has not sunk into the heads of the opposition, and that is that all this data is public.

Several members interjected.

**The SPEAKER:** Members! You were heard in silence.

**Mr B.S. WYATT:** It is public. I think the Nationals WA know this. It is public information that is accessible by anyone or any organisation that wishes to pay for it.

**Mrs L.M. Harvey:** Is it available in an aggregated form?

**Mr B.S. WYATT:** Yes, of course it is, that is why we have the Real Estate Institute of Western Australia and various property groups aggregating that, and we can get apps because there is value in the revenue transaction. Of course there is, but it is the value in data. I found it interesting that members opposite did not read this part out, that this is subject to Landgate’s approval. The data is still owned by Landgate, therefore the government, and any use of that data is subject to the approval of Landgate, therefore the government. This is something that is fundamentally important.

**Dr M.D. Nahan** interjected.

**The SPEAKER:** Member for Riverton! All you people were heard in silence; I want the same here.

**Mr B.S. WYATT:** The other good point, and this is part of the transaction that no other state negotiated, is this, and I quote —

- Landgate would receive an ongoing royalty on new revenues generated by the Service Provider from the development of new products and services using Landgate’s land titling information and property transactions.

Not only is any new service or product subject to the approval of Landgate, but if Landgate says, “Okay, that is information that may be of commercial use”, we allow that to happen, because Landgate owns the data and it gets a royalty spree. No other state negotiated this outcome. A good arrangement has been entered into. All the details around the transaction, in particular what the state was going to consider and the two different scenarios that the member for Cottesloe referenced, consumer price index, or CPI plus one per cent—I note by way of aside that fees have been lifted at CPI every year for at least the last decade, from memory—have been transparent. This has already been happening with Landgate. I want to deal with those things, because ultimately there has been more transparency on this than anything. I get that members of the opposition are not going to appreciate that, but they have to occasionally ask questions. They have to get off their butt and do the work. That is one thing I learned in opposition: no-one will do the work for you. You have to do it yourself, which means asking questions. I think the best one to reference, because I was so impressed when it happened, was when the current Minister for Mines and Petroleum, when he was sitting on the other side of the house, by use of upper house and lower house questions, pulled apart the diabolical deal around Muja C that was done by the member for Riverton when he was Minister for Energy. It was extraordinary how the member for Cannington pulled the pants down of the member for Riverton and embarrassed him.

**Dr M.D. Nahan** interjected.

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

**Mr B.S. WYATT:** The member for Riverton refused to provide any detail, including the guarantee he provided around that. It was only the KPMG report that made that public. I want to continue on with this, because some good questions were raised. Everyone in here, the opposition particularly, have something unique, that not one other Western Australian has, and that is access to the parliamentary question process. All I say to them is: use it. They might find some information.

I want to put this on the record, and normally the member for Warren–Blackwood would get on his feet and yell at me to table this. When I am done, for his reference and before he gets to his feet, I will table a bit of the summary of the nature of the transaction. This is the document that I will provide to Parliament in due course. It states —

- Following a competitive process, Landgate has appointed an Operator over a limited range of Landgate’s current automated functions.

And it is a limited range. There are basically three separate areas that Landgate has functions in: valuations, location information data, and land titling and plans. Only the automated component of the land titling and plans data is publicly available to anyone who wants to write a cheque for it. I remind everybody that that is part of this transaction. Land Services WA, being the operator, is a consortium comprising Macquarie Infrastructure, Real Assets and superannuation funds Sunsuper and HESTA. I must admit, I have been surprised by the rhetoric of both the members for Cottesloe and Bateman around these organisations. I am stunned that a Liberal spokesperson would have this sort of rhetoric around Macquarie. In fact these super funds represent about 10 per cent of Australians. I found it stunning that they would have such views around these organisations. The document continues —

- The Operator is required to maintain and improve the IT system that supports the land titles register.

That is part of the arrangement, and I note some focus was made by the member for Bateman on the revenue components. Interestingly, as is often the case with the Liberal Party, its members do not look at the cost component, but nonetheless, what has also been part of the transaction arrangement is that the operator has to effectively take over the capital investment into the IT system, which is about \$18 million over the coming five years. In return the operator is paid a fee every time that the register is updated, for example when a property changes hands or the register is searched. For example, if I want to search all members and the certificate of title that may be in their name, I can get all that, in fact I have all that and I can get it very easily. Anyone can get it, and they can aggregate it and work out, for example, aggregated data on which Liberal members of Parliament live in their electorate. All sorts of information is there for us.

I was critiqued in the debate from the opposition on two levels. Firstly, I sold it for too much—that is what the members for Cottesloe and Bateman said to me—as a result Western Australians are going to get “smashed”; that is what the member for Bateman said. And then the member for North West Central and the Leader of the Opposition said that I did not sell it for enough. I tend to find that when I am critiqued on either/or of the argument, perhaps we have the right value. But why is this of value to the operator? It is because, as I said in the media I have done on this, it represents a long-term, steady and reliable stream of revenue.

**Dr M.D. Nahan:** How much?

**Mr B.S. WYATT:** It is \$1.41 billion. I think even the members for Bateman and Cottesloe outlined exactly how much —

**Dr M.D. Nahan** interjected.

**The SPEAKER:** Member for Riverton! You had the opportunity to speak before and you never did. I call you to order for the second time.

**Mr B.S. WYATT:** It is \$1.41 billion. I am not going to continue to say it again. It is in my media statement and in *Hansard*. It is \$1.41 billion.

The document continues —

- Importantly, there has not been any transfer of *ownership* in Landgate or the land titles register. As ownership remains with the State ...

I know this will frustrate members of the opposition, but that is why we are of the view that this is not a privatisation—we remain the owners. I get that members opposite will have a different view around that. That is fine, so be it. I think the member for Bateman posed the question: did we change the deal along the way? No, we did not. The transaction was set here, and I did not get a question on the expression of interest in January or February this year. I did not receive a question on the structure of the transaction; that did not change over the course of the process. I have outlined the right of the data to be utilised by the operator, and I think that is a good thing. The member for Bateman raised the issue around privacy in a couple of his questions. There is no change to the current system, which allows Advara to access that information, again, set up by the former government. The Landgate commercialisation project, outlined in the 2015–16 annual report, states that the service agreement between the state and the operator has the same strict requirements related to the privacy of information, subject to the commonwealth Privacy Act, and we have added that if there is a data breach or a privacy complaint, Landgate must be notified, all IT systems must be hosted physically in Australia and data cannot be accessed from subcontractors overseas. We have

strengthened some of the data requirements. I make the point again that for the last 15 years Landgate has used third party, that is, private sector IT providers. That should not surprise anyone, to be honest. These are the organisations that provide IT services.

In those 15 years, according to my advice, the privacy and integrity of information has not been compromised. Other important features of the arrangement are that there will be no forced redundancies. Looking again at some of the questions the member for Bateman rapid-fired at me, the question was posed: how can you do that? It is because it is the automated component of what Landgate does. To be honest, Landgate has to be commended for what it has done for at least the last decade in innovating and changing the way it goes about its activities. That is why the 2015–16 annual report highlights what it was trying to do with Advara. There will be no change to the way the public deals with Landgate. As I already confirmed to the member for Cottesloe, the escalation of service fees will be limited to the consumer price index, as they have been for, I think, the last decade—definitely for the last five years. The operator will be required to fund up to \$18 million in additional development on the land registry system. As I said before, the revenue from the transaction will allow the Western Australian government to meet ongoing funding commitments for the redress scheme and the lifting of the statute of limitations for victims of historical child sexual abuse.

That is the background of the transaction. If I can, I want to make a point about Advara. There has been some form of suggestion or argument that what we have done is somehow outside of the box. It is the same transaction that has already taken place under Advara. Advara is currently—pre-transaction—paid by Landgate on a contractual basis for the services it provides. Effectively, as the member for Bateman said on the Gareth Parker show—I have the transcript here—he described it as capitalising the income stream and I think that is a fair way to describe what is being done. Why is that of interest to organisations such as Macquarie Infrastructure, Sunsuper and HESTA? As bond yields decline and equity markets become more volatile, regular streams of revenue become attractive. Of course, the service provider will think it can make Landgate better and will be able to provide more services—again, subject to the agreement of Landgate. That is not a bad thing. Providing data that people are willing to utilise and pay for is what Landgate has been doing for 15 years and will continue to do over the term of the contract. I suspect that this is an area that is ripe for even more disruption. The member for Warren–Blackwood recognised that, which is why Advara was created—because of the area of disruption in this. What is unique about this is that it is a public database that is owned by Landgate and is obviously still important for our land titles register. We still own the register. The statutory offices still have their roles. There is no change whatsoever. I think this has been a very good transaction.

The Leader of the Opposition said that I had undertaken a fire sale of the asset, suggesting that I had not got enough for it, which was contradicted by the members for Bateman and Cottesloe, who apparently thought I had sold it for too much.

This is a fair question from the Leader of the Opposition; that is, how will Landgate's existing functions be funded? Interestingly, a question was asked of me by, I think, Hon Peter Collier in the other place yesterday. The question put to me was about revenue. The member for Bateman quoted the 2018–19 revenue and the forecast revenue. This revenue is revenue from transactions that were subject to the question. It does not talk about the costs thereof. Landgate currently gets an appropriation from the government because it is still an appropriated agency. As a result of this transaction, the fee that we pay to the operator will be less than the fee that will be charged to the customer, so that will be Landgate's revenue source. It is, effectively, a revenue-sharing arrangement.

We have been able to learn from what all the other states have done with their transactions. I think that New South Wales got its wrong. I think South Australia has put too much into its arrangement. We have looked at what they have done and come up with a unique transaction. Why have we been able to do that? It is because the nature of the legislation that went through Parliament back in 2006, which allowed us to do it. The reason there was not enabling legislation, as I think I pointed out, was that it was not required, as it was not required for members opposite to establish Advara or to sell off part of Advara. It was not required, whereas when the previous government wanted to privatise the Perth Market Authority and Utah Point, it certainly needed legislation to do both of those. It did not pursue Utah Point, but it needed legislation to do it. But this was not required under the terms of the legislation.

Nonetheless, that does not stop a single question being asked of me in this place. I do not think I wrote down all the member for Bateman's questions. I was trying to but he was reading them out very quickly. The final question is: how will we know that we have got value? We are not fools. We had advisers and Treasury was keen to understand the attention value of the asset should we not pursue this transaction either at CPI or CPI plus one per cent. We also had a reserve price thereof. I made that point in answer to a question from the Leader of the Nationals WA back in July. I said that the government would not be interested in a transaction that did not create value for the people of Western Australia. At \$1.41 billion, we are of the view, in light of what we know about the attention value and our reserve price, that the transaction has created value for the people of Western Australia.

If there are any questions I have not dealt with, no doubt the member for Bateman can ask me on notice or without notice, or through his colleagues in the upper house. I have dealt with most of them during my response. I think this is the best transaction of the similar transactions that have taken place around the country. It is the best one for value extracted and protections for the state. The state has an economic and fiscal interest in developing new products for users and having a royalty stream flow back. I think it is a good thing.

We have not simply transacted all revenue to Landgate; it is only partial. I think that is a good thing because Landgate will continue to operate under the steam of its own revenue. There will continue to be appropriations for Landgate, as there always have been, and that will continue. Ultimately, all Western Australians who are interested in it can look at this transaction. We think we have extracted good value from the transaction. We are covering off on a liability to the state.

There was another question from the member for Bateman that I perhaps did not deal with properly about the expenses on the liabilities for the redress scheme and the lifting of the statute of limitations. Clearly, that is a longer term than just a four-year forward estimates period. Some \$153 million has already been allocated over that four-year period. That will be an ongoing liability to the state. This transaction will create the balance sheet capacity to meet that into the longer term—certainly well beyond my time sitting in this place. It is the sensible thing to do. If a large liability is going to be taken on, a way to pay for it should be found. I think this is a good outcome.

As I said, I have been surprised at the lack of questions I have had about it from the Liberal Party. The National Party, to its credit, has been asking questions, but the Liberal Party has been notable for the lack of questions I have received about it. I was expecting questions the most when we put up on the Tenders WA website invitations for expressions of interest for the Landgate partial commercialisation. That is how un-transparent we were. We put it up on a public website! The invitation set out all the details of the nature of the transaction—the conditions that would be imposed, the options that we would consider—yet not a question did I receive about this document until today. I hope I have addressed most of them. I am very pleased continue to answer questions as they are put to me. I will conclude with the first question posed to me by the member for Bateman: why do you need questions in Parliament? That is why we have all been elected to this place. Members opposite all have something that no other Western Australian has—that is, the capacity to get to their feet and ask a question of the Premier or the ministers of the day. For whatever reason, they have been reluctant to do it —

Several members interjected.

**The SPEAKER:** Members!

**Mr B.S. WYATT:** I hope this means that we will see a newly invigorated opposition.

**Mr M. McGowan:** When did you launch this and how long has it taken for a question?

**Mr B.S. WYATT:** In the couple of minutes I have left, Premier, the first time this was proposed was October 2017 and in that time I have put out five media statements and done two brief ministerial statements. I have done more media statements than received questions from the Liberal opposition.

**Mr M. McGowan:** When did we announce the transaction?

**Mr B.S. WYATT:** It was the beginning of 2018.

**Mr M. McGowan:** No, when did we finalise it?

**Mr B.S. WYATT:** It was on 10 September this year, so three weeks ago.

Several members interjected.

**The SPEAKER:** Members!

**Mr B.S. WYATT:** Three weeks ago we announced the actual result of the transaction. Two of those weeks have been sitting weeks and here we are finally dealing with this issue.

**The SPEAKER:** Members, on my left; it is nearly over!

**Mr B.S. WYATT:** This is an issue that should be dealt with in this sort of debate. I am pleased to have had the capacity to do it. I nearly moved the matter of public interest myself because I thought it was something that was worthy of some parliamentary time! Hopefully I have now covered the questions that were put to me during debate today.

#### *Tabling of Paper*

**The SPEAKER:** Treasurer, you were going to table a paper.

**Mr B.S. WYATT:** I table my document titled “Partial Commercialisation of Landgate”

[See paper 2816.]

*Division*

Question put and a division taken with the following result —

Ayes (19)

Mr I.C. Blayney  
Mr V.A. Catania  
Ms M.J. Davies  
Mrs L.M. Harvey  
Dr D.J. Honey

Mr P.A. Katsambanis  
Mr Z.R.F. Kirkup  
Mr A. Krsticevic  
Mr S.K. L'Estrange  
Mr R.S. Love

Mr W.R. Marmion  
Mr J.E. McGrath  
Ms L. Mettam  
Dr M.D. Nahan  
Mr D.C. Nalder

Mr K. O'Donnell  
Mr D.T. Redman  
Mr P.J. Rundle  
Mrs A.K. Hayden (*Teller*)

Noes (34)

Ms L.L. Baker  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E.L. Hamilton  
Mr T.J. Healy  
Mr M. Hughes

Mr W.J. Johnston  
Mr D.J. Kelly  
Mr F.M. Logan  
Mr M. McGowan  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mr M.P. Murray  
Mrs L.M. O'Malley

Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mrs M.H. Roberts  
Ms C.M. Rowe  
Ms R. Saffioti  
Ms A. Sanderson  
Ms J.J. Shaw  
Mrs J.M.C. Stojkovski

Mr C.J. Tallentire  
Mr D.A. Templeman  
Mr P.C. Tinley  
Mr R.R. Whitby  
Ms S.E. Winton  
Mr B.S. Wyatt  
Mr D.R. Michael (*Teller*)

Question thus negatived.

**PREMIER'S STATEMENT***Consideration*

Resumed from 9 May on the following question —

That the Premier's Statement be noted.

**MR R.R. WHITBY (Baldivis — Parliamentary Secretary)** [3.55 pm]: I rise to reply to the Premier's Statement. I want to talk about the issue of growing pains for Perth. As we look forward to the next number of decades, our population in Western Australia will increase dramatically and there will certainly be growing pains in our metropolitan area. The questions we have are: How do we accommodate a growing population? Where and how will we live? How will we get around? This is a particular issue for the communities I represent, in particular, the growing suburbs of Baldivis and Wellard. We know there has been some remarkable growth in the past few years. Indeed, the suburb of Baldivis was named as the fastest growing suburb in Australia a few years ago during the mining construction boom. The pressure has eased dramatically since the end of that boom and demand for new living space has come off, but as the economy recovers that demand will pick up again and that pressure will return. It is a pressure that is particularly felt in Perth on the outskirts of suburbia. Many years ago I grew up in Balga, which is an area that you are familiar with, Acting Speaker (Ms J.M. Freeman), and I can remember that Balga was literally the end of Perth—not the end of the earth, but the end of Perth! I could look out across Beach Road and see nothing but bush, and somewhere up there was the town site of Wanneroo. Of course, today we look at that same community of Balga and it is almost getting to be, if not an inner suburb of Perth, certainly an inner-middle suburb of Perth. Compared with many communities north and south of the CBD it is a very well located place that is now gentrified as the young people who first moved into that area become grandparents and there is a certain amount of renewing of those properties with infill as well. We are one of the most sparsely populated metropolises on earth, from Yanchep these days right down to Falcon and Dawesville. Whenever there is demand for new communities and suburbs, the pressure always applies to the outskirts of Perth as the city continues to grow north and south. The choice we face for Perth is simple. Do we make more of the space that we have or do we just keep expanding? I think for too long our city's default position on growth has been simply to push out the boundaries north and south and to push out the urban fringe, by cranking up the bulldozers and flattening more bush. In Baldivis, which is on the edge of our metro area, this results in a terrible price being paid by wildlife and the natural beauty of the bushland for every new housing estate that is established. The loss of natural habitat has serious consequences. Many will be familiar with the issue of the trapped mob of kangaroos in Baldivis earlier this year, when an area of natural bushland—it was an old farm community, in fact—was surrounded by new development. The kangaroos were trapped there; they could not get out. When there are developments on greenfields sites in suburban areas, kangaroos will often have somewhere to go—they can go further out into the surrounding bush.

**Mr P.J. Rundle:** How much did that cost the taxpayer to remove those kangaroos? Was it \$100 000?

**Mr R.R. WHITBY:** It was in the order of that, member. The actual translocation of the kangaroos was paid for by the developer, as is proper, but the government decided to contribute to a data study to see how effective that translocation was. There was also a requirement to pay some security bills. People were knocking down barriers, because they were either being deliberately mischievous or intent on helping the kangaroos, which they were not.



That was causing the kangaroos to escape. They then needed to be herded back into a location for later translocation, which increased the stress on the kangaroos. The state came to the party to meet those security expenses, to ensure that that stopped happening and to relieve the stress on the kangaroos.

**Mr P.J. Rundle:** I understand that half of them passed on after the translocation.

**Mr R.R. WHITBY:** There was a figure of around 40 per cent attrition.

Debate adjourned, pursuant to standing orders.

## REGIONAL HEALTH — MCGOWAN GOVERNMENT'S PERFORMANCE

### *Motion*

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA)** [4.01 pm]: Thank you, Madam Acting Speaker.

**Mr D.A. Templeman:** About time!

**Mr R.H. Cook:** I thought you were never going to get to your feet!

**Ms M.J. DAVIES:** Oh, goodness me! Thank you, Madam Acting Speaker. This is a very serious issue that I am bringing to the Parliament, now that I am on my feet. I move —

That this house condemns the McGowan government's ongoing failure to prioritise investment in regional health.

As I said, this is a serious issue and one that we have raised on a number of occasions in this place. I am sure the minister will be familiar with some of the issues we have raised. Through the diligence of our members of Parliament in the Legislative Council and this house, every time there is an update of some of those statistics that we have been following, we like to come back and ask the minister to explain what this government is actually doing to address some of the very serious concerns that are raised with us as we travel around the state. I know that every member will agree that health in general is just one of those things on which we should never compromise and that it should always be at the very top of the list for any government. From our perspective, it often feels like there is a different standard when it comes to providing services or infrastructure to our regional communities. It is hard to service those communities. We would be the first to acknowledge that delivering services and infrastructure to regional Western Australia presents some unique challenges—it is an enormous jurisdiction with a significantly spread out population, and we find that each region has its own unique variabilities when we drill down into them. Unfortunately, when we look at the statistics in a very broad way, regional communities are more likely to have chronic disease issues and comorbidity. My own electorate has a very high prevalence of heart disease and obesity, which means that we have significant presentations of diabetes. There are also mental health issues, with significant issues around anxiety and depression. That is a significantly increasing indicator right across regional Western Australia. When we overlay the fact that we have limited access to health specialists, and particularly mental health specialists, across regional Western Australia, it generates great concern for our communities. There is nothing worse than having a family member or friend present with serious issues, whether it involves physical or mental health, and not be able to access the services they deserve. It is a rich seam of discontent in regional Western Australia.

The Nationals WA made a commitment on coming to opposition that we would travel as a team to various parts of the state, taking with us the spokesperson roles we have allocated within our party and making sure that we meet with representatives from stakeholder groups and individuals right across the state. This enables us to all be familiar with the issues in local communities—not just the local member, but also the shadow portfolio holder and the rest of the team. The health issues in Kununurra can be significantly different from some of the issues that the member for Roe, the member for Geraldton, the member for Warren–Blackwood or the member for Moore are dealing with. That is the nature of the health portfolio; it is very challenging. It is always an issue that is raised with us wherever we are.

From our perspective, it was a very concerning start to the McGowan government's term when we saw cut after cut to what we thought was a very significant and important program of investment that had been put in place by the previous Liberal–National government. All of that available funding was cut from significant programs and infrastructure and funnelled into Metronet, which was and remains unfunded to a degree. Metronet was the centrepiece of the McGowan government's election strategy. From our perspective, how does this take priority over the provision of essential services like health care? How can a few kilometres of rail become more important than the provision of appropriate hospital facilities, aged-care facilities and access to GPs and primary and allied health professionals in regional Western Australia? It is the “need to haves” that should be at the top of the list for every government, rather than the “nice to haves”. We do not begrudge public transport for our metropolitan cousins. We understand that there is a dollar that needs to be stretched across an entire budget, but we think the fundamentals need to be dealt with before the government starts dealing with some of these big and grand election promises.

We are nearly three years into the McGowan government's term and there are new and emerging health issues. One thing that gets raised with me is the position of the government on the patient assisted travel scheme. I raised a question with the minister earlier this week in question time on whether any work had been done on the recommendations from the 2015 parliamentary inquiry. That was a very solid piece of work by a number of members of Parliament from both sides of the house during the previous Parliament. A number of recommendations were addressed by the previous Liberal–National government. The remainder of the recommendations that were unaddressed by the previous government were then taken by the National Party to the last state election as election commitments. Our party committed to implementing those recommendations in full. I will talk a little further down the track about some of those issues, such as the patient assisted travel scheme. The answer we got from the minister was less than heartening. I think anybody who was watching closely could have seen the soft shoe—I am going to get caught up again! I messed it up the last time, when I was talking about urgent care clinics! I need to pick a different analogy. There was a nice side step from the minister in his answer to the question on patient assisted travel! I truly hope that means that work is being done behind the scenes and that he will elucidate that to members in his response today.

A number of issues have been raised with us over time around the challenges faced by our health workforce. The number of code black incidents that are being triggered is increasing; it is occurring with frightening regularity. We have additional statistics on those triggers. Up until August this year, instead of going down or being ameliorated by any action that this government might be taking, that number has continued to rise, particularly in hospitals like Geraldton and Kalgoorlie. Up to this point, we have been unable to get an answer from the minister on where his \$5 million to prevent violence against our hospital workforce will be spent. That, again, has been neatly sidestepped by the minister. We are obviously interested, from a regional point of view, in where that money will be spent. Given the complexities and number of issues faced by our tertiary hospitals in the metropolitan area, the analogy I used when I last spoke about this was that it is going to be like spreading Vegemite on toast—once we get through the metropolitan issues, there will not be very much left over, and our regional hospitals will not be at the top of the list. I hope in time that I am proven wrong on that, but in the meantime we have another two months of data—which I will go into in a minute—to suggest that those triggers are going up and not down. That is a very concerning trend when we are talking about attracting and retaining a workforce that we rely upon, when we are at our most vulnerable, to look after our communities, our emergency departments and our hospitals. We ask the minister, once again, to make sure he provides information to us on how that money will be spent and what will come beyond the \$5 million that has been committed. Everybody talks about this in the context of the need for further work and investment, and this is only the down payment, from the state government's perspective.

I am recapping, because this is the third either matter of public interest or private members' motion through which we have raised this issue. Prior to the last budget being brought down, we asked the minister to ensure funding would be available to rectify the cuts the government made early in its term. The government set a very worrying trend when it came to government. There were a number of programs and infrastructure projects that were very well advanced and that had been committed to. Communities were expecting them to continue, but they were cut, presumably to funnel funding to the Labor Party's election commitments. The government came to office in March 2017 and by March 2018 it had stripped funding from projects that were in the forward estimates and were very well progressed. They included the Paraburdoo Nursing Post; the Turquoise Coast Health Initiative, which I am sure the member for Moore will talk about; the North West Health Initiative, which included funding for Tom Price Hospital and Meekatharra Hospital and the Mt Magnet and Paraburdoo nursing posts; and the Carnarvon aged care facility, which we have finally seen funded, but only after some serious campaigning and an enormous amount of grief for the community, given that it was ready to hit go, but when the government changed, that money was removed. There was also Laverton Hospital and Mount Newman Hospital. These were the projects that were put on ice when the government came to power. Regional people saw indications of the way in which they were going to be dealt with by an incoming Labor government. Funding was also discontinued for the Southern Inland Health Initiative.

I do not say that every project that was started under royalties for regions by the former Liberal–National government should have been continued in perpetuity, but there were certainly some programs, particularly under the Southern Inland Health Initiative, that warranted ongoing funding and support. I commend the minister for continuing to provide for the telehealth stream. I think that has revolutionised health care in regional Western Australia. We can safely say that we are leading Australia in the ways in which we utilise our telehealth services to deliver new services into regional and remote Western Australia. That was made possible by having a bucket of money in royalties for regions to allow the Department of Health to think outside the square. Anyone who has been in government will know that that is a very difficult ask. When we put some of these intractable problems to the public service, we are not normally given the opportunity to say, "If funding wasn't a problem, how would you resolve this? Why don't we step away from business as usual and think about this in a different way?" That is what we did with the Southern Inland Health Initiative, and the result of that groundbreaking investment into a network that stretches right across the state is that the minister and the government are able to extend those services.

One discontinued program within the Southern Inland Health Initiative provided funding for primary health care. From my perspective, primary health care is the bedrock of our health system. Our allied health workers, nurse practitioners, hospital providers and doctors are the ones who keep us well and away from the most expensive part of the health system, which the state government is responsible for. It was very disappointing to see that funding discontinued and not made a priority. From our perspective, some really poor decisions have been made by the government. Some really good traction was being gained in areas in which we had trialled and put into more permanent arrangements some of these allied health workers. It was very disappointing when the communities that had come to rely upon them saw them being pulled away.

We had a nurse practitioner working in the eastern wheatbelt. For a long time nurse practitioners were viewed with great suspicion by GPs; they did not like anybody encroaching on their turf, if you like, and it took some very solid work by the Department of Health and nurse practitioners to work in collaboration with our GPs in the wheatbelt to show that they could actually relieve some of the burdens in single-practice towns that doctors were servicing, under an enormous amount of pressure. Being able to work with nurse practitioners meant that they could better manage their patients' health, and there has been an amazing turnaround in acceptance from both the communities and the doctors working in that space. Unfortunately, there is no ongoing funding for that nurse practitioner role; I think it has now been transferred across to another funding jurisdiction. There was a lot of scrambling about, trying to ensure we did not lose something that was really starting to pay dividends.

When we talk about some of the things that have been cut, the programs we had in our forward estimates, there is normally predictable criticism from the government and members opposite saying, "Why didn't you fund it? Why didn't you get to it?" I remind the minister, members opposite and even some on our own side that when we were in government we embarked on what could be considered the biggest investment in health in the state's history. We invested in major tertiary hospitals in the metropolitan area and rebuilt health in regional Western Australia. Yes, there were things that we did not get to in our term of government, but they were planned for and were in our forward estimates and funded. It was extraordinarily disappointing for those communities to see them being pulled out.

I probably speak on behalf of the community of the central wheatbelt, but having travelled the entire state, I have seen some interesting health facilities in the north west, great southern and south west. We dragged them into the twenty-first century. I speak from personal experience, having used those hospitals as a child, and my grandparents in the wheatbelt also having used them. Walking into some of these hospitals now fills one with confidence. It is amazing to have professional-looking and modern emergency departments that do not look like they were built in 1951. Staff morale has improved, and the attitude of being able to attract and retain new staff has improved. While they have gone through that process, they have upgraded all the safety procedures and standardised emergency departments so that if there are visiting nurses and consultants, everything is a standard procedure. It will probably surprise members to learn that every single hospital in the wheatbelt previously had a different procedure and process, which led to poorer patient outcomes if a transient workforce came through. There is a whole raft of things that sit underneath that investment into infrastructure and services as part of our royalties for regions investment that has undoubtedly improved outcomes for health right across the regions. There was more to do, and it is very disappointing that this government did not see that or make it a priority when it came to government.

I am sure the minister in his response will talk about maintenance funding for hospitals. He will be the first to say that our health system is more than just the hospitals, and that really, maintenance funding is something that we would expect a government to do. We welcome expenditure on education and health, and certainly there is funding going into some of my hospitals, but at the same time, the minister should not expect too many gold stars for doing what government is expected to do. I am not being overly critical, because we like the thought that there is money coming into our communities and that that will create opportunities for some of our local tradespeople. I think there has been a slight over-egging of the new jobs that are attached to this. They are not ongoing jobs; there will be a job for the duration of the project, and then presumably the contractor or the tradie who has been awarded the job will go on to another piece of work somewhere else. It will be interesting to interrogate some of those figures to understand better how the government has arrived at them, but that is for another day.

I want to spend a bit of time talking about a couple of issues I have raised before and then I have some new and interesting data that I think the minister should be aware of when he is making decisions about where to spend money. We have talked previously in this place about code blacks, and now we have additional data for the year to August. Alarming, the number of code blacks has continued to go up. For members who have not been tuned in, a code black is an emergency that is activated in a hospital in response to a person threatening harm to others or themselves. That can include violent altercations, verbal or physical aggression, threats made to staff, self-harm attempts or threats, and armed intruders; so it is pretty serious. I would not think that staff would trigger a code black if they did not really have a concern about their personal safety or that of patients and people working within the hospital. Certainly, the highest number of incidents recorded was at Kalgoorlie Health Campus, with 156 code blacks. That has actually gone up. We have had another 33 incidents. There were 156 code blacks activated between 2017 and 2019. Putting that in perspective, minister, the number of code blacks recorded at the same hospital in 2015 and 2016 was two and 15 respectively. We are talking about 156 code blacks compared with

two and 15. That is a significant jump. Certainly, the minister could understand why people are interested to know where that \$5 million will be spent. The member for Geraldton knows that there has been a significant increase in the number of code blacks at Geraldton Health Campus as well.

From our perspective, we need to know from the minister how the government will allocate that funding and how it will prioritise who gets what. I understand that a forum has been conducted and that the government is working through the detail, but this is about the fifth time we have raised this issue in this place and we still do not have any details. The minister, obviously, at some point, needs to provide some information to not only the Parliament, but also the people working in those hospitals, because I think they want to know that the government is taking their concerns seriously and is not just going out early with a statement saying that it has \$5 million of funding.

I have raised previously the midwifery issue, so do not want to spend too much time on it. I am certainly not pretending it is a cut-and-dried issue because the solution always requires more than just the midwife. We have talked about this previously, and I would very much like to know whether the minister has made any progress on the proposal put by the Geraldton Universities Centre. We are seriously concerned about the lack of midwives in our regions. A solution was put forward by the Geraldton Universities Centre to try to grow our own midwives—to try to tap into those people in our communities who would like to make sure that we have this service available. It is a reality that in a lot of our communities people cannot have their baby close to home. Certainly, if people had midwives in their community, it would mean that if they needed to go to Perth, they could go back home much earlier if there was a model there that allowed them to be engaged with a qualified midwife. I gather the pushback has come from the Department of Health basically being bullied by the universities because they do not want to disrupt the current arrangement they have for training. I think Curtin University and the University of Western Australia train midwives—I am not sure whether Edith Cowan University does it as well.

The GUC has put together a remarkable model to provide tertiary education in regional Western Australia. I do not think this government has done enough work to try to put this model in place when there is a good proposal on the table. The window is gone for next year, because to get the program up and running, the GUC needed the enrolments in, lecturers employed and placements in hospitals finalised. It is done for this year and the moment has passed, but I would like very much to know whether this government will make it a priority next year to work with the GUC to make sure that we have a solution for regional midwifery. I have quoted the numbers in this place before and they are on the public record. They are quite frightening. We see long-term vacancies for midwifery positions across the state. Something needs to be done. There needs to be some creative thinking and partnering with at least the one university centre that has put something on the table. I find it unacceptable. It is certainly something that people raise with me on a regular basis. We would very much welcome the minister's comments on that issue.

The last thing I want to talk about is general practitioner shortages. The government quite rightly says that this is not its responsibility; it is a federal government responsibility to provide GPs. However, that overlooks the fact that the majority of our hospitals—maybe not the biggest hospitals in our big regional centres, but certainly the majority of the remainder of them—are staffed by GPs. If a hospital has an emergency department, it relies on its relationship with the GP practising in the town. Without a GP in the town, the ED and the hospital are at risk of not operating effectively. Certainly, from a community perspective, it is totally unacceptable not to have a doctor in the town. The data analysis done by our health spokesperson, Hon Martin Aldridge, is dated 29 August, so it is a bit dated, but I do not think the figures have shifted much. We have focused on hospital sites particularly in Merredin, Narrogin and Katanning. No doctors were available in those hospitals on 174 occasions. It is scary that over the same period, 415 patients were triaged at the hospitals—this is Merredin, Narrogin and Katanning—and classified on the Australasian triage scale as category 3 or less, which means that they required medical assessment and treatment within 30 minutes. There were no doctors at those sites on a number of occasions. Seven of the patients were classified as ATS 1, which means that they needed immediate treatment, usually resuscitation, and there was no doctor there to assist. How on earth would members feel if their family member presented at hospital in the middle of having a heart attack or a stroke and required resuscitation, and they found that that hospital, which they were told to go to because it was the closest, could not provide support or there was no doctor there to treat them? It is simply unacceptable to me and it is an ongoing issue.

Merredin, Narrogin and Katanning hospitals are considered hub hospitals. They are the base, and smaller hospitals rely on them. Quite often, if there is an issue in Southern Cross or one of the smaller communities, people go to Merredin, Narrogin or Katanning hospital. We are finding that people coming from that part of the world bypass those hospitals and go straight to Northam Health Service or directly through to Midland Public Hospital. This has a direct impact on presentations to tertiary hospitals in the metropolitan area, because people are bypassing our regional hospitals and landing on the doorstep of an overburdened metropolitan area hospital.

Currently, there are 109 GP vacancies in regional WA and the need for a further 31 locum GPs. The government cannot ignore this issue. The Western Australian Local Government Association has conducted its own survey and, in fact, the Nationals have started to survey local governments in regional Western Australia to see what they are doing to fill that gap. Local governments are filling that gap and doing what the state and federal governments should be doing. The challenges we see emerging from these surveys are, predictably, workforce, distance to travel

to health professionals, access to health professionals and aged-care services for people to stay within their regions. Leaving aside the workforce, which I think has been well covered, and touching on the distance and access issues, the 21 local governments that responded to the WALGA survey advised that they have no medical centre in their community at all. Of those local governments that had medical centres, 16 had very limited hours, including the Shire of Cue, which has a doctor visit once a fortnight—one doctor, once a fortnight. Forty-two of the shires said that they had a nursing post and many advised that nurses worked part-time, with some areas having only one day of coverage a week. In the Shire of Carew, a doctor visits for 0.5 FTE, or half a day a week. In the Shire of Wandering, in my electorate, which is about 120 kilometres south east of Perth, there is no health service at all. Those are stark figures when we think about some of those complex health issues that I mentioned at the beginning of this presentation. We are more likely to appear in some of those really critical areas around chronic disease.

I want to get this on the record and then I am going to let the remainder of the team speak about some of the issues in their towns. I will also briefly speak about the patient assisted travel scheme. Although we are just starting to get some answers to a survey that we are running with local governments in regional Western Australia, there is already a trend. I think it will surprise many of our metropolitan counterparts that most of my conversations with communities, and local governments—who quite often get criticised for acting in spaces that they are not supposed to—are about trying to provide basic services that are not provided by federal and state governments. It is unacceptable to a community not to have a doctor. If state and federal governments cannot get their act together to provide that service, the local government bears the brunt. The shire president, the councillors and the communities say, “What are you doing to get this solved?” It is not unusual—I have nine examples here—for local governments to spend significant amounts of money and also to provide cars, houses, even the clinic and its support staff, out of a very small rate base.

The majority of towns in my electorate probably fall in the category of having under 700 people. Northam, Merredin, York and maybe Wongan Hills are in the thousands. After that, we are talking hundreds and certainly not multiples of hundreds—closer to 300 for some of them. The rate bases are not big. I will de-identify the responses because the councils did not want their information made public. It starts to give an indication of what councils have to deal with. Council 1 has one GP and spends \$200 000 to \$300 000—10 per cent of its rate base—plus provides a car and a house to attract a GP to the community. Council 2 has one GP with an FTE of 0.8 and spends \$200 000 to \$300 000 and provides a car and a house and the costs of the medical centre. Council 3 has one GP and spends \$200 000 to \$300 000 and provides a house, a medical clinic, an allowance in lieu of a car, and employment of non-medical support staff for that clinic. Council 4 has five GPs and makes no contribution. Council 5 has one GP and spends \$50 000 to \$100 000; a house and the medical clinic is also paid for. Council 6 has one GP. It pays the salary, car, and professional development and training for the doctor, and it pays for the medical clinic. Council 7 has four GPs at a cost of less than \$50 000 and it pays for the medical clinic. At council 8, one GP visits each of its two towns once a week. The doctor is from a neighbouring shire. The council contributes \$50 000 to \$100 000, and provides a car for the doctor. Council 8 has no GPs, and has not had one for over a year. Council 9 has one drive in, drive out GP and it contributes \$100 000 to \$200 000 a year, and provides a car and a house for the doctor. I cannot imagine that anyone in the metropolitan area is having that sort of conversation with any one of their local governments. All of those councils have no choice.

When I started as a member of Parliament for the Agricultural Region, I vividly recall going to town hall meetings in my electorate where the entire town would turn up. The councillors, who were at the front, took the brunt of the ire of that community because there was no doctor in town and the hospital was at risk. They were prepared to pay anything to attract and retain a doctor. Shires compete against one another to keep a doctor in town. Doctors are running businesses, but it is a licence to print money in regional Western Australia. All these clinics have more than enough patients. They are overworked. One thing that every doctor would say if they lived in regional WA, particularly the wheatbelt, is they have more than enough clients and not enough staff. They are being underwritten by ratepayers in very small communities. When the government says it is not its responsibility, that it is a federal government responsibility, I agree. We are advocating in the federal space to make sure that the solutions being put forward are sensible. We have raised with federal ministers the changes they have made to visas and how difficult it is to get overseas-trained doctors. Those shortages are in play before we get the number of Australian-trained doctors up. Regional Western Australia will always rely on overseas-trained doctors. Unfortunately, most people go through the university system in Perth and move to the western suburbs. That is just how it is. An overseas-trained doctor was at a training forum that I attended last Friday with Hon Martin Aldridge. A group of councils in the north-eastern wheatbelt brought together representatives from the WA Country Health Service, the Royal Flying Doctor Service, St John Ambulance, all the shires, Regional Development Australia Wheatbelt, and representatives from the community to talk about how they might solve that problem. The biggest challenge they see is in attracting and retaining doctors, and keeping their communities vibrant. The moment the doctor leaves, people start to get concerned. Elderly people will not stay. They are very concerned about keeping people in their community. The state has a responsibility because it is these doctors, particularly in the wheatbelt, who allow the emergency departments to operate. If there is no sinister motive to eventually close down some of these hospitals, I ask the Minister for Health to ensure the government redoubles its efforts to attract doctors and allied health professionals into our regions.

The last thing I want to touch on is the patient assisted travel scheme. It is a serious concern to us. I received no real answer to my question.

**Mr R.H. Cook:** That is not true. You said I sidestepped it really well!

**Ms M.J. DAVIES:** There was not a satisfactory answer to the question. Every regional member in Western Australia deals with PATS issues.

[Interruption.]

**Ms M.J. DAVIES:** Crickets!

**Mr R.S. Love:** That is what happens when we ask for things!

**Ms M.J. DAVIES:** That was the answer—crickets!

**Mr D.T. Redman:** And that is only a constituent!

**Ms M.J. DAVIES:** I have lost my train of thought.

A member interjected.

**The ACTING SPEAKER:** Minister, you cannot speak out of your chair.

**Ms M.J. DAVIES:** In his answer yesterday, the minister said that the government was moving into an investment cycle and that it was back on track. I remind the minister of his comments in 2017, in answer to a question in the Legislative Council, when he said the government was prepared to revisit increasing the PATS subsidy in the future when there was the financial capacity to do so. The minister told Parliament yesterday that the government is moving into an investment cycle, that the books are back on track —

**Mr R.H. Cook:** I feel verballled now!

**Ms M.J. DAVIES:** The minister made that statement. I recall from the minister's time in opposition that he was a particularly passionate advocate for improvements to the patient assisted travel scheme. When the inquiry reported in 2015, the member was very critical when not all recommendations were put into place by the Liberal–National government.

**Mr R.H. Cook:** I do not think the government responded to it at the time.

**Ms M.J. DAVIES:** Yes, we did—absolutely we did.

**Mr R.H. Cook:** I think it came out in late 2015.

**Ms M.J. DAVIES:** No. The government responded. I have it here and I can provide it.

**Mr R.H. Cook:** I am happy to stand corrected.

**Ms M.J. DAVIES:** It would be fair to say that the answer to the funding questions—that they required significant funding—were much in the same vein as the minister's answer in 2017 when he said, "When the financial situation allows us, we will revisit that." The Liberal–National government had quite a good record. In 2009, responding to changes that were recommended from a Senate inquiry when we were shifting from a commonwealth system to a state-based system, we went through all of those recommendations and adopted them. We increased the petrol rate per kilometre. The overnight rate increased from \$35 to \$60 a night. We removed the patient contribution requirement. We included residents from Northam and York because that was always a bugbear. I think the member for Moore will have something to say about his constituents, because people in those peri-urban areas sometimes find it very challenging to deal with.

The report is gathering dust. I remind the minister that the National Party took all those recommendations to the last election and said it would fully fund them. It needs to be revisited. The amount of travel and accommodation costs simply do not recognise the real cost of having to stay in Perth or a major regional centre if required to travel to access specialist services. This government has had three budgets and none has dealt with the reform of PATS. We are waiting and our constituents are waiting. We are very interested to see whether the passion the minister had when he was in opposition has carried on. We have not seen very many signs of that to date. From our perspective, we would very much like to have that discussion. We will continue to raise these health issues in Parliament. They are the issues that our constituents talk to us about on a daily basis. Our members are regularly confronted with fairly challenging stories about people who have tried to access health services in their community and have found them to be wanting. The health budget is big. We understand that it is a complex jurisdiction. We believe that priority has been provided to other major election commitments and promises. There are some things that this government has just simply let go and put on the backburner. As a consequence, we are seeing regional communities without some of the things they quite rightly deserve given they generate a significant amount of the wealth of the state and even of the nation. They are very deserving of having access to reasonable and quality healthcare services right across the state whether we live in Kununurra, Albany or in the wheatbelt, which I represent.

**MR I.C. BLAYNEY (Geraldton)** [4.39 pm]: I will speak generally about a number of issues of health in my electorate. I will start with the patient assisted travel scheme, which is quite an appropriate topic to start with because it is where the former speaker finished. A steady flow of people with PATS issues come into my office, which is probably one of the biggest issues we deal with. Of course, issues differ in every regional electorate. Most problems with PATS can be solved reasonably easily in most situations. Obviously, it is better if people could see their specialist locally but what they really need—this is what has caused problems, so I hope it will improve a bit—is the reliability of the air service. Specialists fly to Geraldton for the day to see maybe 40 people, but if the plane is delayed for four hours, as it is sometimes, the snowball effect is that a heap of people lose their appointment. Some specialists have given up visiting Geraldton due to the frustration of the unreliable air service. My staff who handle most of the PATS issues are able to resolve most of them reasonably easily, although it can be quite difficult at times. I note that the minister is talking. I was going to pay him a compliment, so he should be listening because he probably does not get many compliments.

**Mr R.H. Cook:** I am all ears.

**Mr I.C. BLAYNEY:** As I have said publicly in Geraldton, one of my concerns with the change of government was that the service provided by the Minister for Health's office might change a bit. However, it was quite seamless and his staff have been just as helpful and keen to fix problems when we get in contact with them as was the minister's staff of the previous government. That was a huge relief to me because I did not want to go public to get issues solved, but rather just have them fixed. That is the compliment to the minister. As I said, that was a huge relief.

I will talk specifically about PATS. We have had some really weird and wonderful problems with PATS. I have wondered why. I guess it is due to budget austerity, which was probably the case under both governments. However, frequently, the people we send to Perth who use PATS are elderly and unwell. It is probably unreasonable that they cannot get a taxi slip to go to the hospital for their treatment; they are expected to use public transport. Some constituents literally cannot walk to the station or the bus stop to catch the bus or the train to wherever they have to go for treatment. When they get to the other end, for example at Joondalup, and are expected to walk from the Joondalup station to the Joondalup hospital, which I understand is some distance, it is probably quite unreasonable. Apparently, unless the doctor ticks a box to indicate that they need a taxi, they are not entitled to one. Another constituent is down here at the moment because he cannot get a dialysis chair in Geraldton. He therefore has to rent a flat in Perth at his own cost to enable him to have dialysis treatment three times a week. He can get a taxi—I cannot remember whether it is to go to the hospital or return from the hospital—but he is not allowed to use it both ways.

In another case, a constituent had to come to Perth using PATS to get to his treatment and was expected to use public transport to get from the airport to where the treatment was. However, it was not possible in the time frame. The time frame allowed would have just got them to the CBD and I think they had to go to Sir Charles Gairdner Hospital. I use the bus to come in from the airport occasionally, so I know exactly what the times are, and I said to my staff that that would get him to the CBD but not to Sir Charles Gairdner.

The other issue is, I guess, a government problem that will impact on the budget. Since the air service to Geraldton has become a monopoly service, businesspeople who travel there a lot have told me that the average fare they pay has increased by \$100. That will obviously have quite an impact on the government's budget. Across regional Western Australia, over which, largely, QantasLink has a monopoly, I think people across the board are complaining about the cost of fares and how much they have increased in the last 12 months.

Another issue has just arisen; namely, before we can deal with anything in the minister's office or in health on behalf of a constituent, they have to sign a confidentiality form. This has become a real nuisance because frequently unwell elderly people have to come into my office to sign the confidentiality form before we can take up the issue with the department. I had to find the constituent who is in Perth having dialysis to get him to sign the form so that it could then be dealt with by the department. We can see the technicalities, if you like, of the PAT system. One of my staff reminded me of a constituent who has had to travel to Perth over nine years for specialist treatment. However, as part of the flight approval process, she was questioned and the doctor had to sign a form every time, and that caused her quite a bit of stress because she was worried it would not be approved. Once again, she was elderly. Perhaps in those circumstances, the forms could be changed slightly so that once approval has been given for that treatment, the PAT system can accept it and not have the doctor sign it every time.

In the case of another constituent who comes down to Perth for treatment, it was suggested that the treatment could be done by a nurse. It was refused, so the constituent had to get it checked out again. They were seeing a specialist. They had made the mistake of suggesting they needed to see only a nurse, and then it was approved. I understand the issues around PATS because it is expensive; however, it seems to cause confusion and quite a lot of anxiety for quite a few of my constituents. Maybe there is no way to avoid that, but the point that came back a number of times was that the forms are difficult and confusing and they need to be looked at to see whether they can be made simpler.

A related issue that I have brought to the house a number of times concerns the sobering-up centre in Geraldton, which has closed. Another issue that flowed from that was the closure of an institution called Cameliers Guesthouse, the consequences of which have spilled over into hospital emergency and the police. We consider that in many ways the Geraldton Sobering Up Centre was singled out to be closed. It was said that it did not meet its targets so

it was closed. However, it seems to us that it was singled out. Of the nine sobering-up centres currently operating in Western Australia, three centres achieved the target for the number of admissions a year in 2017–18, and the other sobering-up centres achieved 95 per cent, 90 per cent, 83 per cent, 57 per cent and 33 per cent. Due to some issues with the service agreement, the Roebourne Sobering Up Shelter did not have to meet any target at all, whereas Geraldton met about 50 per cent. The statistics show that one client had 143 admissions and the top 10 users accounted for 44 per cent of admissions. That may be the case but if those people are not in a sobering-up centre, where will they go?

I will quote Midwest Aboriginal Organisations Alliance chairman, Gordon Gray, who said —

... the lack of funds would have a huge impact.

“There wouldn’t be an Aboriginal family in town that would not have had a family member in that building.” ...

Mr Gray said for many people, spending a night at the centre was the first step in a process of beating an alcohol or drug addiction.

The then president of the WA Police Union, George Tilbury, said —

... police would be left “babysitting drunks” in Geraldton if funding was not provided for the Geraldton Sobering Up Centre.

Of course, it was not. The local police union said —

“It is an impost on the resources of the police when we should be running around looking after criminals,” ...

“Intoxication, from the Police Union’s perspective, is a health issue and they need professionals to look after them.”

...

Sergeant Gill said Geraldton police typically found themselves carting an intoxicated person around the streets for hours, several times a week. “Before when we had the sobering up shelter you’d just go straight to it and they would take care of them,” ...

There is a risk. The irony of all this is that the reason that the sobering-up centres were put there in the first place was the Royal Commission into Aboriginal Deaths in Custody. We seem to have delivered the problem back to the police and history has a horrible habit of repeating itself.

Another article states —

The WA Police Union says drunken people sometimes sit in the police station all night because the police have nowhere else to take them.

“There’s a couple of regulars in town,” ...

One is always intoxicated and she often attends the police station, sits in the foyer, and she has nowhere else to go.

“She’s quite elderly and the sober-up shelter would be ideal for her.

She hasn’t got a mental health issue; she’s just got alcohol issues.

...

If we are driving people around from address to address to find a suitable relative, it is a risk to the officers that that person has some sort of medical episode.

Unfortunately, the closure of the sobering-up centre has had quite an impact in the community. I have twice presented petitions on it—the first had 453 signatures and the second had 52 signatures—and I presented a grievance in November 2017. It is mentioned that often the same people attended there, so I frequently wonder where they attend now. What has happened to them, apart from sitting in the foyer of the police station? They are probably better sitting there than anywhere else, and certainly safer.

As I said before, the closure of the sobering-up centre flowed on to an organisation in town called Cameliers Guesthouse, which was run by a Christian group called Fusion. The facility was established in 1984 and it was able to accept 32 residents. Generally, it served homeless people, unemployed people and, to a lesser extent, people struggling with alcohol and drug issues. It needed about \$200 000 to keep going for another 12 months. Unfortunately, the people whom the police had been delivering to the sobering-up centre started to be taken to Cameliers, and its staff could not cope with them. The sobering-up centre, of course, had trained clinical staff. Cameliers had limited staffing and elderly volunteers. When the government said it could not afford to fund it, it pointed out other institutions, such as Short Term Accommodation For Youth, which is only for young people who cannot fit in at home, and Sun City Christian Centre, which gives families accommodation for three months so that they can get back on track and, hopefully, get into private rentals. They are not an alternative for the service that was provided



by the sobering-up centre. When it replied to my letter, the government told me that it was developing a 10-year homelessness strategy. What we had before was managing. It was working. The combination of the sobering-up centre and Cameliers sort of worked and covered different people with different issues. But does this mean we wait for 10 years for the strategy to be approved?

The final issue that I will deal with is probably the one that the minister has been expecting, as we have had many exchanges on this issue; it is, of course, the Geraldton hospital. In 2017, before the election, the Barnett government promised to spend \$138.5 million on the hospital to get on with it, basically, straightaway. The government's commitment was a bit over half that, but it is worth pointing out that it addresses the critical issues. However, so far nothing has happened. Geraldton is in a very different situation from almost every other regional city apart from Bunbury. Geraldton has the St John of God private hospital, which must stay in town. There is no point doubling the public hospital and St John closing, because that would put us back where we were before or maybe in a worse situation.

For years, St John of God has not been full, so the government has been able to buy beds off it. It has been a very good arrangement for both parties. The government gets beds at a reasonable cost and St John of God gets more turnover, which is what it needs to keep going. It is a pity that when the new government hospital was built back in 2003 to 2005, the decision was not made to co-locate it as the Court government co-located Bunbury's hospitals. Everyone tells me that that works very well. It was never explained why the decision was made not to co-locate. Every hospital has to have a lot of backup equipment. If one goes down, they have a piece of backup equipment. If we have co-located hospitals with two hospitals side by side, we do not need two pieces of backup equipment; we need only one. With the cost of medical technology and the fact that it has to be replaced regularly, that represents a significant saving. The problem for St John of God is this it has a value on the existing hospital that it sees as a salvage hospital. It has discussed all kinds of things that it could do with the existing hospital when it co-locates. One of the suggestions I have heard—it fits with the problem of the lack of dialysis chairs—is that part of the St John of God hospital could become a specialist dialysis centre for Geraldton and, if necessary, it could be contracted out. I know the government is not keen on contracting out.

[Member's time extended.]

**Mr I.C. BLAYNEY:** There is a potential there for a win-win situation to utilise St John of God and to get the hospital component of St John of God to co-locate onto the existing site of the hospital.

We are fortunate in Geraldton, unlike a lot of other parts of the regions, in that we are able to get good staff and retain them. We find it easier than a lot of other places find it. I recently spent a day at the WA Centre for Rural Health in Geraldton. It is a University of Western Australia institution. I think it is one of 17 in Australia. It had a twentieth anniversary symposium, and it was interesting to meet people there who are part of similar institutions in, for example, Mt Isa, Alice Springs and Shepparton in Victoria. I spent the first two years I was in Parliament on the Education and Health Standing Committee. For a new member coming to Parliament, since health takes up about 30 per cent of the state budget, it is probably the best committee to serve on if we could choose. I think we were lucky to have Janet Woollard as chair at the time, because for all her faults, she —

**Mr R.H. Cook:** Member, you should've seen the number of eyebrows that went up around the room.

**Mr I.C. BLAYNEY:** Janet Woollard knew a lot about the health system and she asked a lot of questions.

**Mr R.H. Cook:** She was very passionate.

**Mr I.C. BLAYNEY:** Passion is good. From listening to what people said at the symposium and what I saw when we spent 10 days up in the Kimberley looking at remote health problems, I think in some ways—I said this when I summed up the day—the hospital system we have in Geraldton has more in common with Perth than it does with places such as Balgo or Fitzroy. I think that maybe we need a third health system in Western Australia to address this specific issue of remote areas because I think that the problems and services that they require are so different from, as I said, my community of Geraldton. They probably have very little in common in many ways with Geraldton, but that is by the bye. I decided to shake a few trees and that was one of the issues I raised.

The Leader of the Nationals WA has touched on doctor training, which I do not think we do particularly well either. Whenever we talk about the way the military do something, some people recoil in horror, but a cousin of mine trained as an engineer for the Royal Australian Air Force. He had to attend a university but he had already signed up to the Air Force. The Air Force gave him \$25 000 or \$30 000 a year to live on and it paid for all his education costs. He then graduated and became part of the Air Force. The agreement was that he had to serve for the equal number of years that he had studied plus one. His degree went over four years so he had to serve in the Air Force for five years. He could buy his way out of the program if he wanted to, but for the full cost. We should indenture in a similar way young people who are prepared to work in remote or regional areas. We are probably going to have to accept slightly lower academic standards, but perhaps we just have to work a bit harder at educating them. I think that many people choose to do medicine purely because it is the hardest course to get into. We should sign up these people who have indicated right from the start that they are prepared to work in the regions.

If they are not prepared to work there when they graduate: “That’s fine by us. Here’s a bill for half a million dollars, because that’s what it has cost us to educate you, and we’ll take you out of the program.” If we want to train Australians to serve in those remote places—I say “serve” because it will probably be eight or 10 years of hardship working in those areas—that is what we should do. This is a serious business; there is no mucking around. I understand that the federal government has made some similar changes but people have only to make-up silly excuses and they get let off. We really have to put a bit of steel into these agreements.

As I mentioned earlier, a constituent of mine is stuck in Perth because he cannot get a seat in the dialysis unit at the local hospital in Geraldton. It is costing him \$500 a week in rent. I had to find him the other day to get him to sign the confidentiality form so that the minister’s office could look at his case. As I have suggested, a win-win solution may be possible. I understand that dialysis at Geraldton Health Campus has previously been looked at to make it into a service that is—I am wary of using the word “privatised”—contracted out to a private operator and put into the St John of God health system. That may be a more cost-effective way of providing the service rather than increasing the size of the existing service within the Geraldton hospital.

I will endorse what the Leader of the Nationals said about the Geraldton Universities Centre midwifery course. I will stay out of the argument between the doctors, the hospitals, the paediatricians and everyone else. The experience we have had at the Geraldton Universities Centre with training people as nurses and teachers is that they stay in the regions. We train them there and they stay there. In many cases, it is too difficult for them to go to Perth to study, but having courses available through this hybrid model at Geraldton Universities Centre where they study online but have access to tutors has proven to be a very good model. It has been adopted by the federal government as the model throughout regional Australia. I think that another eight centres are being set up at the moment.

When I was learning from Dr Woollard on the Education and Health Standing Committee, people made predictions about a tsunami of diabetes that would hit in about 15 years. We are getting closer to that time now, and the fact that we are out of chairs in the dialysis unit in Geraldton despite increasing them a number of times is the first indication of that.

Recent events in Geraldton have highlighted and brought home to all of us that mental health is an issue that we are not dealing with particularly well. I am not sure of the number of people evacuated from Geraldton at the moment for mental health treatment. I was told some years ago that about 90 people are evacuated from Geraldton every year for treatment in Perth. The trouble is that they come back to Geraldton and they are basically turned loose again. When the government builds a step up, step down mental health facility in Geraldton it will be a very good service for us to have. I will ask questions sometime down the track about the treatment that a particular person had when she was in prison and what services were available for her when she came back to our community. I think that has probably played a part in what tragically happened in Geraldton recently.

Finally, I would like to acknowledge the work of Geraldton Regional Aboriginal Medical Service. It does a very good job. It is a tough job, but its standard is probably as good as any other Aboriginal medical service in the state. Thank you very much.

**MR R.S. LOVE (Moore)** [5.05 pm]: I, too, would like to rise to make a contribution to this very fine motion moved by the Leader of the Nationals WA. It states —

That this house condemns the McGowan government’s ongoing failure to prioritise investment in regional health.

I will start, as some of my colleagues have, by outlining some of the issues that continue to plague health services in regional areas. The member for Geraldton just spoke a little about the patient assisted travel scheme. According to the brochure that is sent out by the patient assisted travel scheme, it is easy to apply for and involves a simple six-step process. Basically, a patient has to get an application form signed by their general practitioner. They then have to fill out their information on the form and send it off to PATS for approval. The PATS clerk then assesses the application against the policy, which is a quite substantial document of some 40 pages, if I am not mistaken. There are many pitfalls and reasons in that document outlining why a patient might not be able to receive PATS in the end. Once a patient has had their application assessed against the policy, they are offered an approval. They are then given a PATS certification form that they take to their specialist. If it is declined, PATS will inform the patient of the decision and the outcome and they are advised of the appeal process. Usually, the appeal process ends up in a phone call to the members for Central Wheatbelt, Geraldton, North West Central or Moore. I do not know whether they call any Labor members. I dare say that the member for Pilbara and other members would also get such requests. It then becomes quite evident that it is far from an easy process for people to understand and that often when people go to the local person in charge of the PATS process, that person is seen as the gatekeeper of the scarce amount of funds available. They guard that jealously and are very efficient at sending away anyone who does not quite meet by the slenderest of margins one of the criteria, even though those people are genuinely in need and have a situation that needs to be addressed.

I think that the member for Geraldton outlined some cases. I have also had similar cases in which people have come to me. One that is a bit interesting at the moment seeing as we did just hear from him, is the case of

a constituent of mine who lives in a coastal community 250 kilometres north of Perth. She applied to have her hip replacement done in Perth because that is where her family who would care for her after the operation live. The surgeon insisted that she had to remain in Perth for up to six weeks after the operation. However, PATS insisted that the surgery should be carried out in Geraldton. Although that is slightly closer to home, there is no-one there to care for here. These are the types of cases that fall through the cracks. To the minister's credit, his office is quite receptive to people who come forward with issues such as that, but many other people may not take the time, or do not realise that they can get in touch with their local member and perhaps get a reversal of a negative decision.

In my own electorate—I think the member for Central Wheatbelt alluded to this, because she also sees this type of scenario—people live on the urban fringe, if you like, on the edge of the metropolitan area. Those people have very little health infrastructure and few health services available to them. They are quite heavy users of transport and accommodation that might be available to them in Perth. Oftentimes, they just fall through the cracks because of the distance criteria. They may not realise that people with cancer may well be eligible for PATS, because they have been knocked back in the past and they do not reapply. They have run up considerable bills before they realise that they would have, after all, been eligible. For many country people, the diagnosis of an illness requires them to travel to Perth. Unlike some other members, there are significant health facilities right throughout my electorate. There are some very fine places such as Moora Hospital, the Morawa Perenjori Health Service and a lot of others that all do a great job. However, a lot of my constituents also live in areas where they have very little infrastructure, so they need to go to Perth more often than perhaps people realise. For many of them, that will mean that they have to have a relative or carer drive them there. Then the relative or carer needs to find somewhere to stay overnight. I know of one constituent who had to drive backwards and forwards with her late husband to Joondalup from one of those towns on the central coast, when he was very ill. She was quite fearful that she would not get to Perth in time, with some of these episodes, to get him to the health centre. On occasions, when she might be waiting at the hospital, virtually overnight, she tried to grab some sleep on a couch or chair in the hospital and was asked to leave, and was sent out into the car park on a freezing night. That sort of thing is the reality for people in our electorates. It must be remembered that, when people are getting treatment, there is all the pre-surgery analysis, and the post-surgery care, and all the expense associated with negotiating their way through the Perth metropolitan area by taxi or, when they are ill, the burden of having to use public transport, which is not often set up in a way that they can easily understand and make use of.

We have just seen the passing, in this house, of the Voluntary Assisted Dying Bill 2019, and one of the matters raised in discussions about that bill was the need for proper palliative care. I know from experience, and I have highlighted this in that discussion and other discussions in this place in recent years, that palliative care is very difficult to access in many parts of my electorate. For instance, farmers who are dying of cancer have to be driven to and from Perth by their families. When they have come back home, and need someone to look after them, they might be trying to access palliative care through one nurse who might be looking after patients from the coast all the way across to eastern parts of the electorate of the member for Central Wheatbelt—one person, and no-one to call after hours. I do not think that approaches any sort of measure of what could be called an appropriate level of palliative care, but that is the current position. It really needs to be addressed urgently. Recently, the family of an elderly palliative patient in a very distressed state in a regional town, where there is a hospital, checked to see whether he could be admitted. When they took him to the hospital, the hospital would not admit him because there was no doctor on duty. The family was told he would have to be transferred to a larger regional hospital in the central wheatbelt, at Northam, 200 kilometres away. The family refused to make their way down to Northam with the patient, and eventually the local hospital agreed to take the patient in. The confusion about whether the admission procedures were able to cater for this patient was distressing for his family. Those types of issues should not really happen, when we think about the consequences for that family of the refusal—a 200-kilometre trip in the back of an ambulance or in a car to another hospital, leaving behind a perfectly good hospital in their own town.

I want to also briefly touch upon the issue of general practitioner availability. I think the member for Central Wheatbelt had some very good examples of towns that have difficulty getting access to a GP, or if they do, it is only on a very part-time and insufficient basis. Many times, the communities have to put in a large amount of money to attract and hold doctors. If they do not put in a huge amount of money each year, often they may have to provide facilities for the doctor, such as housing or a surgery. I know of one situation where virtually all the costs were picked up for the surgery by the local government, even though the practice does not belong to the local government. That is a huge outlay for a small country local government—sometimes in the hundreds of thousands of dollars. Royalties for regions was used in the Southern Inland Health Initiative scheme to help address some of those issues by providing incentives, in some circumstances, for GPs, but obviously more has to be done to keep attracting GPs into the area. Not only that, we need a workforce that is willing to go out there. It should be the number one priority of anyone trying to design improvements to the health system in Western Australia to reinforce the workforce throughout the regions, including GPs and also allied health professionals.

In some of the towns in my electorate now, there may nominally be doctors, but often they are drive in, drive out doctors. They are available only during business hours, and only on the basis that patients never know whether they are going to see the same doctor twice, because regularly there is a revolving system of locums. Northampton,

which has a hospital, faces to the north, and the next major centre is Carnarvon, hundreds of kilometres up the North West Coastal Highway, and the doctor at Northampton is available only a couple of days a week. That community has been in that situation for a number of years, despite the shire offering incentives to improve that situation. Last Monday, I was in Dongara, and a constituent dropped in because he could not get in to see the doctors in Dongara. There is a surgery there, but the doctors are part of a health firm that also has a practice in Geraldton, and the doctors drive up and down from Geraldton. Dongara is a pretty fair little community of 2 000 to 3 000 people. It is well serviced, and has very nice facilities and a lovely coastal location. If towns such as that struggle to get doctors, we can see the issues that might be facing Carnamah or Three Springs, if they lose their doctors and have to replace them. It is very difficult. The onus falls back on the local communities. As a former shire president, I remember a time when the doctors at Jurien Bay left town. Within three days the council chambers were being stormed by ratepayers, GWN was filming people on the main street, and it was clear that something had to happen. The shire locked itself into a long-term and very expensive program of subsidising GP services. I actually had to personally ring the head of a large firm in Sydney to make sure that the negotiations got back on track, and we were able to get somebody to the town very quickly. Even though local government councillors are not supposed to be involved in administration, sometimes we need to take over.

**Ms M.J. Davies:** Be pragmatic!

**Mr R.S. LOVE:** Yes—sometimes we have to be pragmatic. When the council chamber is completely taken over by people with a legitimate grievance that they cannot get their illnesses and their scripts reviewed, it is a very dire situation. The situation in my area is now so dire that I have taken to publicising the online service that is provided by Telstra. That service was initially funded by the Western Australian government. It is called CallADoc, and the telephone number is 1800 432 584. That is displayed in my office. I told the guy from Dongara who could not get to see a doctor for love or money that if he needed somebody, he should ring these people, because that was the best I could do for him at the moment. I told him that until there was a change of government, there is not much that we can do. We are pleading with the current government to do something about this situation. It is pretty pathetic that I have to advise people in a town like Dongara that the best way to get hold of a doctor is to ring the Telstra CallADoc service. I have heard that that is a pretty good service. It is doing a good job. I am not knocking it at all. I am recommending it. However, that is not because I want to do that. I would rather there was a doctor in the town. I would rather there was a doctor in Northampton, Gingin and throughout my electorate, and that I did not have to ask people to ring a telephone service.

I have outlined some of the issues. Other members have also outlined some of the issues. The question is: why condemn the state government about these issues? The reason that I am joining in on this discussion is that none of this is new. On 30 November 2017, when I was protesting the dropping of the Turquoise Coast Health Initiative, I brought a grievance to the Minister for Health that outlined many of the deficiencies that I have spoken about today. I pointed out at that time that a number of discussions had taken place with the former Minister for Health, Dr Hames, and the WA Country Health Service. WACHS had done a lot of planning about building health services throughout that district. I remember a meeting that was held with the CEO of WACHS, at which an undertaking was given that it would do that planning.

[Member's time extended.]

**Mr R.S. LOVE:** At that time, work was done to put in place a business case to improve the health and aged-care services in the area for my constituents. That discussion was along the lines of the issues that I have outlined for the area between Dongara and Perth. That business case was developed and funded in January 2017. However, the current government made the decision to cut that funding. I remind the minister of his response to my grievance on 30 November 2017. I will quote only bits of this publication, because I do not have time to read the whole thing. I will read some of the more relevant sentences. The Minister for Health said —

I respect the member for bringing these issues to this place, but one thing we have to do is to actually operate within our means.

That is fair enough. The minister continues —

Obviously, the government had some priorities upon coming to government. Those were to commit to its election promises in the royalties for regions program ... Unfortunately, the government identified that some of these projects had to be set aside until it had a better line of sight of the needs of the state ... I do not for one moment say that these services are not needed ... I make a commitment, as I did at budget time, that all these royalties for regions health projects are not forgotten. They will be borne in mind and the government will continue to look at them and see how it will be able to fund them in future budgets. I commit to work with the member to make sure that we get a proper analysis of the priorities to fund them in due course.

That was an undertaking.

**Mr R.H. Cook:** We have not got together, and we should.

**Mr R.S. LOVE:** Yes. The minister said also —

I note that the member said that people in that area are struggling to access the patient assisted travel scheme. I am very keen to work with the member to understand the nature of that problem and to get to the bottom of it to see how we can continue to improve PATS to make sure that it serves the needs of people in those communities.

I confirm that these projects, unfortunately, had to be reprioritised, but they are not forgotten. We will revisit them and I will personally visit those facilities early in the new year to get a better personal understanding of these matters.

I know that the minister has visited some of these projects, and I commend him for that. On the back of that grievance, I wrote to the minister and thanked him for the undertakings he had made. I also offered to work with the minister on the patient assisted travel scheme, and welcomed his commitment to revisit the health initiative that had been dropped. However, unfortunately, two years down the track, I have not seen any work to address the issues which I raised in 2017, which I raised with the previous government in 2015, and on which I had a business case developed by WACHS. That was a very good and comprehensive plan. These issues have not gone away.

In March this year, the Nationals raised a matter of public interest about health issues. Remarkably, that MPI covered some of the same ground that we have covered today. That is because these issues have still not been addressed. That is despite the fact that WACHS has a very good line of sight of the issues I have raised and has brought together a package to address them, despite the fact that I have raised these issues a number of times in this house, and despite the fact that the minister has listened and taken those issues on board. The lack of action brings me to the conclusion that this house needs to condemn the McGowan Labor government for its ongoing failure to prioritise investment in regional health care. I urge all members of the house to vote in support of this motion.

**MR P.J. RUNDLE (Roe)** [5.27 pm]: I rise to make a brief contribution to this motion to condemn the government, and I look forward to a positive response from the minister. I would like to talk about a few issues that are relevant to the electorate of Roe. Those issues are local governments and their commitment to the health system; the patient assisted travel system; St John Ambulance, which is very important; mental health; and rural clinical schools, which are a key part of our health system and potential future system.

The Leader of the Nationals WA talked about the local government contribution to GP recruitment. It is important to understand how much local governments contribute to regional health and to obtaining doctors for their town. That is often quite a burden for smaller local governments and smaller towns. Larger towns often have a greater number of GPs and do not necessarily need to contribute. The non-monetary incentives that are provided by local governments include the supply of housing, cars, extra holidays and gardeners, and the provision of electricity, telephone and internet services, along with the likes of business premises, and, in some cases, a receptionist or similar person. Quite a large contribution is made by local governments. Some local governments also rely on a drive in, drive out service. For some of them, that is not necessarily satisfactory, but that is all they can get. Obviously in some of those towns we also have smaller hospitals, which to a large extent rely on telehealth. That was one of the great improvements of the previous Liberal–National government and the Southern Inland Health Initiative, which helped with the cost of telehealth and providing that throughout the regional network. Our leader mentioned nursing posts, and they are a very important facility. In my electorate, I think about places such as Tambellup, which was upgraded recently. That upgrade provides a great service to the community of Tambellup, and there is a doctor maybe 50 kilometres away in somewhere like Katanning. The provision of the nursing post cannot be underestimated.

I move on to the patient assisted travel scheme, about which other members have spoken. I will give a couple of examples. First, a highly disabled lady in Esperance needed maxillofacial surgery. She had to travel to Perth. She used PATS for one appointment, but was knocked back for the second appointment because PATS does not cover dental. We had to contact the hospital and get it to look into the case again and recognise that maxillofacial surgery was not dental but was actually surgery. Fortunately, the PATS application was then approved. There was a lack of understanding. As other members have pointed out, the first appointment seems to be okay, but for the second appointment there might be an issue with a regional airline, such as a delay, or something similar, and all of a sudden there is a problem. In another case, a patient in Narrogin needed an echocardiogram and a stress test. Both procedures had to be done in Narrogin with the cardiologist who travelled there once a month. Both tests could not be done on the same day, so the patient had to return to Narrogin for the second test. When she claimed for PATS, she was told that she could claim only the first test; however, the patient had no choice but to travel to Narrogin for the second test. Those are some of the issues my constituents have been up against recently.

I return to the local government scenario. One matter I wanted to bring to the minister's attention was the situation in Kojonup. Last December, I was at the recreation centre. As the Leader of the Nationals WA pointed out, sometimes the local government is the one that takes the brunt. In this case, 250 people at the rec centre were targeting the local government and the shire president and other councillors about why they were not providing a suitable medical centre. I am pleased that the community received a \$500 000 donation from George Church,

a prominent member of the Kojonup community who passed on. The community is in the throes of setting up an excellent community medical centre. The shire has come on board. Only this morning I spoke to Tim Shackleton from Rural Health West, who went to Kojonup yesterday and spoke to the community and to the group that is organising the medical centre about recruiting people to go into the medical centre once it is built—about how to recruit a practice manager and how to get doctors in there. In that respect, Rural Health West is doing a good job.

Our recent Katanning health forum reiterated to me how important St John Ambulance is and the huge impact the transfers are having on our local volunteer drivers. A large increase has occurred recently in hospital–patient transfers from Katanning to either Narrogin or Albany. As the minister knows, as I have pointed this out many times, on many occasions in the emergency department in Katanning it is a case of which direction do people want to go—is it north to Narrogin or south to Albany? This puts a huge load on the volunteers in St John Ambulance because it is depleting their volunteer pool, and it is having an impact on their hospital crew and transport availability when transfers are being taken away from the local service. Even in a Royal Flying Doctor Service scenario, there still needs to be an ambulance transfer to the local airport. I do not think the minister can underestimate the impact this is having on our volunteer services.

One of the other things I want to talk about is the mental health shortfall. Regional areas have an irregularity of available counsellors and a high turnover of staff. If a patient gets to see one counsellor, quite often on the next visit it is someone different and they have to start over again. Continuity is really important. We cannot underestimate what is happening out in society and the perceived pressures on all parts of our society, and certainly on our younger generation. When we think that things are getting easier in society, they seem to be becoming more difficult due to drugs, social media and other elements. Katanning does not have enough mental health staff. It is difficult to get in to see a general practitioner, let alone a psychologist. Narrogin has only one private psychologist and a visiting psych from Northam. Any patient admitted to hospital after hours must be assessed remotely from Northam. Staff shortages for mental health are critical and the recruitment processes take too long. Esperance has been without a consistent private psych service for quite a while now.

I rang one of my constituents last night who lives in a small rural town not far from Kojonup. Unfortunately, a young 20-year-old farm girl took her own life on the weekend. That gentleman is the local store owner and the locals are basically going in to talk to him, almost as their counsellor. He has been doing his best. It is a really difficult situation for that small community. There are some fantastic families there. I recommended to him a couple of counsellors I knew with Anglicare and the like. Having those services close and handy is really important.

As the Minister for Health knows, my favourite subject is the Katanning update. A few new GPs are trickling into Katanning. None of them is permanent, but it is a short-term fix. Julie Armstrong from the minister's office has recently updated that after the Rural Health West meeting on 24 May, Rural Health West recruited a new doctor who did a block of work at Katanning. Another was recruited by WA Country Health Service, great southern, for some casual locum coverage. The WA Country Health Service is working closely with Rural Health West on this issue. Obviously a call has gone out to the Albany GP practices with capacity to assist, and currently four Albany doctors are undertaking further training to meet credentialing requirements at Katanning. We are certainly hoping to see improvements there. However drive in, drive out GPs are still covering shortfalls in the emergency department roster at Katanning Hospital and St John Ambulance volunteers are still under pressure. I can update the house that submissions for the new Katanning medical centre closed on 31 July 2019 and we are looking forward to hearing from the Shire of Katanning shortly on how that has all gone. However, I am disappointed that the Well-women's Clinic has not been reinstated, which serviced Lake Grace, Gnowangerup and surrounding towns. It was always fully booked and was being run by a female GP who was doing a great job. She was getting support from the WA Country Health Service in the provision of rooms et cetera, but the rug seems to have been pulled out from under that service. I would love to see it reinstated because it was such an important service for breast cancer sufferers and females in outlying towns.

I also want to talk about the ongoing maternity issues in Katanning. Geraldine Ennis from the WA Country Health Service said in May 2019 that there was no reason that low-risk births could not continue to happen at the Katanning Hospital, but there has been no progress, minister. I remember in late 2016, in the lead-up to the election, the appearance in Katanning of—I will not say the Messiah—the member for Kwinana. The member for Dawesville was there and we all heard the member for Kwinana say that he would fix maternity and other services in Katanning if he became minister.

**Mr R.H. Cook:** That's right.

**Mr P.J. RUNDLE:** I am looking forward to it. I have been here for three years and I am still waiting. He is now Minister for Health and the community of Katanning is still wondering where he is. He has not turned up, but we look forward to him showing up and fixing those maternity issues at the hospital. It is probably the biggest issue I have witnessed in health in the whole of the great southern. The community is dismayed about the lack of maternity services at that hospital. Three years have now passed and I look forward to the minister's solutions in this area.

Recently it was confirmed that the great southern is short by 15 GPs, including five in Katanning and one in Kojonup. The Nationals WA have had to pick up the baton and have written to the federal health minister to ask him to come across to WA. We look forward to running a health forum in regional WA with him—the state Minister for Health will also be invited.

**Mr R.H. Cook:** November—he will be in town in November.

**Mr P.J. RUNDLE:** Okay; the federal minister and the state minister can look forward to some communication from us.

There are certainly issues in this area, which I will talk about very briefly. There are issues with recruitment. The member for Geraldton said that we need to focus on training regional doctors, and that is why the Rural Clinical School of WA is a fantastic asset for regional WA. It is a great facility with about a dozen clinics around the state. Recently, I spoke to Rhonda Worthington, the senior team leader of the Rural Clinical School of WA in Kalgoorlie. She told me that Bridgetown and Manjimup will be added to the list next year. I am sure the member for Warren–Blackwood will be interested to know that another rural clinical school will hopefully be based in the Bridgetown–Manjimup area next year. During the year, the member for Central Wheatbelt, Hon Jacqui Boydell and I visited the Kalgoorlie Rural Clinical School.

[Member's time extended.]

**Mr P.J. RUNDLE:** That was a highlight of my year. We met 10 fantastic, young, positive people who are doing their training out there in Kalgoorlie—everything under the sun—and we need to keep them there. An issue we need to bring up with the federal health minister when he comes across in November is that some young students who have come into the system, sometimes with slightly lower marks, have been bonded to the system—not all students at the Rural Clinical School are bonded—but are getting out of the system. They buy their way out with the excuse that they need to get back to the metropolitan area because their mum is not very well or whatever the case may be. They are able to present an excuse and buy their way out of the system. This needs to be addressed, and I believe that the federal government will be clamping down on this. Many times I have pointed out that the ratio of doctors in places like the member for Cottesloe's electorate is substantially higher than in regional WA, and that in Dunsborough, on the coast, there are 17 doctors, yet we struggle to get doctors into the regions. That is a weakness of the system. Rural clinical schools are fantastic, but we must make sure that students who are bonded spend four years in the regions and fulfil their bond obligation.

Finally, I mention code blacks, which have been a concern in regional hospitals. Kalgoorlie Health Campus has had 49, Geraldton Health Campus has had 38, Hedland Health Campus has had 17, and Bunbury Hospital at South West Health Campus has had 11. Obviously, there is a smaller number of presentations in smaller hospitals, but it is a real challenge for doctors at the coalface. The students at the Rural Clinical School in Kalgoorlie certainly see plenty of things that they should not have to.

In conclusion, on a positive note I look forward to joining the Minister for Health at the opening of the Narrogin Hospital in early October. That hospital, funded by royalties for regions, has been a work in progress for a good few years now. I look forward to joining the minister at its opening. I appreciate the updates I have received from the minister's staff, especially Julie Armstrong who does her best to keep us up to speed. I look forward to working with the minister and the federal health minister on rural clinical schools. I work with the likes of Tim Shackleton and Kelly Porter. They are important links in Rural Health West for rural GP recruitment and I cannot underestimate the value they add to the system. I also look forward to the full implementation of the sustainable health review, which will take advantage of telehealth et cetera. I think that it will help to improve parts of the regional health system.

**MR Z.R.F. KIRKUP (Dawesville)** [5.48 pm]: I, too, join with the Leader of the Nationals WA in condemning the McGowan Labor government's ongoing failure to prioritise investment in rural health. This is a very good motion and is reflective of a theme in this house over a number of weeks in which matters of public interest and private members' business motions have condemned the Minister for Health and his custody of the health portfolio. It has been very warranted. We have seen a number of failings in regional health by this government and the Minister for Health. I will talk at length in my 20-minute contribution about some of the concerns the opposition has about the minister's handling of regional health. In particular, I will discuss concerns about dialysis; expand upon some issues I raised during question time about regional health, sexually transmitted diseases, bloodborne viruses, elective surgery waitlists that continue to increase at a shocking rate in regional Western Australia, and maintenance funding gaps; and I will finish on the electoral impact this will all have if the minister and government continue to ignore rural Western Australia.

National Party members talked about a number of concerns that are raised across our community on a regular basis about how this government is continuing to treat the health system. The health system is in a parlous state. Obviously, doctors and nurses do a fantastic job, but in reality this government is not putting nearly as much investment into hospitals as is needed. Critical indicators across the board continue to deteriorate, which reflects a lack of leadership from this government in taking charge of our state's health system and investing where it should.

Picking up on the member for Roe's point, to give the government some credibility, I would like to talk about dialysis for a moment. Dialysis is an area of interest of mine, particularly in a regional and remote setting. It is one of the measures that needs to be put in place. Renal dialysis clinics need to be well funded, because those clinics prevent a deterioration in the condition particularly of Aboriginal people. There is a disproportionate level of demand for those services from the Aboriginal community, particularly in regional and remote Western Australia. The government has committed funding in the north of Western Australia. More recently, I saw the Kalgoorlie renal dialysis clinic. Undoubtedly, the minister has been out there, too. It is an amazing facility. It is very culturally appropriate. Walking through the clinic, it is a calming place. It was deliberately designed with local Aboriginal people in mind. There is a lot of local Aboriginal art. The lights are dimmed and things like that so that it is not particularly invasive. It is a very impressive facility. If only there were more of them. Unfortunately, the waitlists for dialysis treatment in places like Kununurra, Derby and Broome have blown out year on year.

**Ms M.J. Davies:** Is that the one with the pictures on the roof?

**Mr Z.R.F. KIRKUP:** Yes. The Leader of the Nationals WA has just highlighted some of the design features there. She is right—art is on the floor, walls and the ceiling so that people feel much more comfortable in an environment in which they are surrounded by art that they are familiar with. It helps calm them during what is a very invasive procedure. People have to be there for long lengths of time.

**Mr R.H. Cook:** Since they have introduced all that Aboriginal art at Kalgoorlie hospital, their DAMA rates—discharge against medical advice—have gone through the floor. I think they have gone down by about one-third. The feedback is that Aboriginal patients just feel so much more welcome there because of the iconography that is everywhere.

**Mr Z.R.F. KIRKUP:** I think it is a good reflection of a government facility that is clearly designed for the people who need it. A deliberate investment in this cultural design outcome has had a very real clinical outcome. If only there were other facilities around the state that could have such significant attention paid to their design.

It is worth pointing out that the waitlists for dialysis in Kununurra, Derby and Broome continue to be an issue. Leader of the Nationals WA, I think there are also concerns about the waitlist for dialysis treatment in the wheatbelt. I hope the government continues to invest in this. Attention needs to be paid to bringing about important investment in an active program to try to target people who need those dialysis chairs and to get them into the hospital. The discharge against medical advice rates that the minister spoke about have a very real impact. If people do not attend appointments on a regular basis, their life expectancy becomes very much under threat. It speaks to the growing gap in Western Australia, the worst state in the Federation. I believe proper investment is needed, particularly in Kununurra, Broome and Derby. That attention is paying off in Kalgoorlie. Under this government, the waitlist for dialysis in Kalgoorlie has gone down from about 500 days to days in the double digits. It has been a great result. It was reflected when I was in Kalgoorlie a number of months ago. The teams there do an amazing job and should be applauded for that.

On the topic of Aboriginal health, I raised in question time some issues that had been flagged as part of the quarterly update by the Department of Health in a report titled "Notifiable Sexually Transmissible Infections and Blood-borne Viruses in Western Australia" for the period ending 30 June 2019. I picked this issue up today. It may have been released more recently. It certainly has not been tabled in this place. It points to some disturbing trends in the rates of chlamydia, gonorrhoea and hepatitis C for the Aboriginal population. There has been a particular increase in the rates of STIs and bloodborne viruses in the regions. Unfortunately, this report highlights that, generally speaking, Aboriginal people, specifically those in regional Western Australia, are worse off. Over the past year, there has been significant growth in some of the figures that I will go through. They reflect well above the five-year mean. In Western Australia, there have been deteriorations in a number of areas.

I will go through that report to talk through some of my concerns. Of course this motion speaks about regional health, and in my case I think it is also important to highlight the Aboriginal population in the regional and remote parts of Western Australia. One of the issues highlighted in the report is the rate of chlamydia. In the 12-month reporting period to 30 June this year, there has been an increase in the rate of chlamydia amongst Aboriginal people, yet there has been a decrease in the rate of chlamydia amongst non-Aboriginal people. In the regions, there has been an increase in the rate of chlamydia notifications in the goldfields, the great southern, the Pilbara and the south west, yet there are relatively stable figures in the metropolitan area. There are reductions in some areas. In areas such as the Kimberley, the great southern, the goldfields and the Pilbara there are very real increases in the rate per 100 000 people who have been impacted by chlamydia. There have been increases in the rate of gonorrhoea infections in the goldfields and the Pilbara. The Pilbara continues to have issues. Undoubtedly, the member for Pilbara is interested in this. The Pilbara has continually seen deteriorations when it comes to sexually transmitted infections and bloodborne viruses. There is very little light in the Pilbara at the moment. Of course, it is happening in a range of different regions, and unfortunately to Aboriginal people.

The rate of syphilis infections is something that is obviously quite concerning to me because, as I have recently been made aware, it can cause significant mental health deterioration as well as shortening life expectancy, or it has an impact on that in some way, shape or form. The report points out that in the first quarter of 2019, an



Aboriginal child in the Pilbara region—once again—was born with syphilis. That is an awful circumstance. It is very concerning to me. When I look at the crude rate of infectious syphilis notifications for Aboriginal people in Western Australia, the number has significantly increased. It has gone from a rate of 61.8 people per 100 000 up to 191.6 people per 100 000. The rate for non-Aboriginal people has increased only marginally. There has been an almost threefold increase amongst Aboriginal people when it comes to the rate of infectious syphilis and a 15 per cent increase in non-Aboriginal people. That is very, very concerning to me. Looking at the regional breakdown for that, there are increases in the goldfields, the Kimberley, the metropolitan region, the midwest, the Pilbara, the south west and the wheatbelt. The only area that has a stable figure is the great southern. Almost across the board, the Kimberley and the Pilbara regions are disproportionately represented. Infectious syphilis is occurring at an alarming rate in the regions, and at a very distressing rate when it comes to Aboriginal people. The rate of infectious syphilis has been continuing to rise for some time.

In responding to a question from me during question time, the minister said that this is part of the trend in northern Australia. The concern that I raised during question time is that as this has been known for some time, given since 2014 the rates of infectious syphilis have continued to grow, this is not a new issue. Indeed, between 2014 and 2019 something like 236 cases of infectious syphilis were reported. In the two years prior to that, there were no cases. This has been a growing trend, particularly in the Kimberley region. If the government knows about this, we would expect it to invest in Aboriginal health services to respond to this issue in particular. However, we have found that that has not occurred. Since this government has come to office, there has been no increase in funding for sexually transmitted infection screening for Aboriginal people. I would have thought it was very important for the diagnosis and treatment of these concerning diseases that are impacting the Aboriginal population in Western Australia. There is no increase in funding there.

As I mentioned during question time, the, I think \$737 000 that has been spent on the climate change inquiry—I appreciate what that might mean—is far more than the total spend by the Department of Health on Aboriginal adult regional health services, and sexual health in particular. I believe there is a lack of prioritisation by this government. If the argument put by the minister during his answer to my question today that, “This is something that has occurred for some time, we have known about this in northern Australia and this is simply the way it is”, I would expect the government to respond accordingly and increase funding for STI testing, for example. That has not happened and I think it is to the detriment of this government that it has not been more aware of the health issues and priorities in regional Western Australia. More than that, I do not believe enough effort has been paid to investing in Aboriginal regional health services, particularly in sexual health. It is concerning to me that the primary response of the government is to invest in our state’s health system but it spends more on an inquiry being conducted out of “Silver City” or somewhere like that, and less money on sexual health services for Aboriginal people in the regions when there is a clear concern about the rates of Aboriginal sexual health there, which have increased at a phenomenal rate and continue to do so.

We saw this when we raised the issue of the flu, for example, and again those rates have disproportionately affected the regions. Once again, the government has said that that is the way it is. We cannot accept business as usual from this government, especially on regional health and the health concerns of Aboriginal people in Western Australia, especially on something like sexual health. Far more education, far more prevention and far more response programs should be occurring in those circumstances, but they simply are not there.

The rate of hepatitis B has increased in the goldfields, the great southern and the Pilbara—once again, the member for Pilbara’s district, the area he represents. I hope to hear more from him about the concerns of his constituency because the issues in his district continue to occur, unfortunately. Whereas the rate of hep B in the metropolitan region has declined. Again, the notifiable rate of hep C has increased among Aboriginal people in the regions: the goldfields; great southern; midwest; Pilbara—member for Pilbara—and the south west. Indeed, I think, among non-Aboriginal people, the rate of hepatitis C has gone down. We would expect that a government that had its priorities in order would invest in Aboriginal health in the regions in response to something like this, particularly sexual health. It is a matter of great concern to me and, undoubtedly, for all in this place and we would expect the government to do more about it. It is not only the right thing to do; it is responding to a critical trend that has occurred over a number of years, yet the government simply has not increased the investment in those services as it should have. I look forward to the minister’s strident defence of the indefensible because he should have put more money into it. Far more should be spent in that area.

In the six minutes I have remaining, I will talk very briefly about the elective surgery waitlists, which are very interesting to look at year on year. The August 2018 waitlist for elective surgery compared with that in August 2019—the same time split of 12 months—at those hospitals has increased in nearly every area, in some circumstances by a significant amount. Undoubtedly, that will be of interest to the member for Roe, who I hope has Katanning in his electorate—I believe he does. The waitlist for elective surgery at the Katanning Hospital has seen a 50 per cent increase. The waitlist for elective surgery cases at Albany hospital has increased by 22 per cent. As the member for Kalgoorlie has raised with me a number of times, the waitlist at Kalgoorlie hospital has blown out by 25 per cent. The waitlist at Carnarvon hospital, member for North West Central, increased by 62.5 per cent, which is unacceptable. The waitlist at Karratha hospital, my friend the member for Pilbara—I am looking through electoral districts in

my mind; it might be the member for Pilbara—has seen a 96 per cent increase. That is unacceptable. There has been a 25 per cent increase at Warren Hospital in Manjimup, member for Warren–Blackwood. Manjimup is a great area, which produces some great people. We would think it would have a great hospital invested in appropriately to fund elective surgery waitlists. The people there are undoubtedly doing a great job, but, unfortunately, right across regional Western Australia we see a significant increase in the elective surgery waitlist, which is unacceptable in some of those communities. The increases in elective surgery waitlist times are right across the board, not just at those hospitals but also at Broome hospital, Geraldton hospital, Hedland Health Campus, Busselton hospital, Derby Hospital, Kununurra Hospital, Narrogin Hospital and Northam hospital. It is completely unacceptable that communities in regional Western Australia continue to see the time in which those important health services provide treatment drift further and further away. It is not good that this government continues to beat its chest and say how great things are going and how much money is being put into things like the maintenance program while there is very real deterioration in the level of service provided in those communities.

In the remaining three minutes I have, I would like to talk about the minister's recently announced, much lauded, maintenance investment of \$81 million. However, it did not get a whole lot of media coverage because there will not be a lot of media coverage for the government just doing what should be its job. I am sure we all welcome money for our local hospitals. Certainly, there was not as much for Peel Health Campus as there should be. Unusually, a lot more goes to the marginal district of Murray–Wellington than to the Peel Health Campus, but we will get through that. It is interesting to me when we look at the breakdown of funding in particular for the maintenance program announced by this government, goldfields–Pilbara got, I think, \$ 1.54 million. That was how it came out, and that is great, but when we broke that down, we found that the goldfields got only \$30 000 and the Pilbara—who would have thought, member for Pilbara, billion dollar man, the marginal seat up there—got \$ 1.51 million for that area. The *Kalgoorlie Miner*—I am making sure I know my regional papers—has been running red hot on this issue, and rightly so because that community has been duded by this government. It seems to me that not only does this government want to be lauded for simply doing its job after it has significantly cut its maintenance program —

**Mr R.H. Cook:** That isn't true.

**Mr Z.R.F. KIRKUP:** It absolutely is true. The government cut it and restored a smaller amount.

**Mr R.H. Cook:** You're misleading Parliament.

**Mr Z.R.F. KIRKUP:** I absolutely am not misleading Parliament.

**Mr R.H. Cook:** You absolutely are.

**Mr Z.R.F. KIRKUP:** I look forward to the minister disabusing me of that notion with his own spin; however he wants to do that. The reality is out there, minister. He might say that is not the case, but I can promise him that in regional Western Australia, when I visit Kalgoorlie with the member for Kalgoorlie and hear the contributions from our good friends in the National Party representing regional Western Australia together with a number of Liberal regional members here, the communities of Western Australia and regional WA, in particular, are very concerned about the lack of attention paid by this government to its health system. We see the blowout in people needing dialysis, in hospital elective surgery waitlists and in notifiable diseases such as STIs and bloodborne viruses when the government should be paying far more attention to those areas and far less attention to things like auditing food vending machines, which I know the minister loves to do. It is about time he steps up to the plate, does his job and invests in those communities. Otherwise, he will find that these motions that have been moved over a number of weeks or so will continue to be moved condemning this government for its lack of investment in health and ignoring regional Western Australia—at its peril.

**MR V.A. CATANIA (North West Central) [6.08 pm]:** What really hurts is when the Premier makes his visit to the north west once every 12 months, goes into Carnarvon, meets with the locals and says, "We're building an aged-care facility. We have \$16.8 million of which \$6.8 million is for palliative care. In 2017, the former government had \$16.9 million in the budget to build a 38-bed aged-care facility. However, as everyone knows, we lost government, which is why we are on this side of the house, but it will not be too long before we are on the other side of the house. The amount of \$6.9 million was taken out of the budget because the government thought it could reduce the 38-bed facility to a 21-bed high-end aged-care facility. However, the government realised that that could not be done because \$1.7 million had already been spent on the aged-care facility to the point of choosing where power points would go, the colour of the carpet and the curtains. It had gone out for community consultation, but it has been delayed for two years. This government announced the facility in this year's budget, rebadged as palliative care, and went to Carnarvon last week or the week before and said, "Wow! Aren't we good?" Do members know what? That really hurts us all as politicians, because the community knows exactly who took that money out—the mean Labor government. I know that the Minister for Health has done all he can to put that money back in, after he realised that the facility had not only 38 beds, but also a cyclone shelter. He could not change the detailed plans or the engineering drawings, because it had already been factored in because Carnarvon, believe it or not, in 2014 had a cyclone go through. We need cyclone shelters and the hospital is the right place to have a shelter. Like I said, what hurts us as politicians is when people such as the Premier try to rebadge the money that

he took out and say that it is new money. Everyone in the community goes, “Bloody hell! Here’s another politician lying through his teeth, because we all know that that money was taken out.” I am glad it has been resolved and I am waiting for that contract to go out to tender. Unfortunately, a lot of seniors who have not got much time also have been waiting and, unfortunately, some have passed away since the announcement was made. It is very upsetting that those people did not get to see the works at least start. If it had have been built in the time frame that we had for the high-end aged care, they would have been in that facility. Unfortunately, they have missed out, families are upset and people are questioning whether this project will still go ahead. I have the confidence from the Minister for Health that he will deliver this project that the Liberal and National Parties had ready to go back in 2017 and, hopefully, we can see a brick put on the slab in January or February next year.

**Mr P.J. Rundle:** He has one more budget.

**Mr V.A. CATANIA:** He has one more budget, but I am confident that he will not want to take out that money. The North West Central electorate has been stripped of the most funds for hospitals by this mean-spirited Labor government. We can talk about Karratha Health Campus and how fantastic it is. When the Premier opened it, he spouted how wonderful the new hospital is, but we all know and the people of Karratha know that the former Leader of the National Party, Hon Brendon Grylls, built this \$207 million hospital. It started on the day that I left the Labor Party back in 2009, I think it was—10 years ago.

**Mr R.H. Cook:** Happy days.

**Mr V.A. CATANIA:** It feels like yesterday because it is groundhog day, going back to the way the Labor Party operates in health. We were able to get that money—originally, it was \$150 million of royalties for regions funding—put into the hospital. The vision of making Karratha into a city, which it has become today, allowed the then member for Pilbara to relocate the hospital to the right spot in the centre of town. The Premier yet again spouted how wonderful the Pilbara is and he wants to bring the Council of Australian Governments meeting to Karratha to look at it. He is trying to showcase how wonderful the City of Karratha is because of the former Liberal–National government’s investment. It means that it can cater for the growth and the booms that it is about to have yet again. Having a state-of-the-art hospital means that it can cater for the growth of the former Liberal–National government’s Pilbara Cities vision that it delivered on. When we go to the areas that are still the wealth-generating areas of this state —

**The DEPUTY SPEAKER:** Excuse me, members. Minister for Commerce, can you speak a bit less loudly for Hansard? Thank you.

**Mr V.A. CATANIA:** I know some ministers do not like the truth. The engine room of the Western Australian and national economy is Tom Price and Paraburdoo. Money was allocated prior to 2007 to build a new hospital in Tom Price because that is where the engine room is. The government has taken the \$50 million that was notionally in the budget for Tom Price Hospital and put it into 20 kilometres of the Karratha–Tom Price road. Yet again, the federal government has put \$230 million into the road and the state government says, “How wonderful are we? We have \$310 million to seal the Karratha–Tom Price road”, but in reality it is the federal government. Thank you to the federal government and the federal Liberal Party for that money. The Premier is going, “How good am I? I’ve delivered.” People get so upset with politicians who really can talk through their teeth. They talk about fake news—that is fake news. The reality is that the coalition federal government will deliver it, yet the Premier is trying to take the credit.

Earthquakes have been occurring in recent times and there are cracks at Tom Price Hospital. Someone could probably go to the toilet and not have to use the toilet because the gaps are so wide that they could make it go straight outside! That demonstrates the level of disrepair of Tom Price Hospital. It is not fit for purpose. It puts stress and strain on the staff there because the staff are at one end and the patients are at the other. They cannot monitor the patients and run the hospital at the same time. Until recently, the emergency room was open to the wards, so people could walk in as they pleased. I note that the Premier visited Tom Price Hospital, although he did not visit Tom Price Primary School that had a fire and major damage. He was in Tom Price and did not bother to look. He said that he had better things to do; that was to get a silver shovel, stick it in the ground, flick some sand and leave. He can tick that box. “I’ve been to regional WA. I’ve bought some Rossis, so I feel like I’m a country person.” We can see how the Premier is reacting when he goes to regional Western Australia.

Paraburdoo is another powerhouse of the Pilbara, yet we have an ageing facility there that is downgraded; basically it is a hospital, but it is a nursing post. The most needy hospital out of all this, apart from Tom Price and Paraburdoo, is Meekatharra Hospital. I have brought it up in this place before. Meekatharra is absolutely disgraceful. There is some money in the budget for maintenance at Meekatharra Hospital. Anyone who knows Meekatharra Hospital, will know that we cannot maintain it. We cannot fix rotten wood. There is only so much paint we can use. I think that if we put too much paint on it, it will fall down because it would be too heavy. If someone is in a wheelchair at one end, they do not need someone to push them down to the other. I know the hospital has had some maintenance done to it to make it workable. Meekatharra has been a powerhouse for our economy over many years, through the gold rushes and so forth, so I think it deserves to have a hospital that caters for the needs of the state. It services not only Meekatharra but also Cue, Mt Magnet and the surrounding towns, and sometimes even Wiluna.

Meekatharra Hospital has ageing infrastructure. An amount of \$5.6 million or thereabouts was allocated to the Mt Magnet nursing post. That was also taken out of the budget. I have said it in this place before. The building is a little bit better than Meekatharra Hospital, but they were built within 10 years of each other in the 1950s. In this day and age, to have modern equipment going to a hospital built in the 1950s is difficult, even if someone is a smart engineer with the best equipment. The equipment can still suffer in a building such as that.

I want to look at not only the infrastructure that is needed, but also the staffing levels. We see that there are still single nursing posts. At Coral Bay, the nurse has to live in a caravan because there is no accommodation. Do members know that? A nurse or any other government department employee who comes to Coral Bay has to live in a caravan in an area called “Little Kenya”. How does anyone function when they are living in a caravan? It may be all right for that nurse to live there, but in this day and age we should be able to provide decent accommodation in a place like Coral Bay. The single nursing posts in Cue, Mt Magnet and Yalgoo, and the Sandstone Health Centre that receives a weekly visitation, all really need a minimum of two nurses working there. We cannot expect one nurse to be able to work 24/7 and to service a town. Obviously, the Great Northern Highway is a busy highway where quite a few incidents occur. Those nurses are called out and have to deal with quite traumatic incidents, which puts pressure on the volunteers. The volunteers of the Murchison, and pretty much all round regional Western Australia, are moving patients from Cue, for example, and can lose half a day or a day taking a patient to Meekatharra. If Meekatharra Hospital is unable to take the patient, they get flown out by the Royal Flying Doctor Service. We are burning out volunteers when it comes to the St John Ambulance service. We are using RFDS to fly people to Perth because some of these basic services are not being provided in places such as Meekatharra. In the minds of many people, the RFDS is used for emergencies. It is there to help the community, but it is becoming a taxi service to move patients from regional Western Australia to bigger cities like Geraldton and Perth.

We have infrastructure and staff issues when it comes to nursing, and in the bigger hospitals such as the Carnarvon Multi Purpose Service there is no respite for people who care for the elderly or those with dementia. Often a person with dementia will stay in the Carnarvon hospital throughout the week, but when the weekend arrives their relatives are told, “Sorry, there is no-one at the hospital to look after them”, and they get asked to pick up their mother, father, aunty or uncle. What a sad set of circumstances we find ourselves in when we cannot provide some of the basic services that people in Perth have. There would be an outcry if those services were not provided in Perth—basic stuff! The government should show some humanity and provide these basic services.

I now turn to the tourist destination of Denham. Hundreds of thousands of people visit that place each year. Anywhere between 5 000 and 8 000 people can be found in Denham on any one day during the height of the tourist season, yet it still does not have a permanent doctor. This town has 900 permanent residents but that can increase to about 8 000, yet it still has no permanent doctor. Yes, a nurse practitioner is there, but more nurses need to be based there during the tourist season, coupled up with a permanent doctor to provide continuity in the service, especially for the seniors who live there. They need to see the same doctor. Often the pharmacist becomes the de facto doctor because they look at everyone’s prescriptions to make sure that a new prescription does not affect previous prescriptions. The doctors often change from week to week and the patient does not necessarily remember what a previous doctor has prescribed. In places such as Denham it is a recipe for disaster.

When a person requires treatment, they can use the patient assisted travel scheme. In our office we deal with a huge number of PATS issues throughout the week. Often people come to us because they cannot get paid and it seems like the foot has been put on the hose in terms of the providing the financial support for someone to fly to Perth and receive the medical treatment that they need. In one instance in Exmouth, a woman broke her arm and had to be flown on a commercial flight to Perth. Her husband was the carer, but he was told that he could not have PATS. I will write to the minister about this one, because a person who is unable to use their arm, is unable to carry bags and unable to go to the toilet, needs assistance. On this occasion, he was rejected for PATS. Unfortunately, that is quite common. People living in Meekatharra or Mt Magnet who want to go and see specialists are told they have to get in a car and drive 400 or 500 kilometres to Geraldton, when it is easier to jump on a plane and fly down to Perth to see a specialist, so they are not driving all that way. Often, a lot of people cannot drive, or they are elderly. Driving those roads is dangerous. It is long and hard, especially when a person is ill and is told that they have to go to Geraldton. I understand that the policy of PATS is to push people towards their nearest regional centre—such as people in Carnarvon going to Geraldton—but often it is not practical for people to jump in the car and drive for those long hours, especially when they are sick.

There are many issues with PATS, and with regional health. If I go back to our time in government, with royalties for regions we built the Karratha Health Campus, and the Onslow Hospital, which I think the Minister for Health opened in June. We put \$20 million of royalties for regions funding into that. For Exmouth Multipurpose Service we put in \$8 million; Carnarvon, \$26 million; and for aged care in Carnarvon we allocated \$16.9 million, which was taken out by the government and then reinstated and rebadged. Our investments extended to Kalgoorlie and Albany.

**Mr R.S. Love:** You aware of the situation in Mullewa? The health centre there has been promised, but nothing is progressing. The community has not been kept up to date, and does not know what is happening. Perhaps the minister might be able to explain that to us.

**Mr V.A. CATANIA:** That is a very good question, and I think that the minister has heard that.

**Mr R.H. Cook:** I was not listening to the interjection, so you'll have to repeat that.

**Mr V.A. CATANIA:** Mullewa Hospital, which has been promised for a long time but has not been delivered by your government.

I have not got much time left. All in all, the status of the north west health system is dire. Funds were put in, and funds have been taken out and rebadged. People know, and see right through this mean-spirited government and this mean Premier. Come 2021, I think they will let him know. The National Party delivered royalties for regions, and put it into health, and I look forward to doing that again in 2021, when we are back in government, to bring back royalties for regions, and bring back the money that is needed to bring our health system back up to scratch, because this government has severely hurt the people of regional Western Australia.

**MR R.H. COOK (Kwinana — Minister for Health)** [6.28 pm]: I thank members for their contributions today, and I will take some time to move through some of the issues. I will try to address some of the specific issues raised, and also speak in general terms about some of the points a number of members made, for instance, about general practitioners, PATS and so forth. I will take some time to go through those as well.

As members will be aware, yesterday the government made an announcement of a significant contribution towards infrastructure investment in the WA health system. It is an \$81.5 million package that will go significantly towards continuing to make sure that people have opportunities to work within the Western Australian community, to make a contribution to their community and to the economy. One of the really pleasing aspects was that we were able to dedicate \$37 million—almost half of that—to rural and regional community hospitals. This is a really important contribution, because we know that, with these mostly minor works, the vast majority of the work will go to small businesses operating locally. It is a component that I am very proud of. Within this \$37 million package we have \$8.62 million going towards wheatbelt health, \$8.37 million to midwest health, \$7.34 million to south west health, \$6.85 million to Kimberley health, \$4.58 million to great southern health and \$1.54 million to Pilbara and goldfields health. I know that the member for Kalgoorlie, who is in the chamber, would be very keen to follow up on the issues canvassed in the *Kalgoorlie Miner*—that is, the claim that somehow Kalgoorlie was short-changed in that process. The fact of the matter is that Kalgoorlie has been funded significantly for a number of health-related projects, including the significant upgrades of the Kalgoorlie hospital. That essentially means that the schedule of outstanding repairs and maintenance work is not as great as it is for other areas. In addition to the work we are doing at Kalgoorlie hospital, we are also investing \$6.3 million for an MRI machine at the Kalgoorlie Health Campus and \$12.46 million to build a community mental health step-up, step-down centre. The reason that is important is that the tenders for that are going out at the moment. Building Management and Works is working very closely with the local community to make sure that package is carved up in a way to enable it to go to local communities. With the step-up, step-down facility that we developed in Bunbury, we saw that 87 per cent of that project went to local content—local builders, local companies, local workers—and we expect a similar outcome in Kalgoorlie. That will be a significant increase, and the member for Kalgoorlie should be very happy with it. There is \$10.48 million to expand the capacity to provide dedicated mental health services at Kalgoorlie hospital, including an additional \$3.8 million to expand existing inpatient mental health service capacity in the goldfields. The member for Kalgoorlie would also be familiar with our commitment for the new 64-slice CT scanner at Kalgoorlie hospital and also with the advanced construction works for the 19-bed Kalgoorlie renal hostel, which will open in 2020. I place that on the record because I heard the member for Dawesville making commentary about these issues on behalf of the member for Kalgoorlie and significantly misrepresenting the amount of investment going into Kalgoorlie health infrastructure. The member for Dawesville made the inaccurate and misleading comment that we are cutting repair and maintenance programs for the year, but we are already undertaking an estimated \$147 million worth of repairs and maintenance investment in the WA Country Health Service. The money that we announced yesterday is in addition to the usual expenditure, which, as I said, was in excess of \$147 million in 2018–19.

This is a significant investment. It means that our country hospitals continue to receive the investment they deserve. It comes off the back of a strong investment program leading to the opening of a range of new facilities around the WA Country Health Service. Governments of all persuasions have invested significantly. I remember the last Labor government made significant investments in every hospital north of Perth. It essentially rebuilt or redeveloped every hospital in the Kimberley region. Of course, the member for Kalgoorlie will remember that the last major investment at Geraldton hospital was from a Labor government.

Several members interjected.

**Mr R.H. COOK:** Sorry, the member for Geraldton. I had just been speaking about the member for Kalgoorlie and the riches that are being rained on his township.

**Mr Z.R.F. Kirkup** interjected.

**Mr R.H. COOK:** Unfortunately, the member for Dawesville was not in the room —

**Mr Z.R.F. Kirkup:** I heard your dulcet tones.

**Mr R.H. COOK:** — so he missed out on my award-winning performance in talking about the investment in the renal hostel, in the new step up, step down facilities, and the MRI machine. What else, member for Dawesville?

**Mr Z.R.F. Kirkup:** The slice machine, or whatever it is called.

**Mr R.H. COOK:** The slice machine? The CT machine. That is on top of the investment at Kalgoorlie hospital. The Geraldton hospital investment was also very significant. I am very pleased and proud to be part of a Labor government that is now coming back to do that investment.

**Ms M.J. Davies** interjected.

**Mr R.H. COOK:** At least it is in the budget, member for Central Wheatbelt. The former government had eight and a half years, and it did nothing there.

**Mr W.J. Johnston:** Shame!

**Mr R.H. COOK:** The former government did nothing for eight and a half years. That begs the question, member for Moore, of why this heartfelt commitment to the Turquoise Coast Health Initiative was not announced until 29 December 2016. It was never actually put in the budget.

**Mr D.T. Redman:** You've got more names on plaques across Western Australia than words in the dictionary!

**Mr R.H. COOK:** I would like to think that, member for Warren–Blackwood. The former member for Peel, Hon Norm Marlborough, who was the member for part of what is now my electorate, holds the record for that. The reason he holds that record is that he decided to go out and get as many plaques as he could. He represented every minister he could find to open up whatever facility he could find. That included community toilets and things like that. He was basically on a mission to make sure that he got the most plaques of any politician in history.

**Mr I.C. Blayney:** He opened the sewerage farm.

**Mr R.H. COOK:** That is one of the finest sewerage farms, which the member for Geraldton endorsed. That is a very important contribution.

I have to be honest with members. We erect these plaques to our great honour. I was touring a section of Royal Perth Hospital, which I will talk about in a jiffy in the context of the WA Country Health Service, and I saw in the corner a stack of metallic plates. It was at least this high; there must have been over 20 plates in the corner. I said to the person who was showing me around, "What's that over there?", and he said, "That's all the plaques with the names of politicians on them from things that have been opened in the past." Eventually, members, we just get recycled into some other brass plate in the future. Our time in this place is short, so let us make it count and get as many plaques as we can. I salute Hon Norm Marlborough and his great quest. I think he did rather well in that process.

I want to mention a specific hospital redevelopment, and that is Meekatharra Hospital. The member for North West Central is campaigning on that issue. He came in and made his speech, and he then left, so he is very committed to this debate.

**Ms M.J. Davies:** He's writing to everyone to let them know exactly what you are about to say.

**Mr R.H. COOK:** I am about to say that the former government never committed to the redevelopment of that hospital. It started a business case for the refurbishment or redevelopment of a primary care and community health clinic off to the side of the hospital. I know that the member for North West Central likes to characterise that as phase 1, but it is actually one of the newest buildings in the precinct. It is old, but it is one of those classic 1960s cream brick buildings, and it is perhaps more sound than the rest of the buildings on that hospital campus put together. That was the Nationals' commitment around that, so let us not get too excited. When I met with the Shire of Meekatharra, I was told that it could never work out why the previous government was just going to do this little bit of perhaps the newest building on the whole precinct. I have asked the WA Country Health Service to put together a business case for the redevelopment of the entire campus, because it does need redeveloping. I got the director general of Health and the chief executive of the WA Country Health Service to tour the facilities and have a look around. We have a vision for how we think Meekatharra Hospital should be redeveloped, particularly as the member for North West Central talked about providing a hub for the Cue, Mt Magnet and other nursing posts in the area so that we can make them more sustainable facilities. In that context, I am very pleased to say that \$1.2 million of the \$37 million has been set aside for Meekatharra Hospital to make sure that it gets valuable repairs and maintenance. It is a beautiful old building—it is one of those classic country hospitals—but it is sorely in need of attention.

Members have spoken about the patient assisted travel scheme and I want to quickly talk about some of those issues. In 2018–19, PATS subsidised 98 515 trips for country people living in regional and remote WA to access specialist medical services, with a total regional investment of over \$38 million. The PATS investment has increased by \$8.26 million since 2015–16, which is a significant financial commitment. I draw members' attention to the fact that a central piece of that work is around developing the PATS online portal, which was part of the

2019–20 budget. I think it was the member for Moore who talked about the rigmarole involved in filling out forms and having them endorsed by specialists and so forth. The difficulties patients have in making sure that the right forms are filled out continues to be problematic in terms of PATS. Getting that onto an online platform will be really important for making it work better. With regard to the inquiry by the Standing Committee on Public Administration into PATS in 2015, the WA Country Health Service is committed to revisiting a number of those recommendations. WACHS has tasked the PATS area office with preparing a business case proposing changes to be considered by government. This business case proposal is nearing completion.

It is an important element of what we do in health care, because as we know, we want patients to receive the best possible health care regardless of where they live. I know members have highlighted the importance of being able to get surgery within their communities, but members must also remember that this must be balanced against quality and safety. The international evidence on quality and safety is that if a surgeon is doing the same operation six times a day, five days a week, the quality of the outcomes for the patient is significantly improved. I know it is an inconvenience for patients to travel, but it is important to get them that quality service. We will continue to look at PATS to see how it can be improved. I would like to thank the member for Geraldton for acknowledging that our office is keen to work with members to make sure that if there are any individual failures in service provision, we can head them off and make sure we improve on them. As the proposals for improving PATS come together, I commit to working with members on them. The member for Moore quoted me from November 2017. I do think some of those hospitals in the turquoise coast region will ultimately need upgrades, but I commit to coming back to him to talk about PATS to make sure we get a better line of sight in terms of how it works in the interests of patients.

I want to talk a little about general practitioners. As members have observed, the provision of GPs is an incredibly difficult issue, but at the end of the day it is not the responsibility of the local government and it is not the responsibility of the state government; it is part of the federal government's primary health and care responsibilities. That is of little comfort to a councillor or a local government authority that has an angry community standing outside their door, saying "We want to have a GP in our community". I understand the efforts to which they have gone to attract GPs to their communities. Through what was initially the Southern Inland Health Initiative GP incentive program—which we continued to fund from July 2017 and is now part of our GP incentive program—we have been successful in attracting more GPs to practice in these communities, but it is difficult. A number of members acknowledged that GPs play an important role in local hospitals in ensuring that they can provide those services. But unless the federal government is going to do some of the heavy lifting around reimagining the system for remunerating GPs, we are going to continue to struggle.

I thought it was ironic that we had the member for Nedlands and the member for Cottesloe sitting in on this debate because, as they know, their electorates have the lion's share of GPs in Western Australia. It is, quite frankly, difficult. One of the solutions that we could look at is to make sure that the Medicare benefits schedule recognises telehealth services. That is a really important aspect. If the member for Roe gets the opportunity to meet with the federal health minister, I implore him to make some representations to him about these issues. We know that telehealth is the best way for people in these areas to get access to health care. Many members will be familiar with the success we have had with emergency telehealth, outpatient telehealth clinics and tele-mental health. Tonight on, I think, ABC news, we will be talking about the first rollout of tele-chemotherapy. That is an opportunity for people to receive chemotherapy in a regional hospital setting, for those patients who require fairly routine chemotherapy services. Our first patient is going through Karratha Health Campus now as part of the pilot. It is a really important incentive and a really important opportunity to see if we can continue to extend the service to country patients so that they do not have to come down to Perth hospitals to receive their chemotherapy. Obviously, it is for those patients whose chemotherapy regime is fairly straightforward, and it will be a fairly small cohort in the first instance, but that gives us a window into what we can do with telehealth. It is very exciting.

I am not sure if I have brought members' attention to this infographic in the past, around the success we have had in telehealth. With your indulgence, Deputy Speaker, I will table it.

[See paper 2817.]

**Mr R.H. COOK:** It shows how much work we have done in telehealth across the WA Country Health Service. This work has been undertaken by governments of all persuasions, but let us have a look at the size of what we are doing. In 2018 we had 21 415 outpatient appointments via telehealth, which is a 17 per cent increase on 2017, so it is going through the roof. Average outpatient consults per week via telehealth is now more than 400. That means fuel savings of \$4.6 million and 5 200 fewer tonnes of carbon being emitted. That is the equivalent of planting 78 000 trees and has saved in patient kilometres travelled the equivalent of going to the moon and back 37 times.

**Mr Z.R.F. Kirkup:** What is that over the entire life span?

**Mr R.H. COOK:** That was just in 2018.

**Mr Z.R.F. Kirkup:** Wow!

**Mr R.H. COOK:** It is staggering stuff. It is really a sign of where we are going.

I want to talk about the investment we are about to make in the WA Country Health Service command centre, and I will make sure that members have an opportunity to tour it. This will make sure that within an area within Royal Perth Hospital where the aforementioned plaques are continuing to stack up and gather dust —

**Mr Z.R.F. Kirkup:** The plaque storage room!

**Mr R.H. COOK:** The plaque storage room! We will install a bank of screens that will enable us to have oversight of essentially any patient movements within the WA Country Health Service, but also to access telehealth for those patients to ensure that we get better service to them. This will make sure that we continue to take the WA Country Health Service to a new level. That is an opportunity for everyone to work within a strong clinical governance model so that we know what a patient is doing from ambulance call-out to emergency department presentation to surgery. We can track them and know what is going on throughout their entire patient journey. This will take the WA Country Health Service to a whole new level. It is an exciting development and has been spearheaded by the WA Country Health Service and Jeff Moffet, the chief executive. A lot of members have said, “We built that”. Yes, but we will open it—I think I will get the opportunity to open it. I understand that I will not get the opportunity to open everything; that will be another health minister—maybe from the opposition’s side; maybe from our side. That is the nature of health care. It requires everyone to keep investing in it and to make sure that we continue to grow our health services.

While the member for Dawesville is in the chamber, I will go back to an issue that he raised about sexually transmitted diseases and the flurry of thoughts he provided earlier on. We are facing an increase in the rates of sexually transmitted diseases and bloodborne diseases. This is a phenomenon. It is happening in not just northern Australia; it is happening around the world. I understand that we have to continue to work hard to make sure that we put downward pressure on those numbers. That is why we invested \$700 000 this financial year, on top of our usual expenditure, in the work that we are doing with the WA syphilis outbreak response group, which was established to address infectious syphilis outbreaks in the Pilbara and Kimberley regions. My notes say that WA, unlike some other states, has been successful in stopping any new cases of congenital syphilis, which is transferred from mother to baby in utero.

**Mr Z.R.F. Kirkup:** That might be an old note now.

**Mr R.H. COOK:** The group implements and monitors the WA syphilis outbreak response action plan and supports regional response teams in managing outbreaks. The Department of Health has funded a new syphilis training website for health practitioners, registered nurses and Aboriginal health practitioners to give free treatment to patients with chlamydia, syphilis and gonorrhoea in the regions. We have published our “Talk Test Treat Trace” manual, which I remember launching, member for Central Wheatbelt. If she thinks she had problems getting her tongue around soft-shoe shuffle, the “Talk Test Treat Trace” manual is significantly difficult! As part of that, there are public campaigns that will help raise awareness of sexually transmitted infections. Consequently, in the uptake of preventive measures, we recently approved \$700 000 in funding this financial year for STI public awareness campaigns that target a range of key areas, including the Aboriginal sexual health campaign, the Aboriginal bloodborne virus campaign, the youth STI campaign, the Get the Facts sexual health education campaign, and the syphilis and gonorrhoea and sexual health in women campaigns. It is an important effort, as the member for Dawesville highlighted, albeit in fairly strident tones, and it is one to which we are responding. We are making sure that young Aboriginal people in particular have access to information sessions, publishing a range of information material on social media to get out information and working with a number of our partners, particularly the Wirrpanda Foundation, through the Deadly Sista Girlz program, to raise awareness about STIs. The issue of sexually transmitted diseases is a notoriously difficult issue to deal with but one that we will continue to fund well.

The member for Dawesville raised renal dialysis services. There has been significant investment in this area. I have already spoken about the Kalgoorlie renal hostel. We recently opened two renal chairs at Onslow Hospital and are adding to the scope of works of the Newman Hospital to make sure the renal dialysis service there has two chairs. We are funding the Kimberley mobile dialysis unit and the Halls Creek dialysis service, which allows people who receive renal dialysis in Broome to get back onto country, particularly for important matters, as well as a range of renal dialysis programs particularly at the Northam Health Service, which has an outreach service.

**Mr Z.R.F. Kirkup:** That Northam one we opened, that didn’t have patients for a long time. I can’t remember what it is called.

**Mr R.H. COOK:** I will read my notes and perhaps that will help. A dialysis satellite outreach service will be available at the Northam Health Service in 2019. Capital funding of \$1.75 million was provided through royalties for regions. This facility will provide four chairs for wheatbelt haemodialysis patients who require nurse-led care closer to home. It will be located within the Northam Health Service, and will be managed, staffed and operated by Fresenius Kidney Care, a private provider. The Geraldton Health Campus has a same-day, in-patient haemodialysis service with nine chairs. Chairs are currently rostered Monday to Saturday with two main shifts. Renal dialysis continues to be invested in significantly.



In the final minutes I have left I want to quickly touch on the issue of midwifery training. An issue about midwifery training, particularly in relation to those at the Geraldton Universities Centre, was raised. One problem is that there are simply not enough babies being born in Western Australia to feed our current cohort of midwifery students.

**Dr D.J. Honey:** I've done my bit, minister.

**Mr R.H. COOK:** You have, member for Cottesloe—an outstanding effort.

We will continue to work to make sure that there are opportunities for regional patients.

Members have acknowledged the work of the Rural Clinical School of WA. It is doing an outstanding job to make sure general practitioners get training in regional communities. At the moment about 112 rural GP trainees are practising under two organisations—Western Australian General Practice Education and Training, and the Remote Vocational Training Scheme. These are really important training schemes, because, as the member for Roe observed, if we can get people to train in the country, the chances are that they will get a taste for it and either return or stay within those rural clinical schools. I acknowledge that the member for Geraldton—it might have been the member for Roe—talked about incentives that the federal government offer young graduates to keep them in rural communities either through an incentive scheme or by waiving some portion of their HECS debts. That would ensure that they get an opportunity to enjoy some time in a rural setting and, after getting a taste for it, might stay there. Through the Nationals WA work in the Southern Inland Health Initiative scheme and our work in the General Practice Rural Incentives Program we are having some success with that, but it is an ongoing struggle.

Member for Roe, the Well-women's Clinic in Katanning is not funded by the WA Country Health Service. We provided clinical space for them, but they withdrew services in relation to that. One good thing we have now is the WA Primary Health Alliance, which is funded by the federal government to invest in good primary care initiatives. The Well-women's Clinic should benefit from that sort of funding, but it has not had a lack of funding from this government. The member will be very pleased to hear that Katanning residents have access to two female GPs at a choice of two local private GP practices in Katanning. That is a step up from where we were before, but we have to continue to do more hard work. I am sure I did not say that I would fix it, member, but I thank him for apportioning great feats and ambitions on me in opposition. The government is working hard with the WA Country Health Service, the primary care sector and with locum services to continue to augment the number of GPs who are available in that community. Ultimately we need to get more GP specialists, such as GP obstetricians and GP anaesthetists to operate in these areas. But, as the member for Roe observed, it is much easier to attract a GP to Dunsborough than to a place like Katanning. That is a very sad, because Katanning is a great community and I think that people would find it a very rewarding place to practise.

All the issues that have been raised are important and the government continues to invest heavily in them. I thank members for their contributions. In particular, I thank members of the Nationals WA who brought forward some well-considered views to the debate today.

Debate adjourned, pursuant to standing orders.

*House adjourned at 7.00 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**METRONET — COSTINGS****5385. Ms L. Mettam to the Premier:**

I refer to the Premier's comments during Legislative Assembly Question Time on 7 August 2019 regarding the cost of Metronet, and I ask:

- (a) For each of the following rail lines what additional "new projects" for each rail line were included in the State Government's request to Infrastructure Australia for funding, and what was the total project cost of each "new project":
- (i) Thornlie–Cockburn link;
  - (ii) Yanchep extension; and
  - (iii) Morley–Ellenbrook line?

**Mr M. McGowan replied:**

I refer the Member to the answer to LA QON 5386.

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