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Tuesday, 16 June 2020

Legislative Assembly

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THE SPEAKER (Mr P.B. Watson) took the chair at 2.00 pm, acknowledged country and read prayers.

CORONAVIRUS — HEALTH UPDATE

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [2.02 pm]: I rise to update the house on the current COVID-19 situation for Western Australia. The Department of Health has reported no new cases of COVID-19, with the state's total standing at 602. WA has just two active COVID-19 cases; neither person is in hospital. To date, 591 people have recovered from COVID-19 in WA. Yesterday, 1 082 people presented to COVID-19 clinics, 1 027 were assessed and 1 022 were swabbed. To date, 143 418 COVID-19 tests have been performed in WA—25 300 from regional WA. DETECT Snapshot ended last Wednesday, and of the 18 554 test results received so far, COVID-19 was not detected in any of the samples. Sixty-one per cent of participants were healthcare workers, 12 per cent were school staff and 10 per cent were retail workers. Full results of DETECT Snapshot will be made available later this week. Testing as part of DETECT schools commenced last week, which involves the testing of asymptomatic primary and secondary school students and staff. The Telethon Kids Institute is conducting a study in 80 schools across the state. The project is part of a major research study scanning the WA school community for possible undetected COVID-19 cases. Between now and the end of July, nurses from the Child and Adolescent Health Service and WA Country Health Service will visit 40 schools across the state and conduct up to 150 swab tests on a random sample of volunteers. Results will be processed by PathWest, and the process will be repeated twice more before September 2020.

CORONAVIRUS — PRISONS

Statement by Minister for Corrective Services

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [2.04 pm]: I rise to inform the house of the resumption of prison services and operations within Western Australia's custodial facilities as part of current recovery planning and the state government's road map. In response to the COVID-19 outbreak, the Department of Justice moved swiftly to implement a range of measures intended to prevent persons with COVID-19 from entering WA prisons and detention centres, and to keep those who live and work in our correctional facilities safe. This included the suspension and restriction of a range of prison services and operations to reduce unnecessary movements within, and in and out of, facilities and to support social distancing and other health and infection control measures. We recognise that the impact of these decisions on prisoners and detainees, as well as their families, was significant. These steps, however, were necessary. It was recognised that the best way to protect individual prisoners, detainees, staff and their families from exposure to COVID-19 was to protect the prison community as a whole. In this regard, prevention is the most effective strategy. I can advise that we have been successful in this approach with no confirmed cases of COVID-19 within the WA custodial estate.

As the attention now turns to the recovery planning process, and in line with the WA government road map, a range of prison services and operations will be resumed in a planned and safe manner and in consultation with the WA Department of Health and the Chief Medical Officer. I am pleased to inform the house that specific services and operations have resumed, including church services, prisoner team sports, use of training equipment within prisoner gyms, temporary transfers for visits and other non-essential purposes. COVID-19 remains a threat to the health of our prisoners and detainees. We must ensure that while we are resuming these services, we do not become complacent and that custodial facilities continue to ensure hygiene and infection control requirements and other preventive measures remain in effect. I can also advise the house that planning is underway to resume social visits, reintegration leave, prisoner employment programs and inter-prison visits.

I am immensely proud of the work undertaken by the Department of Justice to ensure the health and safety of prisoners and detainees within our care. I wish to pass on my sincere thanks and gratitude to the hardworking staff of the Department of Justice in keeping our community safe during these difficult times.

HON MICHAEL MURRAY, QC — TRIBUTE

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [2.07 pm]: It is an extraordinary privilege to pay tribute to Hon Michael Murray, QC, on his retirement from public life. His Honour has been a tireless advocate for the law, civic responsibility and public values. His career is a testament to his unswerving and fearless commitment to fairness and, in the words of the former Chief Justice in 2011, his "conspicuous devotion to duty". Members will be aware of the major milestones that illuminate His Honour's career. He was made a Queen's Counsel in 1984 and was appointed to the Supreme Court in 1990 where he served as Acting Chief Justice and administrator of the

state. Upon retirement from the bench, His Honour continued to serve the community as Parliamentary Inspector of the Corruption and Crime Commission, chair of the Supervised Release Review Board and WA chair of the National Trust of Australia. Hon Michael Murray was bestowed with an honorary doctorate from Murdoch University for his contribution as a member of the university senate and, later, as pro-chancellor. He has a membership of the Order of Australia (AM) for his service to the law, education and the community. His Honour's contributions to the law and public service are too numerous to list, so I will highlight matters that illustrate his humanity and esteem for the law. His Honour's review of the Criminal Code—commonly known as the Murray review—remains essential reading on the historical operation of criminal law in this state. It began a process of modernisation that led to the overhaul of sexual offences to better reflect contemporary values. His Honour's tenure on the bench and subsequent work as a parliamentary inspector was underpinned by his ability to balance competing interests—cognisant always of the public interest and protecting the rights that we all enjoy as citizens. His Honour's passion for the rights of citizens is exemplified by his expressed ideas, such as the reform of parole to focus on therapeutic and rehabilitative mechanisms. His interest in legal matters was also accompanied by a longstanding concern for natural, Indigenous and cultural heritage. Both the law, with its precedents and precision, and heritage, with its insistence on memories, are of enduring value, reminding us of our role as custodians of the future. In this vein, Hon Michael Murray, QC, leaves a foundation and a legacy.

WORLD ELDER ABUSE AWARENESS DAY

Statement by Minister for Seniors and Ageing

MR M.P. MURRAY (Collie–Preston — Minister for Seniors and Ageing) [2.10 pm]: I want to just make it very clear that the Michael Murray the Attorney General just mentioned is not me!

I am pleased to inform the house that yesterday, 15 June, was World Elder Abuse Awareness Day. According to the United Nations, World Elder Abuse Awareness Day is the day on which the whole world voices its opposition to the abuse and suffering inflicted on some of our older generations. It is an important day for us all to make a stand against all forms of abuse against older people in our community. Elder abuse is any act that causes harm to an older person within a relationship of trust, such as family or friends. It is a significant issue and may involve financial, social, physical, sexual, psychological and emotional abuse. Elder abuse affects one in 20 older Western Australians of all backgrounds, with devastating effects on victims, their families and communities.

Our population is ageing and as the number of older people increases, the incidence of elder abuse also increases. Older people may be at greater risk of elder abuse during COVID-19 due to potential impacts of physical isolation, particularly in regional communities. A whole-of-community commitment and action to prevent and address elder abuse is essential. With the launch in November 2019 of the state's first ever elder abuse prevention strategy and $1.2 million allocated this financial year, much is being done. The McGowan government is working in partnership with the community sector to promote the interests of older Western Australians, raise awareness to protect seniors and minimise potential impacts of the pandemic. Information on COVID-19 and support services for seniors is also available on the Department of Communities website. COVID-19 also means that this year World Elder Abuse Awareness Day will be acknowledged in a different way. Members may have seen last night that Optus Stadium and the Matagarup Bridge were lit up in purple, as purple is the symbolic colour of World Elder Abuse Awareness Day. Over the course of this week, Yagan Square, the Bell Tower, Elizabeth Quay and Perth Council House will also be lit up in purple. I am sure that members have noticed the magnificent Purple Road display in the foyer on the first level. I would like to thank the Northern Suburbs Community Legal Centre and its many volunteers for creating this beautiful symbol of positive ageing. I encourage all members to take a photo of it and post it on social media, and to help raise awareness of this important issue.

I also take this opportunity to acknowledge the many community organisations, including Advocare, the Council on the Ageing Western Australia and the Northern Suburbs Community Legal Centre, for working tirelessly every day to combat and prevent elder abuse.

If someone you know is experiencing elder abuse, please call the Elder Abuse Helpline on 1300 724 679.

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — ECONOMIC RECOVERY — JOBS

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

I refer to Australian Bureau of Statistics' figures released today, highlighting that Western Australia's total wages collapsed by 10.7 per cent between 14 March and 30 May—the worst in the nation. Given that the Premier abandoned his 150 000 jobs target during the height of the COVID-19 crisis, when will he reveal his economic recovery plan and announce his new jobs target?

Mr M. McGOWAN replied:

The COVID-19 period has been very damaging for all states and all countries around the world in terms of employment, wages growth, income and business activity. Western Australia is not immune to that. Obviously, it is something that we did not predict and no-one knew would occur, but we have managed it as best as we can to ensure

that the health of our citizens has been kept safe and to ensure that within the border arrangements we put in place we could open the economy as much as possible. The last employment figures we had prior to COVID-19 hitting was that 72 000 new jobs had been created in Western Australia since the election of this government. That exceeded the target we took to the election by 22 000, and it was exceeded at least a year out from the end of this term. The economy and the figures we were getting were showing that it was growing very significantly and very quickly. They were the figures before COVID hit, but since that time there has been some dramatic impact on unemployment and also on wages.

There are two points to note about this: Western Australia has had the lowest fall in unemployment of all states—therefore, the number of people unemployed in Western Australia has fallen the least of any of the states in Australia—and although there has been some impact on wages, the average wage rate in Western Australia is the highest in the country. Average weekly earnings in Western Australia still remain the highest in the country by a significant amount. There are a range of reasons why that occurred. Some of the analysis I have seen indicates that we have fewer people on JobKeeper payments because we have kept more people employed. That may have had an impact on wage rates because of some complex analysis, but I think it turns on the fact that some people on JobKeeper are getting more money now than when they were working. That has impacted the eastern states in a different way from Western Australia.

The key to all this is to ensure that as soon as we can, in a safe way, we get economic activity back. That is what we are doing. When we compare Western Australia with any other state in Australia, we have more people back in the workforce and more people back employed and in the workplace. Weeks and weeks ago, we encouraged people to go back to work. Other states are not doing that yet. Other states are still mucking around with how many people go on trains and buses to go into the workplace. Other states are closing down schools because of infection rates. Western Australia, at this point in time, is not in that position, and we are not in that position because the people of the state have embraced the safety measures that we have put in place. The people of the state have done the right thing in terms of being COVID safe and we have had border arrangements to prevent infection coming into our state. I think it has worked well for our state.

CORONAVIRUS — ECONOMIC RECOVERY — JOBS

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

I have a supplementary question. Did the Premier quietly abandon his 150 000 jobs target during the height of the COVID-19 crisis because he was trying to avoid public scrutiny over his abject failure to achieve anything near his previous target pre-COVID?

Mr M. McGOWAN replied:

I will explain it again. We put out a media statement in which we said the Premier's priorities, as they were determined, were being suspended because of COVID. I think that was entirely reasonable. The promise we took to the election was for 50 000 new jobs in the first term. Prior to COVID, we secured an increase of 72 000 jobs in this term—22 000 more. It is pretty simple maths—22 000 more. The Premier's priorities aspiration was for 150 000 jobs by 2023. That was the aspiration in the Premier's priorities, and, frankly, at the rate we are going, we are going to exceed that as well. Obviously, we did not control the arrival of COVID, but as a state we have managed it as best we can to ensure that we protect the health of the people of Western Australia and get people back to work. Other states are in a far direr position than WA in both a health sense and a workplace sense in getting people back to work. Other states are in a far direr position. Our fundamentals are stronger than those in other states. As a state government, we ensured that the mining industry kept operating. We ensured that large parts of the economy kept operating. There were significant moves across the country to close that all down like New Zealand did. We objected to that. I think the balance we got is pretty right—very strong measures to deal with the health of our citizens, very strong measures to ensure that infected people do not come here from elsewhere, very strong measures to preserve personal protective equipment and to free up space in our hospitals and the like. But, now, due to our low rates of infection—we have not had community infection since mid-April—the opportunity is there, within our borders, to further open up the economy and that is exactly what we are doing.

CORONAVIRUS — BUILDING BONUS

405. Mrs R.M.J. CLARKE to the Premier:

I refer to the work underway by the McGowan Labor government to support the Western Australian economy and protect local jobs through its $125 million building bonus package. Can the Premier outline to the house how this package will support workers and businesses in Western Australia's housing construction sector as it recovers from the economic impacts of COVID-19?

Mr M. McGOWAN replied:

I thank the member for Murray–Wellington for the question. Obviously, the coronavirus has had a massive impact on the building industry across Western Australia. That has meant, over the last few months, that the normal rate of new contracts signed for houses has gone through the floor. People have not had the confidence nor, indeed,

even the ability to go out and sign up contracts for new house builds. Display villages were also closed over a large part of that period. We are the first state to reopen display villages, but we know there was a long period during which very few contracts were signed; therefore, the housing construction industry faced a potential valley of death when the current builds ran out—a valley of death of a number of months, so we had to take some decisive action.

On Sunday a week ago we launched a $444 million housing package to ensure that there is decisive action on getting jobs back and to ensure that our industry will continue to sign up new contracts, continue to build, and, indeed, support more than 3 400 jobs across the sector. A key part of it is the $20 000 building bonus grant that we announced on Sunday a week ago. That will ensure that any homebuyer will be able to obtain a $20 000 grant when they build a new home. There is no cap on the value of the property and there is no income test; it is just designed to get activity, to get people out there working, and to get new contracts signed.

It builds on the commonwealth government's $25 000 HomeBuilder grant, and if you are a first home buyer you can access the $10 000 first home owner grant and the first home owner stamp duty concession. If you are a first home builder, you get the better part of $70 000 of benefit towards a new home. That is quite a significant benefit, and quite a big incentive to sign up. Obviously, you can access a loan through Keystart—again, another big incentive to sign up.

We have seen huge interest in the market. Builders whom I have spoken to over the course of the last week have said to me that buyers and people seeking to sign up have been knocking their doors down to sign up for new builds. Dale Alcock reported a fivefold increase in inquiries at display homes and there has been massive interest in building new homes since the joint commonwealth–state package was announced.

I quote Cath Hart from the Housing Industry Association, who said —

> This package will position WA to recover more strongly than other states by attracting more people to our remarkable state and generating jobs and business activity.

John Gelavis from the Master Builders Association said —

> This particular stimulus package will be a game changer for our industry.
>
> It will turbocharge the residential housing industry, saving many jobs and creating jobs right across our sector. From bricklayers, roof carpenters, to plumbers, electricians and apprentices that rely on our industry so much.

We are doing everything we can to get activity and work back into our construction and homebuilding sector. On top of that, we are putting in place once-in-a-generation reforms to planning laws, to cut red tape and streamline planning processes. We had some significant support for this yesterday. I wish to quote the Prime Minister of Australia, Scott Morrison, who said yesterday —

> The Government of Western Australia already has bills before its Legislative Council to accelerate major projects, reduce red tape, and facilitate bilateral arrangements to remove duplication between our assessment and approval processes. My simple messages to pass the bill. It is good for jobs. It provides a model, I believe, for other states and jurisdictions.

I thank the Prime Minister, Scott Morrison.

Mrs L.M. Harvey interjected.

Mr M. McGOWAN: Pardon? Pardon—what was that? An unusual interjection, Mr Speaker.

I thank the Prime Minister, Scott Morrison, for his fulsome support for our reforms. They are very good reforms, designed to get activity and work back into the construction and building sector in Western Australia and cut through unnecessary red tape. The Prime Minister sees this; I would urge members of the state opposition to see it as well.

CORONAVIRUS — INTERSTATE BORDER RESTRICTIONS

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

Can the Premier confirm that the government's official policy for the management of COVID-19 is now eradication as opposed to suppression; or, if it is not, why is the reopening of the interstate border contingent upon the eradication of community spread in all jurisdictions for at least one month?

Mr M. McGOWAN replied:

I have done a lot of travelling around the state lately, and when I was in Dawesville, a lot of the people there, on a number of occasions, endorsed what we have been doing—as they have been in Darling Range, Geraldton and Vasse. I have been travelling around Western Australia and visiting local communities. A couple of weeks ago when I was in Hillarys, a lot of people indicated to me that they appreciated the fact that we have taken difficult decisions and difficult steps in order to ensure that we keep Western Australians safe—particularly older people across the state who, with some justification, have felt very vulnerable over the last three months. They understood that difficult decisions were made to keep people safe, while at the same time in Western Australia we have been able to maximise economic activity—certainly compared with any other state in Australia.

Obviously our strategy has been suppression. The reason we can never guarantee eradication is that the virus can come from somewhere else, so although we are confident that we have low rates, if not zero community spread of

the virus in Western Australia, we have to keep our guard up and ensure that we minimise the prospect of the virus coming from somewhere else. I think that is a very simple thing that most people understand. Suppression within Western Australia will always be our goal. Until we get a vaccine around the world, it will be very difficult to see when international borders will be reopened in any significant way without very severe measures around it; I cannot foresee that at this time. But we have our interstate border in place because there has been community spread in the east. In Victoria today and over the last few days in New South Wales and the like, they have been closing down schools. We have not done that, because we have not had any community spread of the virus.

I urge the state Liberal Party to work with us on this. We will get to a point when we can announce an opening of the state border, but that is not now.

CORONAVIRUS — INTERSTATE BORDER RESTRICTIONS

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

I have a supplementary question. Given the low rates of infection—if not zero spread, to quote the Premier—when will the Premier set a date so that the people of Western Australia can have certainty about when we can expect our borders to reopen?

Mr M. McGOWAN replied:

When we get health advice that it is safe to do so. I know members opposite seem unhappy. I do not think they have listened to all the advice that is out there. I do not think they have listened to the people of Western Australia, and I do not think they listen to the answers I give them.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: Clive Palmer is launching a High Court challenge and the federal government has intervened in that. I think all of that—Mr Palmer's challenge and the federal government intervening—is unfortunate, unnecessary and disappointing. I am supported in that. Yesterday, the Prime Minister endorsed our planning reforms and Colin Barnett endorsed our approach to the hard border closure. Member for Vasse, I will read out what Colin Barnett had to say —

> Well, I'm obviously just watching from a distance, this debate about the borders. My view is that State Government have done a very good job, in terms of taking a hard line and have succeeded in protecting the health of West Australians.

He stated further —

> … I would be very, very disappointed if the federal government backs Clive Palmer in the High Court. I don't think that's appropriate and it would certainly… further damage Australia's relationship with China if the federal government was to do that. So I'm disappointed if that's going to be the approach that the Federal Government…
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> … I would be disappointed if Federal Government tries to use its power to overrule what I regard are the sovereign rights of Western Australia …

He said words to that effect the whole way through. Mr Barnett and, indeed, the Prime Minister, have endorsed this government's approach to a range of matters that we are pursuing in Western Australia. Politics does not always have to be one side disagreeing with the other. It does not always have to be that way. Opposition is not always about opposing everything. I have been the opposition leader. I did it for five long years; actually, I enjoyed the role of opposition leader for five long years and three months. It was a long period. Sometimes, the opposition has to be constructive. I urge the Liberal Party in Western Australia to be constructive with the state government on this issue.

METRONET — RAILWAY LEVEL CROSSINGS

408. Ms C.M. ROWE to the Minister for Transport:

I refer to the McGowan Labor government's record investment in transport infrastructure projects, which are providing a pipeline of work for businesses and workers as the economy recovers from COVID-19. Can the minister update the house on the work underway to remove level crossings on the Armadale line; and can she advise the house as to what the Metronet level crossing removal project will mean for commuters, particularly in my electorate of Belmont?

Ms R. SAFFIOTI replied:

I thank the member for Belmont for that question. Today, we unveiled yet another new infrastructure project that will be delivered by this government. As part of our economic recovery, we are bringing forward infrastructure projects around the state. We looked at the level crossing removal program and thought, "This is one that we want to get on with straightaway", so today we unveiled the planning and conceptual design for the removal of another six level crossings along the Armadale line. Of course, the Denny Avenue project is underway, but removing these six is all about reducing congestion, improving safety and really making sure that we can absolutely do

more regeneration around that inner Armadale line. Today the Premier and I, with the members for Victoria Park, Cannington and Belmont, announced the preferred solution for the removal of six level crossings between Victoria Park and Beckenham. As I said, this project will enable the removal of parts of the rail barrier that have separated those suburbs for more than a century and provide elevated rail, together with new modern and safe stations and new facilities that will be a huge catchment for the whole area. It will get rid of the dreaded boom gates and reduce the time that people spend at those boom gates.

Of course, because of the Thornlie–Cockburn Link, another project being delivered by this government, we know that the Armadale line will just get busier and busier, particularly between Beckenham and the city. The boom gates are closed for four to six hours each day. The crossings identified for removal include Mint Street, Oats Street and Welshpool Road—or, as I call them, the Vic Park 3—and William Street, Hamilton Street and Wharf Street. There will be different solutions for each of those level crossings, but in particular Hamilton Street will have a road over rail option. There are a number of constraints. For example, Leach Highway impacts on our ability to build elevated rail all the way through; Welshpool Road is a major east–west connector; and there are high-voltage transmission lines.

Today we announced the concept design. We will be consulting with the community to determine the exact location of the stations, what the stations will look like, what sort of amenity people want at those stations and what can happen underneath the new elevated rail. We have seen the absolute excitement in Melbourne that has come with new elevated rail, which has allowed for lots of community infrastructure underneath the rail line, including basketball courts, table tennis tables and exercise equipment. It basically becomes a new connection and provides more public open space for the community. We will reduce the barrier, improve safety, reduce congestion and provide more public open space for the community. This is an ambitious project, but one that I am so proud to deliver because we know that these types of projects not only help transform and create new development opportunities, but also create jobs for Western Australia. If members look at our infrastructure program, they will see that it is the best infrastructure program in Australia, delivering more jobs than are being delivered anywhere else.

MUCHEA–ELLENBROOK NORTHLINK BYPASS

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

I refer to the NorthLink WA project, particularly the section of Tonkin Highway from Ellenbrook to Muchea, which is in my electorate and has been completed with a very rough bitumen seal, creating loud noise and damage to vehicles.

(1) Can the minister quantify the vehicle damage compensation requests that Main Roads and/or the contractors have received for damages from Tonkin Highway, and what is the procedure for those wishing to make claims for damages?

(2) What has the minister asked Main Roads to do to address the noise concerns and loose stones on this section of road?

Ms R. SAFFIOTI replied:

(1)–(2) I thank the member for that question. As of 10 June, 417 cases have been put to the state, of which 336 have been acknowledged and 125 have been approved, at a cost of $88 000 to the contractor. The chip seal, as I understand it, is the same seal that was used, for example, on the Northam bypass project for Toodyay Road. It is the same chip seal that has been used on these types of projects. I know from growing up in Roleystone that Brookton Highway has a similar seal. In relation to the damage, we are working with the community. We will be undertaking noise mitigation, particularly as the volume of traffic settles down. We will undertake noise monitoring to see whether any further noise mitigation will be needed in particular areas.

MUCHEA–ELLENBROOK NORTHLINK BYPASS

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

I have a supplementary question. I thank the minister for that answer but given that this billion-dollar project takes thousands of vehicle movements a day, including a large amount of heavy vehicle movements, is the minister satisfied with the condition of this road after just a few months of operation?

Ms R. SAFFIOTI replied:

As I said, it takes a number of weeks and sometimes a number of months for the chips to settle on new roads and for issues to settle. I have been told that the issues are similar to those raised, for example, about the Great Northern Highway Northam bypass and some of Toodyay Road. As I understand it, when chip seal has been laid in the past, movement of those chips has sometimes been experienced during the initial days and initial weeks and similar issues have been raised. I think that everyone believes that NorthLink is an excellent project that is saving commuters a lot —

Ms L. Mettam interjected.

Ms R. SAFFIOTI: What was that?

Ms L. Mettam: You just didn't finish it right.

The SPEAKER: Member for Vasse, if you want to ask a question, stand up. Do not interrupt someone else's question.

Ms R. SAFFIOTI: I love the opposition. Whenever we want to launch a project or have a project that is jointly funded with the federal government, they are there saying, "That's Christian Porter's project, that's not your project." Whenever there are issues, it becomes our project. They never give us credit for doing anything, but blame us when there are issues. The opposition was saying that it was Christian Porter's project, but now it is entirely our project.

Ms L. Mettam interjected.

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

Ms R. SAFFIOTI: We are moving forward by building projects and creating jobs. The opposition is all at sea. I do not know where opposition members are, but we are focusing on creating jobs in Western Australia.

Ms S. Winton interjected.

The SPEAKER: Member for Wanneroo, we do not need a running commentary.

CORONAVIRUS — SOCIAL HOUSING RECOVERY PACKAGE

411. Mr D.R. MICHAEL to the Treasurer:

I refer to the McGowan Labor government's social housing recovery package that will support the Western Australian economy as it recovers from the devastating impacts of COVID-19. Can the Treasurer advise the house what this massive investment will mean for jobs and businesses in WA's construction industry?

Mr B.S. WYATT replied:

I thank the member for Balcatta for that very good question. The Premier has already outlined the first component of our package to support the construction sector—the building bonus package. It is always worth noting that 66 000 Western Australians are directly employed in the residential construction sector. In light of the pipeline of work having been dramatically impacted by COVID-19 and, of course, Western Australia's population growth, we are keen to keep that work going over the next couple of years, when, hopefully, we will return to greater levels of economic activity and population growth. We are working with the commonwealth on the building bonus package outlined by the Premier.

We have also invested very heavily—in fact, it is the largest investment—in our social housing economic recovery package, with some $319 million. There are three components to this recovery package. There is a refurbishment package for 1 500 public homes. Ordinarily, in the course of things, those properties would likely be sold and developed, but 1 500 of those will be refurbished. That is more than maintenance, Mr Speaker; we will see significant refurbishments. The vast majority of the investment—$141 million—will go into effectively rebuilding those homes internally. The second component is around 250 brand-new dwellings for government. I will make some comments on that in a minute. The third component, which really highlights the government's focus on bringing forward activity quickly to complement our refurbishments, is a regional maintenance package of some $80 million. That will fast-track a regional maintenance program for over 4 000 dwellings from one end of the state to the other, including remote Aboriginal communities' stock and subsidised housing for regional government workers. This will start immediately and create some 430 jobs in regional Western Australia.

I made a point about our new builds. There is $97 million to build or to buy about 250 new dwellings, comprising not only new social housing builds, but also the capacity for some off-the-plan purchases for dwellings ready for immediate construction—the point being that the state government can use its balance sheet to buy off the plan to get construction happening immediately. That is the focus of that component of the package. The time-limited call for submissions process by the Department of Communities will open around mid-June—around now—to acquire off-the-plan presale opportunities. The focus is twofold. Obviously, it is supporting the 66 000 Western Australians who work in this area. That was about $5.2 billion of gross state product in 2018–19. It is an important component of our economy and will generate about 1 700 new jobs over the next two years, 430 of which will be in regional Western Australia. This is a very large investment in our social housing stock, in the construction sector and, importantly, in the economic recovery we are clearly seeing in Western Australia.

METRONET — ARMADALE RAIL LINE

412. Ms L. METTAM to the Minister for Transport:

I refer to the minister's announcement today about the Armadale line and her statement that sinking the rail line for 50 per cent of the area was three times the amount of the elevated option. What is the total cost of today's announcement?

Ms R. SAFFIOTI replied:

Today's announcement had plans for six level crossing removals. The media statement states that the budget for the first three is $415 million.

METRONET — ARMADALE RAIL LINE

413. Ms L. METTAM to the Minister for Transport:

I have a supplementary question. Why does the minister continue to be secretive and dishonest to the WA public about the true cost of Metronet —

Several members interjected.

The SPEAKER: You cannot use the word "dishonest".

Ms L. METTAM: Why does the minister continue to be secretive to the Western Australian public on the true cost of Metronet when she has publicly admitted she knows what the cost is?

Ms R. SAFFIOTI replied:

Yet again a demonstration of a lazy, weak opposition! Members opposite should all hang their heads in shame. They are the most pathetic, useless opposition that we have ever seen. Today's question is yet another example of that. Members opposite do no work and come into this place —

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood, it has nothing to do with you!

Ms R. SAFFIOTI: Members opposite tried to use an eight-year-old photo to try to demonstrate something that is not real, and they got caught out for it, because they are lazy and they do not do their work. Where in the state —

Ms L. Mettam interjected.

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

Ms R. SAFFIOTI: Opposition members are constantly caught out because of their lack of knowledge and their lack of research. I remember when I was in opposition, when I went home, I would be on my red couch going through and reading documents and absorbing information.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse, I call you to order for the third time.

Ms R. SAFFIOTI: I do not know what the member does. I know that she waits for someone out there to say something and then jumps on them, trying to do a cheap media stunt, but it always embarrasses her. This is an exciting project for Western Australia. We are getting on with it —

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse, you are on three calls. I do not think you have learnt; the next time I will send you home.

Ms S.E. Winton: Go do some doorknocking!

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

Ms R. SAFFIOTI: I know the member for Wanneroo does go doorknocking, so I think she is an expert and she is able to make those comments in this place.

For the member for Vasse to come into this place with that type of question, in which her supplementary question does not match the first question—I do not know where the first bit was from. The member should do her work and come and ask some decent questions.

ON-FARM EMERGENCY WATER INFRASTRUCTURE REBATE SCHEME

414. Mr P.J. RUNDLE to the Minister for Water:

I refer to the oversubscription of the national On-Farm Emergency Water Infrastructure Rebate Scheme in Western Australia, which is funded by the federal government.

(1) What is the total value of funding administered by the Department of Water and Environmental Regulation to Western Australian applicants since this scheme's implementation in 2019?

(2) Given many farmers have received letters advising the scheme is fully allocated, what further measures will the state government offer farmers preparing for future drought and dry conditions?

Mr D.J. KELLY replied:

(1)–(2) I thank the member for the question. As the member rightly pointed out, that particular on-farm subsidy that is provided is federally funded. That scheme is currently oversubscribed. We have had more farmers put in applications than the federal government has made funds available for. I do not have the exact amount of funding provided available to me. I will check after question time and tell the member; it is not a secret. When it became apparent that that fund was going to be oversubscribed, I wrote to the federal minister at the time—I think it was David Littleproud, although I think the portfolio has now changed—to ask for some additional funding, as I know a number of other states have also done. To date, the federal

government has indicated that it will make no more funds available. I find that particularly disappointing, because the federal government has shown a propensity for providing significant funds to the eastern states. As the member would be aware, his federal National Party colleagues have provided billions of dollars of funding, mainly to the Murray–Darling scheme. About two per cent of national water funding has come to Western Australia. Along with the Minister for Agriculture and Food, I have been making the case to the federal government for additional funds for WA.

I have to say that, despite members of the Nationals WA talking big on water issues in WA, their federal colleagues have provided precious little to WA. The state government has funded, and is continuing to fund, additional community water supply projects, primarily in the wheatbelt and the great southern. To date, while we have been in government, we have funded an additional 37 community water projects. That is total funding of, I think, about $1.5 million. That is a mixture of revamped bores and renovated old Water Corporation infrastructure—decommissioned dams and the like—to make those sources available to farmers who need a non-potable water supply. Those 37 projects and $1.5 million in funding in our three years dwarfs what the previous Liberal–National government did in that area in eight years. I think members opposite spent about $750 000 in eight years. We have spent $1.5 million on 37 projects in three years. We are doing what we can in this state, within the limits of our budget. We would like to see the commonwealth come on board and start to support farmers and regional communities in WA with new water infrastructure, in the same way that a succession of commonwealth Liberal–National governments have pumped billions of dollars into the Murray–Darling scheme. We would like to see some of that money flowing to WA and, for once, we would like to see the Nationals WA support us in that endeavour.

ON-FARM EMERGENCY WATER INFRASTRUCTURE REBATE SCHEME

415. Mr P.J. RUNDLE to the Minister for Water:

I have a supplementary question. Given the demand for this funding, will the minister commit to reinstating the farm water rebate scheme to help farmers improve their water security in what is proving to be another dry winter?

Mr D.J. KELLY replied:

As the member for Roe knows, that scheme is a commonwealth scheme—the one that is oversubscribed. We would dearly like and would appreciate the commonwealth continuing to fund that scheme. David Littleproud, the National Party minister, talked big on these issues, but he has not delivered much to Western Australia.

Mr P.J. Rundle interjected.

Mr D.J. KELLY: We would like the federal government to continue to fund that scheme. The fact that it is oversubscribed indicates that farmers in WA would also like the federal government to continue to fund that scheme. As I said, within the limits of our budget, rather than funding individual farmers, we have funded community water supplies. In my view, given the money that is available to us, we get a bigger bang for our buck if we fund community supplies because, often for a similar amount of money, we can bring online an old Water Corporation dam that, instead of being available to one farmer, is available to a whole community. We have prioritised community water supplies with 37 projects across the wheatbelt and the great southern and $1.5 million in funding in our three years in office.

Mr P.J. Rundle interjected.

The SPEAKER: Member for Roe, you have had two goes.

Mr D.J. KELLY: That is significantly more community water project funding expenditure than in eight years under the previous government.

Mr D.T. Redman: Rubbish!

Mr D.J. KELLY: There you go! The member for Warren–Blackwood —

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

Mr D.J. KELLY: There is nothing more sensitive than a failed water minister from the National Party, and there are a number of them in this chamber!

Mr D.T. Redman interjected.

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

Mr D.J. KELLY: What really surprises me about the National Party is that when we spend money on water infrastructure in their electorates, they complain about it. We are spending over $20 million to secure the water supply for Denmark by putting in place a new pipeline from Albany. What does the member for Warren–Blackwood do? He complains about it. He thinks that he can score a cheap political point by raising all sorts of spurious issues in the electorate. I am not sure whether he was behind the rumour that we were going to pump water from Denmark to Albany rather than from Albany to Denmark, but it would not surprise me, because I even heard that. I am disappointed that members of the National Party in particular, having done so little in the water portfolio in the eight years that they had it, every time we do something constructive, even in a National Party electorate, complain about it.

CORONAVIRUS — ELECTIVE SURGERY — REINSTATEMENT

416. Ms S.E. WINTON to the Minister for Health:

The SPEAKER: The member for Wanneroo missed her spot, so we will have two Labor Party questions in a row.

Ms S.E. WINTON: It is worth waiting for, Mr Speaker. Thank you and apologies.

I refer to the decision to suspend all non-urgent elective surgery to support Western Australian hospitals to prepare for the impact of COVID-19. Can the minister update the house on the work now underway to resume all elective surgery and get those patients who have been waiting for their elective surgery treated as soon as possible?

Mr R.H. COOK replied:

I thank the member for the question. I am very pleased to advise the house that as of yesterday, elective surgery has been scaled back to 100 per cent of pre-COVID-19 surgery levels. With elective surgery activity returning to pre-COVID-19 levels, this is a major milestone and a testament to the great work of the Department of Health's outstanding response to the disease. Less than three months after non-elective surgery was suspended to enable our health system to prepare for the impact of COVID-19, activity is back to 100 per cent of the historical average. Approximately 3 550 Western Australians will have either a surgery or their procedure undertaken this week.

Non-urgent category 2 and all category 3 procedures were suspended from 23 March 2020 to preserve personal protective equipment stocks and to ensure that beds would be available for COVID-19 patients. Those were regrettable decisions, but they were essential to ensure that we would be able to deal with the potentially large numbers of people who would be presenting to our hospitals if the pandemic became uncontrollable. The suspension of elective surgery, understandably, had a significant impact on our elective surgery waitlist numbers and the time that patients would normally have to wait for their surgery to be carried out. Western Australia is not alone in having to deal with this issue; its impact has been felt right across the nation. In fact, Western Australia's current figures show that 13.5 per cent of procedures are over boundary. To put that into context, 86.5 per cent of procedures are within boundary and conducted within the clinically recommended time. But that is not good enough. At this time last year, that number was just five per cent. The McGowan government puts patients first, so we are actively planning to deal with the backlog of cases, specifically the 13.5 per cent of patients who are over boundary. For members to appreciate how challenging the situation is, to see when numbers were last as challenging as this, we would have to go all the way back to 2010 under the previous Liberal–National government when its over-boundary waitlist was 14.3 per cent. Of course, we did not have a global pandemic at that time. Nevertheless, the situation is not good enough. It is not as bad as it was before, but it is not good enough. Just prior to the COVID-19 pandemic, we had a median wait time of 37 days, which was the second best in the country, so our health system was undertaking an outstanding effort. Thankfully, due to the McGowan government's careful management of COVID-19 activity, we have been able to ramp up elective surgery progressively since 28 April. This milestone is a significant achievement for WA's return to the new normal from COVID-19 and a testament to the great work of WA Health service providers.

I have asked the department to develop and coordinate a comprehensive plan to address the backlog of cases. I would like to thank everyone who was affected by the cancellation of elective surgery for their patience. I assure them that we will do everything we can to make sure that we address this backlog and get elective surgery back to pre-COVID-19 levels as soon as possible. The McGowan government is committed to taking action on behalf of those patients awaiting elective surgery. We will get to them as soon as possible, and we thank them for their patience while waiting for their surgery.

STATE FOOTBALL CENTRE

417. MR S.J. PRICE to the Minister for Sport and Recreation:

I refer to the McGowan Labor government's decision to invest half of $32.5 million, which is $16.25 million, to build WA's first state football centre and deliver yet another job-creating project.

(1) Can the minister advise the house what this project will mean for WA's football community, in particular, those at the grassroots level?

(2) Can the minister outline to the house how the construction of this project will support workers and businesses as the economy recovers from COVID-19?

Mr M.P. MURRAY replied:

(1)–(2) I thank the member for the question and his advocacy on behalf of the vast community of soccer players and fans in Western Australia. I was pleased to announce on Sunday, along with the Premier, that the state government will contribute $16.25 million towards a $32.5 million state football centre facility to serve the rapidly growing sport of soccer. Soccer has experienced an extraordinary growth rate of 45 per cent since 2006. Those figures outstrip any other sport. The sport needs support to be able to run soccer or world football, as it is known, into the future. A lot of work still needs to be done to make sure we get it right. This exciting project will help stimulate the economy. As we know, as a result of COVID-19 we need jobs going forward. This facility was virtually job ready. The community is very well accepting of this

project. A $32 million build is certainly going to help the tradies, such as electricians, as well as the contractors, who get a spin-off from it. It was also very pleasing to hear the mayor come out in very strong support of this facility, which includes the grassroots area. He was very keen to make sure that his community has sporting facilities available for young people, not just the elite. I made that very clear in a speech during the announcement. The facility will include training facilities and pitches to support both junior and high performance development as well as grassroots and community football programs.

Having a centre that can cater for all levels of football is extremely important. At times we have seen a drift away to only the elite being catered for. This will not be the case with this centre. It will also be a home base for Football West, which has been moved to different venues over the last couple of years. It put its roots down for a while and then different things happened and it had to move on. I really appreciate the work that has been done by Football West, from the CEO through to the chair. Its programs have made sure that there has been increased participation in the sport. The facility will also have the capacity to host training camps for national and international teams, now that we are a central component of the Australia–New Zealand bid for the 2023 FIFA Women's World Cup. We put our hands up, and hopefully we will be able to attract some games to Perth. The elites will have an excellent facility that will be constructed on vacant land at the north of Queens Park open space in the City of Canning. The state government will work with the city to develop a master plan to revitalise the broader Queens Park precinct for community recreation as part of this project. Again, I cannot say enough how much the mayor was excited about the development. This is also fantastic news for the local area. The locals will also be able to use the facility. They will not be shut out or banned from using the facility.

One of the most exciting parts of the day we made the announcement was watching the Premier honing his skills. To kick three out of four goals on the trot was pretty good. I was concerned when I saw him hand $50 to the goalie after the game. The Premier was up in the left corner, up in the right corner and along the ground. He absolutely wowed the crowd, not only with the election promise, but also with his skills.

The SPEAKER: Minister, I'll give you 50 bucks if you wind this up!

Mr M.P. MURRAY: We never know where the next champion is coming from. If we do not put the facilities out there, we will not get those champions. It was with great pleasure that I was party to that announcement.

SUBCONTRACTORS — PAYMENT SECURITY

418. Mr P.A. KATSAMBANIS to the Minister for Commerce:

I refer to the government's election commitment to introduce project trust accounts and security of payments legislation and his own commitment early last year that he would introduce legislation to implement the Fiocco report recommendations. Why has he now abandoned subcontractors and broken his election commitment?

Mr J.R. QUIGLEY replied:

We have not broken the election commitment at all. I do not understand the basis of the question for asserting that we have. That is the answer.

SUBCONTRACTORS — PAYMENT SECURITY

419. Mr P.A. KATSAMBANIS to the Minister for Commerce:

Before I ask my supplementary, I seek some form of clarification. Did the minister not hear the question or was that his answer to the question?

Several members interjected.

Mr P.A. KATSAMBANIS: I will then ask a supplementary. Why did the minister quietly dump this broken election to subcontractors in the middle of the COVID-19 crisis simply to avoid public scrutiny?

Mr J.R. QUIGLEY replied:

As I have stated previously, I do not understand the basis of the question. We have not dumped subcontractors at all. As the member will see from public statements, trust is required in an economic and efficient way when resolving disputes, otherwise money will be held up in the trust. First of all, we had to deal with the west coast model and bring it into line with the eastern states model of security of payment legislation, which will soon be before the Parliament. We have not dumped anything. We have to do it in stages—simple.

The SPEAKER: That is the end of question time, members.

PARLIAMENTARY DEPARTMENTAL SURVEYS

Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [3.08 pm]: Members, parliamentary officers will be distributing surveys relating to both the Legislative Assembly and the Parliamentary Services Department in the chamber today. These

surveys give members the opportunity to provide feedback on the services provided by the Assembly and PSD staff. The result of these surveys will appear in the departmental annual reports, and feedback is used to improve members' services when possible. This year the Legislative Assembly has also added a one-page survey, printed on a blue sheet, which seeks your feedback about the Legislative Assembly's COVID-19 response measures in the chamber and with respect to the committees. Surveys take only a few minutes to complete. I encourage you to fill them out and return them to the Sergeant-at-Arms. The PSD survey can be completed online via the link that has been emailed to you.

TOURISM RECOVERY PROGRAM

Petition

MR D.T. REDMAN (Warren–Blackwood) [3.09 pm]: I have a petition that has been formally certified by the Legislative Assembly. It contains 91 signatures and is to this effect —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, call on the State Government to expand the eligibility criteria of the Tourism Recovery Program so small tourism businesses affected by COVID-19 are eligible to apply for the $6,500 payment
>
> The requirement to be accredited or an active member of a Regional Tourism Organisation as of 31 January 2020 rules many small to medium businesses out of the chance to apply for recovery funds. These are often the businesses most affected by COVID-19 and are in dire need of financial support to remain viable.
>
> Now we ask the Legislative Assembly of Western Australia to call on the Premier and Minister for Tourism to amend the Tourism Recovery Program eligibility criteria by removing the current "Criteria D — membership of a Regional Tourism Organisation or holding accreditation", and replacing this with "Criteria D — As at 31 January 2020, a tourism business registered for GST" as a valid criteria for eligibility to the program.

[See petition 177.]

Nonconforming Petition

Mr D.T. REDMAN: Mr Speaker, with your indulgence, there is also a nonconforming petition with two signatures that has been scanned and is not in the original format, but I would like to table it. Also, Mr Speaker, I recognise that online petitions are not eligible to be tabled in the Assembly, but this morning an online petition with the same wording had some 2 091 signatures. Obviously, it is a very significant issue for those small to medium-sized tourism businesses that are not eligible to apply for a tourism grant.

[The paper was tabled for the information of members.]

TOWN OF CAMBRIDGE — SUSPENSION

Petition

MR S.K. L'ESTRANGE (Churchlands) [3.11 pm]: I have a petition from 723 petitioners that has been certified by the clerks 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, say:
>
> We are opposed to any suspension of the Town of Cambridge Council pursuant to s8.15C of the Local Government Act, as the Council has met and exceeded all their obligations to ratepayers, residents and businesses within the Town of Cambridge, under the Local Government Act by:
>
> 1. Delivering no increase in rates for four consecutive years, along with balanced budgets.
> 2. Completing the installation of underground power throughout the Town, acting to rejuvenate Perry Lakes and enhancing the Towns parks and open spaces.
> 3. Holding the Town's administration to high level of performance and efficiency, reforming key administrative processes and updating planning instruments neglected for a decade.
>
> Further, we say the Council is being denied procedural fairness, as it has not been provided with adequate particulars of the alleged conduct referred to in the Show Cause Notice. We say the Intervention by the Minister pursuant to ss8.15B and 8.15C of the Local Government Act must be suspended or delayed until the Minister can provide particulars of the alleged conduct referred to in the Show Cause Notice, by causing the report of the Authorised Inquiry into the Council to be released.

Now we ask the Legislative Assembly to:

1. order an independent review of the Department of Local Government's conduct of the Authorised Inquiry into the Council;
2. require the Minister for Local Government to immediately table the Authorised Inquiry Report;
3. (if there are any allegations in the Show Cause Notice which are not addressed in the Authorised Inquiry Report), require the Minister to provide particulars of those allegations to the Council; and
4. require the Minister to extend the due date for the Council's response to the Show Cause Notice until 21 days after the date on which the Authorised Inquiry Report (and any other required particulars) is made available to the Council.

[See petition 178.]

A similar petition was tabled by **Mr S.K. L'Estrange** containing 28 signatures.

[See petition 179.]

Nonconforming Petition

Mr S.K. L'ESTRANGE: There were also 15 nonconforming signatures due to some technical aspects, but they still form the basis of the 723 and 28 signatures on the petitions already tabled.

PAPERS TABLED

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

BILLS

Assent

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

1. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019.
2. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020.

BILLS

Notice of Motion to Introduce

1. Mutual Recognition (Western Australia) Bill 2020.

Notice of motion given by **Mr M. McGowan (Premier)**.

2. Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020.

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

LOCAL GOVERNMENT

Notice of Motion

Mr W.R. Marmion (Deputy Leader of the Opposition) gave notice that at the next sitting of the house he would move —

That this house notes a range of concerning issues in the local government sector mostly perpetuated from mismanagement by the McGowan Labor government.

ATTORNEY GENERAL — REFERRAL TO PROCEDURE AND PRIVILEGES COMMITTEE

Standing Orders Suspension — Motion

MR Z.R.F. KIRKUP (Dawesville) [3.19 pm] — without notice: I move —

That so much of the standing orders be suspended as is necessary to enable the following motion to be moved forthwith —

That this house requests the Procedure and Privileges Committee to inquire into and report to the house at the earliest opportunity —

(a) whether the Attorney General, during his second reading reply speech on the Corruption, Crime and Misconduct Amendment Bill on 28 May 2020, made false and misleading statements to the Legislative Assembly relating to a laptop and other matters which are part of a Corruption and Crime Commission investigation;

(b) whether the Attorney General revealed a covert Western Australia Police Force investigation in the course of his speech; and

(c) whether such statements and disclosures amount to a breach of privilege or contempt of Parliament; and, if so, what action should be taken.

I understand we have 30 minutes a side to prosecute this motion. I appreciate that, as I understand it, the Leader of the House has agreed to that on behalf of the government —

The SPEAKER: Do not prejudge!

Mr Z.R.F. KIRKUP: I will allow for him to amend the motion accordingly.

Several members interjected.

The SPEAKER: Members!

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.19 pm]: I have changed my mind after that motion! I move —

To insert after "forthwith" —

, subject to the debate being limited to 30 minutes for government members and 30 minutes for non-government members

The SPEAKER: That was already in it, was it not?

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: As this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR Z.R.F. KIRKUP (Dawesville) [3.20 pm]: I move the motion.

This is now the second time that the Liberal Party has moved to refer a member of the Labor Party to the Procedure and Privileges Committee. The first time, of course, being the member for Kalamunda and his disclosure of confidential information relating to the evidence and deliberations of the Joint Standing Committee on the Corruption and Crime Commission. Of course, that failed because the government used its numbers to protect the member for Kalamunda from further investigation, although I am sure he would have welcomed —

Ms S. Winton interjected.

The SPEAKER: Member for Wanneroo, if you did not keep interjecting, you would not have missed your question before. I call you to order for the second time.

Mr Z.R.F. KIRKUP: Although I am sure the member for Kalamunda would have welcomed the opportunity to explain himself, it is clear that the government judged that his actions warranted further protection from investigation. We now find that history is somewhat repeating itself, but this time it is not just the Liberal Party that wants the actions of a minister investigated, but, indeed, the President of the Legislative Council has concluded that our state's Attorney General has misled and acted in a deceptive manner. In a speech made by the Attorney General in this place on 28 May 2020, we heard some explosive claims. Members of this place have become used to forthright contributions from the Attorney General; however, as part of his contributions to the Corruption, Crime and Misconduct Amendment Bill 2020 on 28 May, the Attorney General made a number of statements that took us all by surprise and were obviously reported widely in the media.

I am quoting from a paragraph from the Attorney General on that Thursday when he said —

> A warrant was issued and a laptop was taken, and that led to a criminal investigation. I am not saying that a crime was committed, because it is sometimes very hard to tell the age of Asian girls—very hard—but there had to be an investigation about what was on the computer and whether it involved the sexual exploitation of minors overseas. That is still a current, ongoing inquiry, and a computer is locked away in Parliament somewhere with that evidence. That has not yet been examined in detail.

There is no doubt that the claims made by the Attorney General were explosive and shocked a number of us here. Of course, the reference that none of us could get past at the time was the reference to any possible sexual exploitation of a minor—that is something that I had never heard of in this place and it was profound, to say the least, that the Attorney General would state such as part of his contribution in the second reading of the Corruption, Crime and Misconduct Amendment Bill 2020. But it was the Attorney General's reference to a police investigation in the treatment of the laptop of a former member of the Legislative Council that deserves further scrutiny.

It was those comments that have been subject since to an extraordinary and unprecedented statement by the President of the Legislative Council, Hon Kate Doust. So that the Assembly has all the facts, I will read in the statement from the President in full, which was delivered on Wednesday, 10 June in the other place. The President, at 1.02 pm, issued the following statement —

> As President and Chair of the Standing Committee on Procedure and Privileges, I am responding to false and misleading information provided to the Parliament by the Attorney General on 28 May 2020 and

> reported in *The West Australian* and in several online media sources. The Attorney General made certain false and misleading claims in the Legislative Assembly relating to a laptop and other matters, and in the course of doing so, revealed a covert Western Australia Police Force investigation. The laptop referred to by the Attorney General contains emails and diary entries from Mr Edman's parliamentary email account and other information subject to parliamentary privilege. The Corruption and Crime Commission obtained the laptop from Mr Edman by search warrant on 14 August 2019. Mr Edman made a claim of privilege to the CCC over that laptop and its contents. On 5 September 2019, this house ordered the CCC to produce the laptop to the Clerk.

The President continued —

> In revealing a covert criminal investigation by the Western Australia Police Force, the Attorney General claimed that the laptop has not yet been examined in detail. The facts are that WA police have extensively examined the laptop as part of its investigation. This occurred with the full cooperation and assistance of the procedure and privileges committee and following the negotiation of memoranda of understanding between the WA police and the PPC. WA police commenced its review of the laptop and one backup hard drive on 12 October 2019 and has had access to other relevant devices on the parliamentary precinct since 21 November 2019 with the full cooperation of the PPC. These facts were the subject of a media release from me in my capacity as chair of the PPC on 22 December 2019, distributed to all members of the Legislative Council on that day and reported in *The West Australian* on 2 January 2020. Great care was taken to ensure that the nature of the police investigation remained confidential.
>
> For the information of members, I table, firstly, a copy of my media release dated 22 December 2019 and related newspapers reports and, secondly, a copy of the newspaper report of the Attorney General's claims in *The West Australian* dated 29 May 2020. For an accurate account of the facts relating to the PPC's attempts to negotiate a procedure with the CCC for access to the data of three former members and their staff, I refer the Attorney General to the fifty-fifth report of the PPC, "A Refusal to Comply with a Summons to Produce Documents", tabled on 14 August 2019, tabled paper 2929. The PPC will report on these and related matters in due course.

Clearly, after reading the statement that we heard from the Attorney General on 28 May and now reading the statement made by the President on 10 June, there are some inconsistencies and both appear to be at odds with one another. We have two varying perspectives—one in which the Attorney General has provided significant detail to this place and the other in which the President of the Legislative Council claims that the Attorney General's contribution was inconsistent with fact, and, more than that, the President considered the Attorney General's contribution false and misleading. The President herself, of course, makes those claims given that she is fully aware of the process that she has participated in as Chair of the Standing Committee on Procedure and Privileges in the other place, and, as such, the President considers that the Attorney General's contribution—noting her role in that committee process—has been considered false and misleading. The informed statement by the presiding officer of the fortieth Parliament cannot go without further investigation, and that is what we are here today asking the government to support, as part of our referral motion, and to ensure that the Attorney General's comments on 28 May can be investigated thoroughly and a report produced back to this house. We find ourselves in an unprecedented, extraordinary and absolutely unimaginable situation. The President of the Legislative Council has accused a minister of the Crown—indeed, the highest law officer in our land—of providing false and misleading information to the house, over a very significant matter. This assertion requires investigation. It requires an inquiry and a report back to this house forthwith so that we know whether the Attorney General has misled this chamber and, in doing so, breached the privilege of this place.

As part of our contribution here today, we are not prejudging the Attorney General. We have been motivated to pursue this matter because a statement has been made by the President of the Legislative Council. This is not a partisan attack. A statement has been made by a member of the Labor Caucus in her capacity as President of the Legislative Council against the state's Attorney General. That is not a partisan matter. It is not an attack that has been made by the Liberal Party; it is about comments made by a very senior Labor member about a Labor minister.

For our chamber to continue to function properly, we need to know whether it is true that the Attorney has provided false and misleading statements to this place, as claimed by the President of the Legislative Council. The only way of doing that is to refer this matter to the Procedure and Privileges Committee so that it may form an opinion and, if necessary, provide details on what further action should be taken.

In the same extraordinary speech by the Attorney General on 28 May, he took to quoting from Shakespeare's *Julius Caesar* the address of Mark Anthony at Caesar's funeral. I have since taken the opportunity to read the piece. I leave the Attorney General with my own quote from act 4 of that the play —

> There is no terror, Cassius, in your threats;
> For I am armed so strong in honesty
> That they pass by me as the idle wind,

If the Premier and the government are confident that the Attorney General is so strongly armed with honesty, they will support this motion because they will be confident that an investigation by the Procedure and Privileges Committee will exonerate his actions on 28 May. However, if the government does not support this and continues to shield members of the Labor Party from statements they make in here, then it will condemn the Attorney General and leave the President of the Legislative Council's comments standing, that the Attorney General has provided false and misleading claims to this place. That deserves to be investigated. We expect the government to vote with us to ensure that the Attorney General's contribution on 28 May is referred to the Procedure and Privileges Committee for further investigation and report. I commend the motion to the house.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [3.32 pm]: I rise to speak to this motion. In doing so, I would like to say that the Nationals WA will support the motion put forward by the member for Dawesville, which states —

> That this house requests the Procedure and Privileges Committee to inquire into and report to the house at the earliest opportunity —
>
> (a) whether the Attorney General, during his second reading reply speech on the Corruption, Crime and Misconduct Amendment Bill on 28 May 2020, made false and misleading statements to the Legislative Assembly relating to a laptop and other matters which are part of a Corruption and Crime Commission investigation;
>
> (b) whether the Attorney General revealed a covert Western Australia Police Force investigation in the course of his speech; and
>
> (c) whether such statements and disclosures amount to a breach of privilege or contempt of Parliament; and, if so, what action should be taken.

I was in the chamber during that debate on 28 May and, as I was listening, I was struck with a great deal of surprise by the nature of some of the Attorney General's comments—comments that immediately raised alarm in my own view as to their appropriateness. Indeed, almost immediately, members communicated to me that they felt the Attorney General had crossed a line and had revealed information in the Parliament that he should not have revealed. The matter was further discussed by members immediately after we left the chamber and throughout the rest of that day's sitting. It was something that struck very experienced members of Parliament as being very odd—I am talking about members from different parties who have been here for many terms; it was not just partisan. There was no doubt that the Attorney General wanted his remarks to be noted. He made some very lurid comments when describing the difficulty of determining the age of young Asian women, which I thought at the time was aimed at creating a sensation and causing people to take note of exactly what he was saying.

When he revealed that the Western Australia Police Force had been investigating particular matters pertaining to that particular situation, it was the first time I had heard them. I had been following the debate, as every member had. We had heard some matters about a particular member, a laptop and the Legislative Council, and the negotiations between the Corruption and Crime Commission, the police and the Legislative Council. We were all aware that there had been some investigations. We knew that the CCC had been conducting an investigation. A statement released by the President of the Legislative Council revealed —

> The Privileges Committee and WAPOL have agreed to a memoranda of understanding to permit WAPOL access to all devices, including the laptops whilst protecting material subject to parliamentary privilege. WAPOL commenced its review of one laptop and one back-up hard drive on 12 October 2019 and has had access to all devices, on the parliamentary precinct, since 21 November 2019 with the full co-operation of the Committee.

Despite that statement by the President of the Legislative Council—a senior Labor member—the Attorney General indicated that WA police did not have the required access to that device. That certainly seems to be contrary to the understanding other members had. Nowhere in the President's statement or in any other statement I have seen had there been a revelation about the nature of the inquiry that the Western Australian police were undertaking. The first I heard about the nature of that were in those very lurid comments the Attorney General made in his reply to the second reading of the Corruption, Crime and Misconduct Amendment Bill 2020.

It was a very interesting morning. There had been a lot of toing and froing. The member for Carine had just made a contribution and there had been a lot of interjection. There is no doubt that people were quite agitated and were becoming quite involved in the discussion. I do not know whether that prompted some sort of situation in which perhaps the Attorney General went further than he intended. I do not know whether he intended to mislead the Parliament. It is not my place to decide that.

The statement that I just read from was released on 22 December 2019 and refers to the police being given access to all devices on 12 October 2019. The President of the Legislative Council, Hon Kate Doust, made a further statement on Wednesday, 10 June, about the comments the Attorney General made in here. Again, as the member

for Dawesville said, this is not a Liberal or National attack on the Attorney General; this is about a statement made by the President of the Legislative Council. In referring to the Attorney General's comments on 28 May, the President stated that the Attorney General had —

> … made certain false and misleading claims in the Legislative Assembly relating to a laptop and other matters, and in the course of doing so, revealed a covert Western Australia Police Force investigation.

That is at the heart of what we are discussing here. This accusation does not come from the opposition; this accusation comes from a very senior member of the Labor Party and of this Parliament. She went on to say —

> In revealing a covert criminal investigation by Western Australian Police Force, the Attorney General claimed that the laptop has not yet been examined in detail. The facts are that WA police have extensively examined the laptop as part of its investigation. This occurred with the full cooperation and assistance of the procedure and privileges committee —

Of the Legislative Council —

> and following the negotiation of memoranda of understanding between WA police and the PPC.

So there we have it. The nature of the claims made by the Attorney General are already at odds with the statement given earlier by the Legislative Council. The Attorney General, through the President of the Legislative Council, has been called to account for making statements that are misleading to the Parliament and damaging to the processes of the Western Australia Police Force. Because of that, it is our strong view that these matters need to be examined by a group of people that we already have in the Parliament, the Procedure and Privileges Committee, which will be able to look at the details of what has taken place and the appropriateness of the Attorney General's actions, and to make recommendations to the Parliament about those matters.

We need to understand that the Attorney General is a very senior member of this Parliament and a very senior figure in the legal system. It is absolutely essential for his conduct to not be questionable and to be of the highest standard. We have a situation in which that can no longer be said. It will not give people confidence in our parliamentary system if we, as the Parliament, do not investigate this matter thoroughly and allow the privileges committee to have a full understanding of exactly what went on. We are not prejudging what that consideration may lead to, but we strongly believe that these matters have to be fully investigated. There are some very, very serious implications in the claims by the President of the Legislative Council that cannot be ignored. The Labor Party should, on this occasion, support the motion that has been moved by the opposition to ensure that this matter is thoroughly investigated.

We are not talking here about a first-term Labor backbencher who has made some inappropriate remarks; we are talking about the Attorney General—a person whose office is essential to the functioning of the legal system in this state. It is absolutely imperative that this matter be investigated fully. Thank you.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [3.42 pm]: I believe that the member for Moore and the member for Dawesville have canvassed very well the two opposing points of view that have led the opposition to bring to the house today this suspension of standing orders motion to refer this matter concerning the Attorney General to the Procedure and Privileges Committee. I will not go over the matters that have already been canvassed, but it puts the state and the Parliament in a particularly difficult position when the Attorney General has been accused by the President of the Legislative Council of misleading the Parliament and exposing a covert police investigation.

The opposition was actually quite surprised, given the calibre and number of lawyers on the Labor side of the Legislative Assembly: we have the member for Girrawheen, the member for Armadale, the member for Mount Lawley, the Treasurer and the member for Swan Hills—all of whom could appropriately conduct themselves as the state's top lawmaker. This Attorney General has form in his contempt for and abuse of parliamentary privilege. I take members back to an ABC news article of 26 May, 2011, headed "Ex-partner 'shocked' by Quigley's comments". It states —

> During a parliamentary speech, Mr Quigley claimed he had received an extortion note at his family home earlier this year.

That resulted in a court case. I refer now to an article from *The West Australian* of 10 October 2011, "Quigley apology ends libel case". It states that Mr Quigley —

> … has apologised publicly to his former partner … for defaming her in 2009.

We have an Attorney General who has had to apologise for defaming a former partner.

I turn now to the Legal Practice Board of Western Australia. This Attorney General was found, in a disciplinary action by the board, to have engaged in unsatisfactory professional conduct. That was in relation to an event that members might remember having occurred in this house. I quote from the board's decision —

> On 20 June 2002 and 23 June 2002 the practitioner left messages on —

A covert investigator's —

> answering machine to the effect that he would:(a) name Gary in parliament;;(b) speak to Four Corners (a television program) about him;;(c) name his father in Parliament and to Four Corners; and;(d) release his controllers name to the press;;unless Gary agreed to cooperate with him and provide him with the statement. On 25 June 2002, the practitioner —

That is, the current Attorney General —

> held a press conference at Parliament House during which he held up a piece of paper to the press on which was written Gary's telephone number. On 1 July 2002, the practitioner gave a radio interview on 6PR during which the practitioner used a variant of Gary's real name on a number of occasions. The practitioner made threats to publicly disclose Gary's real name and that of his father in order to exert pressure on Gary to provide a witness statement relating to the undercover operation in circumstances where the practitioner ought to have known that Gary, as a former undercover operative, would not want his real name made available to the press because it would expose him and his family to the prospect of harm due to his former association with criminals through his work as an undercover operative.
>
> …
>
> The practitioner has previously been found to have engaged in unprofessional conduct.

This is the finding of the Legal Practice Board of Western Australia; this is not the Leader of the Opposition making this statement. The summary was —

> The practitioner engaged in unsatisfactory professional conduct by making threats to publicly disclose the name of a former undercover operative with the Western Australian Police and that of his father and then disclosing the former undercover operative's name in order to exert pressure on the undercover operative to provide a witness statement —

And that he —

> … ought to have known that such disclosure would expose the undercover operative and members of his family to the prospect of physical harm. The practitioner be reprimanded.

That was a recommendation —

> The practitioner pay the Applicant's costs fixed in the sum of $3,000 to be paid to the Legal Practice Board …

Mr B.S. Wyatt interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: Those opposite would like to try to muddy the waters here. This is the Legal Practice Board that made a finding against the Attorney General, prior to him becoming Attorney General. As I said previously, the opposition was surprised when the Attorney General was appointed.

I refer members to the Ministerial Code of Conduct. The development of this code was highlighted in the 1992 Royal Commission into Commercial Activities of Government, which stated —

> Criminal Law provides no more than the base level below which officials must not fall. It does not address the standards to which they should aspire, even if these, to some degree, always remain an ideal or counsel of perfection …

Further along, the code states —

> Ministers have a high standing in the community and they should provide leadership by striving to perform their duties to the highest ethical standards.
>
> The inclusion of Ministers in the definition of "public officer" in section 1 of the *Criminal Code* ensures there is an overarching framework for scrutiny of ministerial conduct.
>
> They are to act with integrity in the performance of official duties and are to be scrupulous in the use of official information, equipment and facilities.

I draw members' attention back to the problem that has arisen here. First of all, the President of the Legislative Council has said that the Attorney General has misled the Parliament. Furthermore, it is clear, as in the assertion made by Paul Murray in *The West Australian*, that —

> How Quigley knows the intimate details of covert investigations by the CCC and the WA Police has not been explained. It should be.

Nor has it been adequately explained whether it is appropriate for him to reveal and disclose matters that are subject to the investigation of our chief law agencies. If the CCC and Western Australia Police are conducting investigations to which the Attorney General is privy, he should not disclose aspects of those investigations, nor

any matter under investigation or before the court, to this Parliament under the cover of parliamentary privilege. It is an abuse of parliamentary privilege, which is there to protect members and the constituency that we represent from the overarching arm of government. That is what it is there for. We assert that it is an imperative of this house, in the interests of the gold-standard transparency that the Premier promised to the electorate to get elected in March 2017, that the matters that have been raised by the opposition are referred by this chamber, unanimously, to the Procedure and Privileges Committee so that it can investigate whether the claims made by the President of the Legislative Council are in fact correct or whether the information provided to this house by the Attorney General is correct, whether there has been a breach of parliamentary privilege and whether there has been a breach of the Ministerial Code of Conduct. Those may well be matters for the privileges committee to investigate. As we have said, this Attorney General has form in his contempt of this Parliament in the past. We believe it is appropriate that the Procedure and Privileges Committee investigates these matters and clarifies who in fact is accurate.

I also add that I was particularly unimpressed with the Attorney General's assertion that —

> … it is sometimes very hard to tell the age of Asian girls—very hard ….

I am sorry. I am a mother of a daughter. If young Asian girls are being abused and exploited by a paedophile ring, the Attorney General does not need to use the excuse that paedophiles use when they try to get off.

MR J.R. QUIGLEY (Butler — Attorney General) [3.51 pm]: First of all, I thank the Leader of the Opposition for referring to corrupt officer "Gary" Rowtcliff and the conspiracy run by two former assistant police commissioners, Shervill and Caporn, to use "Gary" Rowtcliff to corruptly convict Mallard of murder. I took on the system in 2002 and whilst everyone was trying to keep me quiet, yes, I pressured, unsuccessfully, "Gary" Rowtcliff into coming forward and telling the truth. Unfortunately, we cannot pressure a corrupt copper into coming forward and telling the truth, but his corruption was exposed by the Corruption and Crime Commission investigation into the Mallard conviction, at the conclusion of which I received high praise from the acting commissioner who had been brought in from the eastern states to investigate the corrupt conviction of Mr Mallard for murder. I subsequently received a national award for my service to justice in that particular case by a national legal body. In this particular case, of course, as the member for Dawesville pointed out, it is not just a backbencher or a first-termer making a statement; it is nonetheless the well-respected President of the Legislative Council, a long-time friend and colleague of mine and member of the state Labor Party Caucus with whom I do not cavil. I have listened to the member for Moore and the member for Dawesville. The Leader of the Opposition did not touch upon the guts of the motion so much as she tried to trowel me up with previous matters relating to Mallard, of which I am not boastful but, nonetheless, very proud. I spoke to reporters from the *Four Corners* program and two episodes of *Australian Story* ran on that particular incident. Here, there seems to be some misunderstandings by the member for Moore, who talked about the revelation of a police investigation during my speech, and likewise by the member for Dawesville, who said that I had revealed a police investigation during my speech. No-one actually pointed to the words that I said in *Hansard.* I said that a laptop was seized under warrant. Each of the opposition speakers who have spoken thus far have said that the CCC issued a warrant and seized the laptop. We can tick off as true that the laptop was indeed seized under a warrant. That is common ground. The warrant was issued by the CCC and that is common ground. I said that that led to a criminal investigation and, of course, the Corruption and Crime Commission, following the seizure of that laptop, did investigate and currently has an investigation running, although it has stalled at the moment because of the litigation in the Supreme Court brought by the Standing Committee on Procedure and Privileges of the other place. But it is not going to go away. It is building up like the big surf. The bombora is building.

What was said that I have misled? There seems to be an assumption in the President's statement—often these domestic disagreements happen with misplaced assumptions—that my speech was directed at the Western Australia police investigation. In fact, I have learnt more about the WA police investigation from the President's statement than what I knew before. I know from the President's statement that a protocol was arrived upon between the Standing Committee on Procedure and Privileges of the other place and the Commissioner of Police—I did not know this—by which the Commissioner of Police could examine the computer. As the Attorney General and minister responsible within whose basket of portfolios that the CCC sits, I can tell members that since November 2016, that was during the previous Parliament, right up until 14 May, I believe, the CCC has been trying to forge a protocol with the Standing Committee on Procedure and Privileges of the other place and discussions have been happening about what shape this protocol may take so that the CCC could examine what was on the computer. Whilst these negotiations for a protocol have been ongoing, something else happened; that is, the Joint Standing Committee on the Corruption and Crime Commission blocked the reappointment of Hon John McKechnie as the commissioner. Within days of it blocking the reappointment of Mr McKechnie, the negotiations for a protocol were terminated by the privileges committee. There is no protocol and there is no ongoing discussion for a protocol. It is absolutely disgraceful.

When we turn to what was said in Parliament by me on that day, I said —

> A warrant was issued and a laptop was taken, and that led to a criminal investigation.

I never mentioned the police. I never once mentioned WAPOL. I said there is a criminal investigation. That is what the CCC does, and it reports on criminal things. That is how all these officers from North Metropolitan Health Service ended up before the District Court the week before last and were punished—because the CCC conducted

a criminal investigation into their conduct and passed it over to the Director of Public Prosecutions. If it were not for the hard and assiduous work of Hon John McKechnie, QC, all those roosters who have been ripping off North Metropolitan Health would still be at their game. It is the same with Mr Paul Whyte. The CCC conducted a criminal investigation that led to Mr Whyte being held in custody pending the finalisation of the matters against him. How did I mislead this chamber? The member for Moore said that I mentioned the Western Australia Police Force and released details of a police investigation. This is what I said —

> A warrant was issued —

The member for Dawesville agrees with me that that is accurate —

> and a laptop was taken, and that led to a criminal investigation. I am not saying that a crime was committed … but there had to be an investigation about what was on the computer and whether it involved the sexual exploitation of minors overseas. That is still a current, ongoing inquiry, and a computer is locked away in Parliament somewhere with that evidence. That has not yet been examined in detail.

I am speaking there —

Mr R.S. Love: It has been examined in detail.

Mr J.R. QUIGLEY: Sorry?

Mr R.S. Love: You misled the Parliament; it has been examined.

Mr J.R. QUIGLEY: I was speaking of the Corruption and Crime Commission's investigation, member for Moore.

Mr R.S. Love: You were talking about a criminal investigation.

Mr J.R. QUIGLEY: Of course, I talk about a criminal investigation —

Mr R.S. Love interjected.

Mr J.R. QUIGLEY: The member has had his turn; I am not going to enter into that debate now.

They say that I have raised salacious matters. This is how serious it is, member for Moore. I am referring to the interim report "Misconduct Risks in Electorate Allowances for Members of Parliament". In paragraph 297 of that report, the Corruption and Crime Commissioner, Hon John McKechnie, states —

> It appears that Mr Edman did not go to the Club as at about 8.00 pm he texted Mr Peacock stating 'Alicia says hi' and then five minutes later 'did you know that Japanese girls are good at doggy style?'. Accompanying that message was an image of a Japanese girl and a male having sex. Also sent to Mr Peacock at the same time was an image of Mr Edman and a girl —

It was not a woman but a girl —

> sitting in a bar. Mr Edman is waving at the camera. —

This was the Liberal member for the South Metropolitan Region in the Legislative Council —

> A few minutes later he sent an image of a liquor glass and states 'knocking back a 3k cognac'. Mr Peacock responds half an hour later with 'see you morning.'

Paragraph 298 states —

> Late in the evening of 10 June 2015, Mr Peacock and Mr Edman entered into a chat which commenced with Mr Edman starting at 10.00 pm 'Alicia say hi again'. He then continues with —

This is Mr Edman —

> 'Might stay another year. Alicia is winning my heart mate mmmm.' Mr Edman ends the chat by sending an image of himself and Alicia. From the analysis of records held by the Commission, including photographic evidence, it is understood that Alicia is a person that Mr Edman met and spent time with during his trip to Japan in 2015.

That is five years ago.

Let us have a look at this situation again. I know Hon Kate Doust, President of the Legislative Council, well. As I said, there has been an assumption here that I was referring in detail to some police investigation. Let us just see what members of the Liberal Party thought about this inquiry into the exploitation of young women in Japan funded by the taxpayers of Western Australia. I turn to paragraph 394 of the same report. The former member on 16 August 2019 is intercepted saying —

> *but I just wanted to send a warning to (name redacted) —*

It is obviously someone in the Liberal Party, Leader of the Opposition. I wonder whether the Leader of the Opposition has made inquiries into who this person is —

> *that they have got the MP, my MP computer…which stores everything,* ***its got everything, all the emails between all of us, Black Hand Gang dinners, its got the video…***

Paragraph 395 states —

> In reference to the President of the Legislative Council, during the course of a telephone call to a former member on 4 September 2019:
>
> > *that's good she's got the laptop. I* ***think once she gets the laptop she should probably chuck it in the Swan River is probably what she should be doing*** *…*

I know Hon Kate Doust, and she is an honourable woman, and no matter how much the Liberal Party urge her to chuck the computer in the Swan River, she will not be doing so.

Mr A. Krsticevic: Rubbish!

Mr J.R. QUIGLEY: Does the member think that it is rubbish —

Mr A. Krsticevic: Throwing it in the Swan River—that is rubbish.

Mr J.R. QUIGLEY: This was an intercepted telephone —

Mr A. Krsticevic interjected.

Mr J.R. QUIGLEY: Sorry; I do not want to take the interjection.

I repeat: this was an intercepted telephone call. The words spoken by Mr Phil Edman —

> *that's good she's got the laptop. I* ***think once she gets the laptop she should probably chuck it in the Swan River is probably what she should be doing*** *…*

Perhaps the Leader of the Opposition would like to take particular note of paragraph 396, which states —

> To a former member on 5 September 2019 he said:
>
> … I *need you to ring …*

The commissioner redacted the name. No-one in this chamber knows, but the Leader of the Opposition can make inquiries in the Liberal party room and protect the public from what is going on here.

Withdrawal of Remark

Mr Z.R.F. KIRKUP: The Attorney General's comment "make inquiries in the party room", I suggest, casts aspersions on members of Parliament and I ask him to withdraw.

The SPEAKER: I think he is reading from the report. He is not talking about anyone in particular.

Debate Resumed

Mr J.R. QUIGLEY: Mr Edman went on, on 5 September —

> … I *need you to ring (name redacted) and explain this to him...****even though they've managed to get the computer back from the triple C there's a, there's a back-up drive…Cause the back-up drive has still got all the videos and all the other fun-loving stuff on there as well.***

Whoa! He goes on. He was intercepted. Paragraph 397 states —

> To a businessman on 5 September 2019:
>
> *And there's enough stuff on that fucken computer to bury fucken a lot of people and ruin their political careers forever…There's videos and pictures and lots of … little collections that I've got on there.*

There has not been a detailed inquiry into this by the CCC. This is a criminal investigation by the CCC to which I averred in my speech. But they got rid of the purpose of that speech on that occasion; they got rid of the head of the CCC by blocking his reappointment so that he could not get to have a look at the "videos" and the "lots of … little collections that I've got on there."

Paragraph 398 states —

> Mr Edman went out of his way to make sure a member of the Legislative Council who had travelled with him had information about the Commission investigation:

Talk about contempt of Parliament. Talk about contempt of the CCC legislation. Here it is; we have it intercepted. Then—this is really disturbing—paragraph 371 of Mr McKechnie's report states —

> Despite non-disclosure notations in place, Mr Edman proceeded to inform and warn many interested parties of the progress of the investigation, —

The Leader of the Opposition has left the chamber.

Withdrawal of Remark

The SPEAKER: Attorney General, if someone leaves the chamber —

Mr J.R. QUIGLEY: I take that back. I know that this will be reported anyway.

Debate Resumed

Mr J.R. QUIGLEY: That paragraphs states —

> Despite non-disclosure notations in place, Mr Edman proceeded to inform and warn many interested parties of the progress of the investigation, including a member of the Legislative Council's … Privileges Committee.

Mr Edman has his "black hand" right into the privileges committee. If members want to talk about contempt and improper conduct, I tell you what: he was not intoning someone to ring Hon Kate Doust. She is a friend and she is an honourable woman; she would have no part of this. Who was this member of the Standing Committee on Procedure and Privileges who Mr Edman felt so comfortable with that he could ring to assist him in covering up his video of the fun times with the girls—not the women—in Japan?

This motion, of course—I will just return to the motion now—says that in his second reading reply on the Corruption, Crime and Misconduct Amendment Bill 2020 he made false and misleading statements. Not one of the three speakers here has detailed one of the false and misleading statements. Not one of them has particularised what I have said that is false or what I have said that is misleading—not one! They just said, "In the other place, Hon Kate Doust said he made false and misleading statements because the computer is being examined by the police." Well, she said a lot about that. I did not know. That is good. But she has made an assumption. I can always remember one of the great jurists of the city, the late Sir Francis Burt, who went on to become a Governor and was a Lancaster bomber pilot who flew many missions in the war. I remember him as Chief Justice looking down from the bench and saying, "Mr Quigley, at law, never make an assumption. Never make an assumption." Of course, that is what has happened here. The President has made, unfortunately, an assumption that I was speaking in detail about a police investigation, which I was not. The Corruption and Crime Commission is going to continue this inquiry sooner or later. Sooner or later, I am confident that Mr McKechnie—I still harbour confidence and my heart is paused—will go back into the CCC and we will all be beating vibrantly again.

As for the notion that I have revealed a covert police inquiry, that is impossible. That is impossible because the President herself said, on 22 December, and I quote —

> The Committee has in fact been co-operating with the Western Australia Police Force … from the date it became aware of a related police investigation on 27 September 2019.

It was the President herself, back on 27 September 2019, who revealed the covert police investigation—not me. There was a report in *The West Australian* written by a Mr Peter Law with the headline, "Cops probe MPs laptop". The opening paragraph reads —

> WA Police have been reviewing the contents of disgraced former Liberal MP Phil Edman's lap-tops and hard drives for the past 10 weeks, Legislative Council president Kate Doust has revealed.

As for paragraph 2, whether the Attorney General revealed a covert police investigation in the course of his speech, that falls away to nothing. How could I reveal a covert police investigation? It was published in *The West Australian*. That is hardly covert! I will just return, in closing, to this contribution; that is, despite the notations in place, Mr Edman proceeded to warn interested parties of the progress of the investigation, including a member of the Legislative Council's privileges committee. There is a very serious matter that requires investigation by the privileges committee.

I do not stand here relying on Labor colleagues to vote me not guilty. I know that in his heart the member for Dawesville has already acquitted me. I know that, but they all have to vote and we have to have a kangaroo sort of vote here. I understand. I will not hold it against you, member for Dawesville. I know that you have been put up to this motion, but when you look at the facts, there is not one of you who has said, "That part of your speech is incorrect or misleading."

MR M. McGOWAN (Rockingham — Premier) [4.14 pm]: It is clear that the government will not be supporting the motion moved by the opposition. I cannot explain any better than the Attorney General just did what has occurred here, but I want to make a few points.

Firstly, the thing about the Attorney General is that he is a crusader. He is a crusader for justice and he is courageous. The things he does are sometimes a little bit unorthodox, but he gets results. I just want to give members a couple of quick examples. Before the upper house today we have the fines default legislation, which will ensure that people do not go to prison who should not be in prison. This is particularly relevant to keeping Aboriginal people out of prison and ensuring that we have other ways of dealing with fines. It has not been done before in Western Australia. The Attorney General went through the entire consultation process, came up with this regime and it is now before the upper house. Shortly, and hopefully, it is going to become law this week so we can deal with this fundamental issue of justice and the over-incarceration of Aboriginal people in Western Australia.

Secondly, and I note that the Leader of the Opposition attacked him for this, there is the Mallard affair. He used unorthodox methods 10 years or so ago in relation to the Mallard affair. Do you know what, Mr Speaker? He was proven absolutely correct. That is the thing that some members of the Liberal Party do not seem to get. He was part of a movement, which included Malcolm McCusker, a former Governor of Western Australia, that got an innocent man, who had been convicted of murder, out of prison. He was completely and utterly innocent, as we know—utterly innocent. We know that someone else committed that murder. Mr Mallard was in prison because of a miscarriage of justice. What did the now Attorney General do? He played a fundamental role in getting him out of prison. What

happens is the opposition comes in here and holds that against him constantly. The Leader of the Opposition did it! She attacked him for getting an innocent man, who was convicted of murder, out of prison. Anyone who followed the Mallard affair would have to know that that is a badge of honour. The Attorney General deserves a medal for what he did there, against many naysayers—against people who did not follow the case too well and just assumed that the police and the courts had done the right thing. It turns out that it had not transpired that way, and he got him out of prison. The opposition abuses him for it. It is shocking. The thing about the Leader of the Opposition is that she probably does not even know the history of that. Go and read about it! As the Attorney General said, it was on *Australian Story*—it might have been *Four Corners*—and it was lauded nationally. Books have been written about it. Malcolm McCusker was part of it—the Malcolm McCusker, eminent QC and famous Western Australian, was part of what the Attorney General assisted in doing.

Thirdly, in relation to this matter, the motion by the opposition misses the point. You are trying to attack the Attorney General to cover up your own failures—cover up your own actions. The CCC report of last year—it came down in November or December last year—was damning. It was absolutely damning and a shocking indictment. It did not indict the Attorney General. It did not attack the Attorney General. It did not attack any Labor MPs. It attacked Liberal Party MPs. When you express displeasure at what he had to say in revealing some of the contents of the report, you tut-tut and say that it is shocking that he is saying this. It is in the report! The report is quoting Mr Edman, a former Liberal MP. When the Attorney General says those words, he is quoting the CCC report and the words of a former Liberal MP. I was going to use this, but the Attorney General went through it at some length, but if we go to pages 390 to 403, the substance is that the CCC has extraordinary powers and what did it do? It tapped Mr Edman's phone. After it executed a search warrant on Mr Edman and he knew what was going on, what did he do? He had a range of communications with current Liberal MPs to warn them about what was going on. That is what he did. It is there in black and white. He actually put into his communications with those current Liberal MPs what was on the computer, and what was on the computer is very disturbing. He warned them about that. What did Liberal members come into this place and do? They attacked the Attorney General when the reality is that the Liberal Party had people in its ranks who were part of this conspiracy. Members of the Liberal Party think the Attorney General committed some offence. We only have to read his speech from 28 May. He did no such thing, as Liberal Party members allege. The Attorney General stated —

> That is still a current, ongoing inquiry, and a computer is locked away in Parliament somewhere with that evidence. That has not yet been examined in detail.

The Liberal Party's allegations do not hold water. The real story is what the CCC report brought down. I will not go through it at length but there was a grand conspiracy amongst Liberal Party MPs to cover up a corruption inquiry and cover up what has gone on. The conspiracy continues because they continue to block the reappointment of Mr McKechnie, the chief investigator in this case. It is shocking. If we were in Victoria, I imagine that it would be the subject of a royal commission. That is what would be going on here. If we were in Victoria, no doubt what is going on here would be a national story. I sometimes find that Western Australia is a long way away when it comes to the interstate press, and they do not notice these things. If this had been going on with Victorian upper house Liberal Party members, it would be a national story. What Liberal Party members have done should be a national story. This cover-up has gone on for long enough. The failure to reappoint Mr McKechnie is a continuation of this cover-up by the Liberal Party.

Division

Question put and a division taken with the following result —

Ayes (18)

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

Noes (31)

Ms L.L. Baker	Mr W.J. Johnston	Mr S.J. Price	Mrs J.M.C. Stojkovski
Dr A.D. Buti	Mr D.J. Kelly	Mr D.T. Punch	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Mr F.M. Logan	Mr J.R. Quigley	Mr D.A. Templeman
Mr R.H. Cook	Mr M. McGowan	Ms M.M. Quirk	Mr R.R. Whitby
Mr M.J. Folkard	Ms S.F. McGurk	Mrs M.H. Roberts	Ms S.E. Winton
Ms J.M. Freeman	Mr K.J.J. Michel	Ms C.M. Rowe	Mr B.S. Wyatt
Mr T.J. Healy	Mr S.A. Millman	Ms R. Saffioti	Mr D.R. Michael *(Teller)*
Mr M. Hughes	Mr P. Papalia	Ms J.J. Shaw	

Pair

Ms M.J. Davies	Mr P.C. Tinley

Question thus negatived.

"WA COUNTRY HEALTH SERVICE — ANNUAL REPORT 2018–19"

Correction — Statement by Speaker

THE SPEAKER (Mr P.B. Watson): I have received a letter from the Minister for Health requesting that an erratum be added to the WA Country Health Service annual report 2018–19, which was tabled on 26 September 2019. The erratum addresses an omission of certain budget estimate information required by Treasurer's Instruction 953. Under the provisions of standing order 156, I authorise the necessary corrections to be attached as an erratum to the tabled paper.

[See paper 3445.]

McGOWAN GOVERNMENT — FEDERAL ELECTION

Removal of Order — Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [4.26 pm]: I advise members that, in accordance with standing order 144A, the order of the day that appeared on the last notice paper as "Election of the Morrison Government", has not been debated for more than 12 calendar months and has been removed from the notice paper.

PROCUREMENT BILL 2020

Returned

Bill returned from the Council with amendments.

As to Consideration in Detail

On motion by **Mr B.S. Wyatt (Minister for Finance)**, resolved —

That the Council's amendments be considered in detail forthwith.

Council's Amendments — Consideration in Detail

No 1

Clause 2, page 2, line 8 — To delete "proclamation." and substitute —

proclamation, and different days may be fixed for different provisions.

No 2

Clause 14, page 10, after line 24 — To insert —

(1A) The Department CEO must, in connection with the management of the State's vehicle fleet under subsection (1)(e) —

(a) minimise, so far as practicable, the net greenhouse gas emissions associated with the use of the vehicles in the fleet by maximising, so far as practicable, the fuel efficiency of those vehicles and offsetting the greenhouse gas emissions of those vehicles; and

(b) report annually on the greenhouse gas emissions associated with the use of the vehicles in the fleet.

No 3

Clause 40, page 32, line 31 — To delete "this Part" and substitute —

section 41

No 4

Clause 52, page 38, line 9 — To delete "transition day," and substitute —

the day on which this section comes into operation,

Mr B.S. WYATT — by leave: I move —

That the amendments made by the Council be agreed to.

I want to make a couple of comments about the amendments before us. The main amendment relates to clause 14. I want to put on the record what we are doing with clause 14. On 9 June 2020, the Western Australian Greens moved an amendment in the Legislative Council seeking to reinstate clause 26AA(5) from the State Supply Commission Act 1991. In response, the Minister for Environment, representing me as Minister for Finance, moved an amendment in the Council to bring across clause 26AA(5) from the State Supply Commission Act into the new legislation. That has effectively been moved in its entirety and becomes the amendment at clause 14 that we are discussing now. This will ensure that the government continues to operate the existing greenhouse emissions offset and fuel efficiency measures for the State Fleet that it manages.

By way of background, just to put it on the record, in 2006 the State Fleet commenced a program to offset the carbon emissions of its vehicle fleet. In support of this environmental program, the WA government embarked on

a policy of promoting more fuel-efficient and environmentally friendly vehicles. Importantly, the net result has been a reduction in fleet carbon dioxide emissions and operating costs to government. In accordance with clause 14 of the bill, the State Fleet will be required to report annually on the greenhouse emissions associated with the use of its vehicle fleet. It already does so, of course, because we are required to report on them, but it will continue the normal business of the Department of Finance with the State Fleet. That is what that clause will do, which is the main amendment that we are dealing with from the Legislative Council.

Mr D.C. NALDER: Can the Treasurer explain what the amendment to delete "this Part" and substitute "section 41" in clause 40 at line 31 on page 32 will achieve? I was not quite sure. It would be good to have it on the record.

Mr B.S. WYATT: I will make a couple of statements about the other amendments, because there are three others; the member is quite correct. The insertion of that clause will have a flow-on impact on other clauses, because what was a part will become a section. It has just had a flow-on effect on titling; it will not change the operation of the bill.

I should have dealt with this in my initial comments. The first amendment deals with the proclamation. The member for Nedlands raised the issue during consideration in detail in this place a few weeks ago and that is when I informed the house that we would seek to amend the date of proclamation in the other place. The reason we have done that as set out is to allow different days to be fixed to proclaim different parts of the legislation, particularly the changes that I have made to tendering processes for services. I can do that and have done that, but I cannot do that with goods. We will proclaim that immediately. That will streamline the tender processes for goods through the Department of Finance. Immediately, we will lift the thresholds at which those streamlines will apply. At the moment, I cannot. We want to do that. There are some other areas around debarment et cetera and we are consulting publicly about what they will be. They will be proclaimed at a later date. That is the reason for the first amendment.

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

The Council acquainted accordingly.

LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2020
LEGAL PROFESSION UNIFORM LAW APPLICATION (LEVY) BILL 2020

Cognate Debate — Motion

Leave granted for the Legal Profession Uniform Law Application Bill 2020 and the Legal Profession Uniform Law Application (Levy) Bill 2020 to be considered cognately, and for the Legal Profession Uniform Law Application Bill 2020 to be the principal bill.

Second Reading — Cognate Debate

Resumed from 18 March.

MR P.A. KATSAMBANIS (Hillarys) [4.33 pm]: It is a pleasure to rise to speak on the cognate debate of the Legal Profession Uniform Law Application Bill 2020 and the Legal Profession Uniform Law Application (Levy) Bill 2020. These are extremely important bills for not only the legal profession, but also, just as importantly—this is the real reason we are doing this in this chamber—for clients of legal practitioners, or consumers of legal services. The Liberal Party will support this legislation, which builds on a long line of attempts to bring the legal profession under some form of consistent and now uniform regulation across our nation. For over a century, state Parliaments have guarded the regulation of professional services very closely. We know that the corporations power has given federal Parliament significant lawmaking powers over the regulation of business across Australia, but the regulating of professions, such as the legal profession, was always seen as the province of the states, and we have done so since before Federation.

Over the years, and particularly since the 1980s, we have seen the development of, firstly, national firms and then, later, international firms. We have seen perhaps most poignantly over the past 15 to 20 years, the entry of multinational firms into our legal services market to replace the national firms that had built up through mergers of state-based firms in the past. Analogous to that, of course, we have seen a lot of changes in the law itself, blurring of the lines between jurisdictions, significant travel by people across state and international borders, and significant business dealings across state borders. Many years ago, we moved to the more united process—I hesitate to use the word "uniform"—or the nationally consistent process that the Attorney General referred to in his second reading speech with the creation of the Legal Profession Act. That was the culmination of a lot of agreements between state governments and the federal government at a COAG or Attorneys General level—or whatever acronyms were used at the time to describe the getting together of that group of senior legal officers from state and federal Parliaments. Over the last decade or so, we have seen a further move from nationally consistent regulation to the concept of uniform regulation of the legal profession across the nation.

At the moment, under our more consistent act, practitioners are admitted to practise in Western Australia in the Supreme Court and they are issued with a practising certificate as a Western Australian practitioner. Practitioners in Victoria or New South Wales used to be issued with a Victorian or New South Wales certificate. I think South Australia or Queensland would be better examples, because they still have their state-based schemes for the moment. For the majority of consumers and, I would say, the majority of legal practitioners, that has not created

a major problem. However, there has been a move, particularly over the last decade, from that state-based system of regulation and issuing of state-based practising certificates. To enable someone to practise as a legal practitioner and to charge for those services, most importantly, they need to be issued with a practising certificate.

With the introduction of this legislation, practitioners in Western Australia will be issued with an Australian legal practising certificate when they apply each year to renew their certification or registration as a practitioner. As we legal practitioners in this place know, that is separate to the concept of "admission". One is admitted to practise as a legal practitioner. I was admitted to practise as a barrister and solicitor—that was my admission process to the court—and I then needed to apply to get a practising certificate so I could practise. Those are still two separate processes and the practising certificate is an annual certification process. It is done for the good regulation of the profession but also, more importantly, for the protection of the consumers—the people who will be buying legal services from practitioners. This makes sure that people have the appropriate qualifications and the appropriate insurance, which is a precondition to being issued with a certificate, and that they comply with all the laws, regulations and rules that underpin practice in the profession, including, of course, most importantly—because legal practitioners handle money—adherence to trust account rules. At a state level, we have done all that over the last almost 20 years. Practitioners who were here at the time may remember the Legal Practice Act 2003.

Ms M.M. Quirk interjected.

Mr P.A. KATSAMBANIS: It may have come into force in 2004, but I think it was passed in 2003. Since that time we have had a nationally consistent framework and we will now be moving to a fully national framework with an Australian certification. But it will not be one of those commonwealth takeovers—if you like—and for that Western Australia deserves credit for resisting entering the scheme until an agreement could be reached that preserved important supervisory powers here in Western Australia and gave us an appropriate say in what happens in the future in the national framework.

As I alluded to earlier, Victoria and New South Wales have both already entered into the scheme, and for the last three or four years, practitioners in Victoria and New South Wales have operated under the uniform law, as it is referred to for all intents and purposes, for the regulation of legal practitioners. There have not been any major issues there. Nothing has arisen that has caused any concerns to the public or the legislature in those places, but in Western Australia's case, it was wise to wait to see how things played out in Victoria and New South Wales and, importantly, as I said earlier, to make sure that that important Western Australian input was secured into the system. I think that is why, back in 2015 when all this was hitting its apex in the other two states that were participating in the scheme, it was extremely wise for us to sit back and wait for the agreement to an appropriate framework.

We can all bore Australia on this subject, because we who are practitioners—there are a number on the other side; there is me on this side—have been subject to some form of regulation or other in relation to being legal practitioners. I will talk about the nature of the introduction of the framework a little bit later, but under the framework that is being introduced by this bill, at a national level the Legal Services Council will be responsible for the making of the uniform laws and the regulation of the profession. Under the Legal Services Council, there will be a commissioner for uniform legal services regulation who will oversee how the Legal Services Council is going, and will ensure compliance across the board.

From a Western Australian perspective, the Western Australian institutions are preserved in that framework as a result of the 2019 intergovernmental agreement signed by Victoria, New South Wales and Western Australia. I believe it was at an Attorney General level that the intergovernmental agreement was signed.

Mr J.R. Quigley: Yes.

Mr P.A. KATSAMBANIS: Yes, it was the three Attorneys General of the three states I have mentioned. Following that intergovernmental agreement, legislation was passed in Victoria in 2019 to allow Western Australia to join the scheme on the basis of the concessions that were granted by the other two states in the intergovernmental agreement. That act in Victoria was the Legal Profession Uniform Law Application Amendment Act 2019—that is quite a tongue twister! The uniform law is actually contained in schedule 1 of the Victorian act, and we are incorporating that as part of our law in Western Australia through the passage of this bill in both houses of Parliament, but I will get to that in a minute.

As part of the agreement, Western Australia will have a member on the Legal Services Council. That is important because some of the agreements on the Legal Services Council, particularly around the costs of the council, need to be made unanimously. Western Australia gets to be not only a member on the Legal Services Council, but also involved in some very important decisions.

Mr J.R. Quigley: Veto!

Mr P.A. KATSAMBANIS: Quite rightly, Attorney General, Western Australia gets a veto, which secures Western Australia's position in a way that was not available back in 2015. Western Australia will also have one judicial member on the admissions committee. I do not know whether that member has already been appointed, but if they have not been, I am sure they will be in due course, which is also important.

Western Australia agreed to adopt the uniform law, which is a schedule to a Victorian act. As a result of that and just as a result of the name of this bill—I would imagine—when this bill gets to the other place, it will automatically be referred to the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review. I am comfortable that that is the appropriate committee to scrutinise the operation of our legislation and the schedule that we are adopting, which is a schedule of an act of a foreign jurisdiction, for all intents and purposes. I have had a discussion with the Attorney General and have indicated to him that the Liberal Party is happy to facilitate speedy passage of this legislation through this place so that the bill ends up in that committee and it can perform its extremely important role to guarantee to us and the public that the sovereignty of the Western Australian Parliament is preserved in the adoption of a schedule of an act that has been passed in another Parliament. As I said, I gave that assurance to the Attorney General that we would be happy for that to happen.

Adopting this scheme will provide some key benefits to both practitioners and, most importantly, consumers of legal services. One of the real benefits for both practitioners and consumers will be access to what are referred to as short-form costs agreements. In a less contentious and clear-cut matter, a practitioner can use a short form of a costs agreement, which saves time for the practitioner. It will be worded in plain English and because it is shorter, the consumer will have more opportunity to scrutinise it and understand it as opposed to being given a screed of 40 or 50 pages. To be frank, I have seen some costs agreements handed to consumers who would need legal advice to interpret what they mean, which defeats the entire purpose of handing over a costs agreement. I notice that some of my legally minded colleagues on the other side are smirking at that. We have all encountered that. I do not think that helps anyone and it leads to a greater potential for disputation on costs. That will be the other big benefit for consumers in all this. More clarity and better understanding will lead to fewer disputes. When there are disputes, consumers will also have access to what is described in the explanatory memorandum and the second reading speech as a low-cost "dispute resolution process". Hear, hear for that, because we need to make it as easy as possible for people, not harder.

Significant benefits will flow from this reform. Practitioners will save some time and a little bit of red tape will be cut. However, practitioners will also benefit from some more important changes. The first one I described—those streamlined, short-form costs agreements—will take away a big burden from small firms, particularly solo practitioners, who can spend an inordinate amount of time on work that they consider to be not overly productive and can tie up them and their clients into unfortunate situations. However, I think the major benefit is that it will allow Western Australia–based practitioners to compete in a broader market. I know that there is a fear that when we go through this sort of process that we will be swamped by eastern staters.

Mr Z.R.F. Kirkup: Say it ain't so, mate.

Mr P.A. KATSAMBANIS: Yes. "Say it ain't so", says the member for Dawesville. I know from experience that there are some highly credentialed practitioners in Western Australia who operate in specialised areas; for example, resources contracts, complex construction contracts that leverage off knowledge about the resources sector, subsea work, oil and gas work and some migration work specific to this state. I will come to the intersection of state and federal law in a minute if I have time. Those people, armed with an Australian practising certificate, will be on a completely level playing field with their peers and competitors in other states, particularly those in Victoria and New South Wales. Funnily enough, practitioners in Victoria and New South Wales comprise about two-thirds of the entire Australian legal services market. This legislation will give our practitioners better access to those markets. They already have it through various forms of mutual recognition. I was intrigued that about an hour or so ago the Premier gave notice of some sort of mutual recognition bill. I will be interested to see what that is about when we see it tomorrow or Thursday. Various forms of mutual recognition allow people to practise across jurisdictions. I, as a practitioner, have taken advantage of that on many occasions across many states. I think the only mainland state in which I have not provided legal services in is South Australia. I understand from a practical point of view what it is like to explain to clients in a different jurisdiction that I still have all the necessary insurances, all the necessary regulation around the services I offer, however, they are offered in another state, which makes things complicated. As I said, I think there are going to be advantages for practitioners and consumers.

There is one small detriment. However, we should not discount it as a detriment; we should take it on board. I think that by keeping the Legal Services Council and the bodies here in Western Australia, which I will get to in a minute, and superimposing this national regulatory framework and the Legal Services Council, there will be an additional cost for obtaining a practising certificate. I am not sure that has been fully quantified. At a briefing that the Attorney General's office kindly arranged for Liberal Party members, we were told that it was likely to be around $20 to $30 per annum per practitioner over and above what they currently pay. That is well and good, and, as I said, there will benefits. I outlined some of the benefits. In this constrained economic environment in which legal practitioners are concerned that even if they are billing, they may not be able to recover what they are billing, I hope that all these regulatory bodies start to look internally at reducing the costs, like businesses have to do and like households have been forced to do. To the general public, the perception out there is that legal practitioners charge high fees and are wealthy and can afford $20 or $30. But we should be looking at reducing the cost of business for a practitioner or a group of practitioners working out of a community legal centre, offering pro bono work, or a young practitioner who is starting out for the first time, rather than increasing them. I understand, given the nature

of the framework that is being built around this, why there might be some additional costs, but let us get those bodies to look at their internal workings and have less physical travel and do more Zoom or Microsoft Teams–related meetings to bring down the cost of their operation so that practitioners can get a cost saving rather than a cost increase. I do not think that would be impossible. I am not accusing these bodies of being overly excessive in their spending or cost structure, but it is always worthwhile to have another look at it. I hope that the Western Australian member on the Legal Services Council, whoever that member is, will drive that so that we can drive one more benefit—that is, making things financially easier for practitioners as well.

As I have alluded to, the bill maintains a series of unique Western Australian bodies that have been at the centre of regulation of the profession in Western Australia: the Legal Practice Board, the Legal Profession Complaints Committee, which we heard about before today in quite some detail—I dare say that the Attorney General does not want me to traverse that ground again, and I will try hard not to—the Law Complaints Officer, the Legal Costs Committee and the Legal Contribution Trust. They are all unique Western Australian bodies and they are going to be preserved in this structure. The bill has some elaborate provisions that will make sure that they are reserved. The actual physical dealing with the profession on a day-to-day basis will still happen in Western Australia.

Mr J.R. Quigley: The same.

Mr P.A. KATSAMBANIS: They will look the same, Attorney General, with another layer over the top. However, the regulations that those bodies apply will be, to all intents and purposes, the same regulations—bar some savings that are unique to Western Australia—as those that apply to Victoria and New South Wales. I have heard some very positive words that South Australia is likely to join this scheme sooner rather than later, or would like to, anyway. I would hope that Queensland and Tasmania come on board as well, to make it a truly national, uniform profession, so that we do not have Australian legal practitioners, South Australian legal practitioners and Queensland legal practitioners. We will not have Western Australian legal practitioners anymore, although they will be Western Australians.

Dr A.D. Buti: Like the State of Origin football carnival!

Mr P.A. KATSAMBANIS: Yes, the law societies, law councils and law institutes of the various states could probably get together and organise a football carnival.

Mr D.R. Michael: The shadow minister will have to go back to Victoria to play!

Mr P.A. KATSAMBANIS: If they create State of Origin, I think the member for Mount Lawley's state of origin would probably be the same as mine! I do not know about State of Origin. I think it should be that after you have had a period of residence, you qualify. I do not know what that period should be; you tell me!

Dr A.D. Buti: Just on State of Origin, it used to be where you played your first senior game, not where you were actually born. That's why Stephen McCann, who played for North Melbourne—he grew up in Geraldton—played with the Vics.

Mr P.A. KATSAMBANIS: We will have that discussion outside, because there are some examples of the Victorians twisting that around. Jason Dunstall once played in the same forward line as Tony Lockett, but we are really veering off legal practitioners' regulations, unless we want to perhaps talk about those two people as consumers of legal services. They would have needed managers. They were both wonderful players.

Mr D.R. Michael: Some of them need criminal lawyers!

Mr P.A. KATSAMBANIS: I do not know about that; I will leave that to others' discretion! Not those people we mentioned, though, I think!

Coming back to the legislation, I think it was quite groundbreaking for the two major states to decide to go down this path. Outside the normal argy-bargy of "My place is better than your place", the history of disputation in the legal profession north and south of the Murray River prior to 2015 was not very good at all. It did not affect us over here in Western Australia, but it was not the greatest history. The Attorney General in Victoria at the time, Robert Clark, is a longstanding friend of mine. I think I have known him for almost 40 years, which makes me feel old, and every time I see him, he looks younger by the day! He is to be commended for actually driving this sort of reform because there are all sorts of competing priorities in government, and that was clearly a priority for him, and he drove it. I hesitate to say that those states showed the way, but they decided to get together to fix their problems. As I said at the time, there were very, very good reasons for Western Australia to stay out of that, because we would have been bit players in the regulation of the legal profession. This is a discussion that has occupied for some time the current federal Attorney-General, the former state Attorney General, Hon Michael Mischin, in the other place, and the current Attorney General. Institutionally, as a state, we hung out until we got a deal that was appropriate, and good on the current Attorney General for doing that. But he did it based on the work the previous Attorneys General had done in saying, "No; we're happy to do this, but we're going to do it on terms that favour our state, or at least don't disadvantage us." That is what we have here.

Where we go from here into the future is uncharted territory. At the heart of it, we have a governing set of rules for the legal profession that is contained in a schedule to an act of the Victorian Parliament, with a number of carve-outs, if you like, in our legislation to make sure that that schedule works for us. Hopefully in the future, with the

veto Western Australia has on the Legal Services Council, any changes to that schedule and that Victorian legislation will be made by agreement between the participating states. As we know, the more states that come into it, the harder it will be to get agreement. In particular, if an unforeseen problem arises—I am not going to look into a crystal ball, but we all know that when problems arise, legislation needs to be amended—I would like to think that this system will be robust enough to allow, firstly, amendments to be agreed to by everybody, and then for the amendments to flow through to all the states affected by it. I do not think there could have been a better structure for this legislation, so I am not criticising the structure, but the structure of this sort of uniform law requires the key aspects of it to be legislated in one state and to then flow through, and that creates something that is a little similar to our circumstances in having to rapidly implement changes to family law that are made at a commonwealth level. I am sure the Attorney General, the member for Armadale, the member for Mount Lawley and the member for Girrawheen all understand exactly where I am coming from. I hope that, in the future, the way this legislation is structured to bring in uniform laws to apply to disparate jurisdictions does not create a problem when something needs to be acted upon urgently. Perhaps in his reply to the second reading debate, the Attorney General could turn his mind for a moment or two to any mechanisms that have been discussed or that might even be contained in the intergovernmental agreement, because I do not actually have a copy of that agreement. I do not think one has been made available.

Mr J.R. Quigley: I think it's been tabled.

Mr P.A. KATSAMBANIS: It may have been tabled; I will have to look at it. It may have been tabled pending the passing of this legislation; I do not know. Anyway, it would be good if the Attorney General could put on the record how he thinks any such disputation might be dealt with in the future. As I said earlier, at the heart of this is that, yes, it is good to make rules for legal practitioners. I am sure that legal practitioners could do a pretty good job of regulating their own profession if left to their own devices. Perhaps not, member for Girrawheen! Maybe I am looking at it through rose-coloured glasses. But we do this to ensure the integrity of the profession and to protect people who utilise legal services. I hope that, by passing this legislation, we will empower Western Australian legal firms to compete on a level footing with firms in the eastern states, to enable them to prove that they are high-quality providers of legal services, not just in Western Australia, but also nationally and perhaps internationally, so that the profession grows and we keep our best and brightest in Western Australia, rather than see them either moving to other places or, as some do—I am not going to name them—running between jurisdictions and setting up operations in more than one jurisdiction. Some of them will do that. Since the Legal Profession Uniform Law Application Bill 2020 was tabled, I have not received any negative comments from any members of the legal profession. I have heard only positives. A few people have simply shrugged their shoulders and said, "It's hardly going to apply to me" but anyone who has wanted to express a comment has commented positively.

There are two bills; obviously one enacts the uniform law and the other is a taxation bill, if you like, which introduces the necessary levy. It is all explained in the second reading speech. As I said, I committed to the Attorney General that we would do our best to get this bill to the appropriate upper house committee that scrutinises uniform laws and reviews statutes, and I will keep to that.

In closing, this has been an extraordinary journey for a profession that has always prided itself on its state roots. The profession in Western Australia, South Australia, New South Wales and Queensland has always prided itself on its state roots. We were always told when we went through law school that even though we would become a Western Australian legal practitioner, a Victorian legal practitioner or a New South Wales legal practitioner, we would still be admitted in the Supreme Courts. I do not think practitioners send a cheque but they probably send a payment of $20 or whatever it is to the High Court to get their admission to practise in the High Court. Occasionally, the certificate arrives but in some cases it does not arrive for about 10 years. Under this scheme, after a person is admitted they will be issued with an Australian practising certificate in Western Australia. I think that is a good thing. However, I also think it is a good thing that the practical nuts and bolts regulations—whether it be complying with professional standards, complying with trust account rules or doing all the things people ought to be doing as a legal practitioner—will be done here at the local level. The risk in 2015 was that that was going to be removed from Western Australia, which is why Western Australia rightly said, "We'll wait." We did not say no. We said, "We'll wait. We'll have a look at what you do and perhaps you'll come back to us on better terms." Over there in the east, they saw the light. This Attorney General clearly got them to agree to the intergovernmental agreement. The profession welcomes this. I do not think it is marching in the streets and waving banners and saying, "Wow, we really, really need this" but it welcomes this legislation. The public will see benefits and I hope in some small way that this legislation also assists in stopping any future brain drain of our brightest and best legal practitioners so that they can operate from here in Western Australia, build a life here with their family and continue to contribute as valuable members of Western Australian society.

MR P.J. RUNDLE (Roe) [5.13 pm]: There are many greater legal minds than mine in here.

Dr A.D. Buti: You're a bush lawyer. Don't you worry about that!

Mr P.J. RUNDLE: That is right!

I will not be making a long contribution, but the Nationals WA support the Legal Profession Uniform Law Application Bill 2020 and the Legal Profession Uniform Law Application (Levy) Bill 2020, which have been

a long time coming. The Attorney General's second reading speech noted that Hon Jim McGinty started working on these reforms in 2004 and made a speech in 2007 stating that we needed a national approach in recognition that the legal profession and legal services sector were adopting a national outlook. Obviously, there has been progress from there. In 2014, both the Victorian and New South Wales governments adopted their legislation and here we are doing the same in 2020. It is certainly good that we have worked towards a national perspective. It is good to see that WA is coming into the picture. I congratulate the Attorney General for bringing the bills through to this stage because the process appears to have taken longer than I would have thought.

I will provide a short background. Obviously, the Legal Profession Uniform Law Application Bill relates to regulating the legal profession in Australia and is subject to the intergovernmental agreement between Victoria, New South Wales and Western Australia. As the member for Hillarys said, hopefully the jurisdictions of South Australia, Queensland and Tasmania will join at some stage. The levy bill allows for a levy to be charged during the operation of the first bill. The purpose of the main bill is for Western Australia to join the Legal Profession Uniform Law scheme, having signed an agreement with Victoria and New South Wales in February 2019. The bill will apply the Legal Profession Uniform Law as the law of WA and provide for the tabling and disallowance of amendments made to that law. It will enact provisions to regulate legal practice that has local application in WA. The bill will also repeal the Legal Profession Act 2008 and the Law Society Public Purposes Trust Act 1985. In simple terms, this legislation will create a simpler, more efficient system for both law firms and their clients. It will cut red tape, better protect consumers, and ensure consistency across our borders. One of the most important elements is that it will allow lawyers to practise across jurisdictions, which is quite a concern at the moment because a lawyer from Victoria, for argument's sake, who moves to WA cannot practice in WA. That is a concern and this legislation will change that scenario. It will reduce compliance costs for firms operating across participating jurisdictions. I have a list of 22 different acts that will be amended by the bill. I will not go through all those, but some of the more important ones are the Children and Community Services Act 2004, the Magistrates Court Act 2004, the State Administrative Tribunal Act 2004 and the Strata Titles Act 1985, which has recently been an issue of public discussion. Having reflected on national legislation and the like, when we take a national approach to something, rather than the states going off on their own tangent, we can achieve a lot more. The recent scenario that played out with the National Redress Scheme, following the statute of limitations legislation that the Attorney General succeeded in taking through, is an example of how we can work much better nationally. It was good to see that all the stakeholders that contributed to the development of the bill were generally in agreement. I refer to the Legal Practice Board of Western Australia, the Legal Profession Complaints Committee, the Law Society of Western Australia, the Western Australian Bar Association and many others. I agree with the member for Hillarys in that I certainly have not had any feedback from people who do not want to see this legislation go through or from people who are concerned about it. Generally, most of us would like to see national uniform legislation apply.

In summary, I appreciated the briefing I attended, which was pretty direct and informative. I took from that briefing that the cost to Western Australia will be about nine per cent and the cost to practitioners will be in the range of $20 to $30. I differ from the member for Hillarys in that I think most of our legal profession can handle roughly $20 to $30 per practitioner. The other states—Queensland, South Australia and Tasmania—coming in was brought up at the briefing. Hopefully, they will not be too far behind WA. Western Australian representatives on the board will be on the standing committee that sits over the Legal Services Council. The committee needs unanimous approval to put anything in place, and that is important, but local adjustments can be made—for example, the professional indemnity scheme for WA. I understand that the overall cost nationally is about $1.3 million per year and I believe that the budget has been approved by the Standing Committee of Attorneys-General. I was informed in the briefing about the calibre of people who will sit on the board. They will include the likes of Bret Walker, QC, who I think most members would have heard about. It was pleasing to talk to Joshua Thomson from the State Solicitor's Office. Hopefully, Josh will also sit on the council. I think he is a good person to have in the mix as well.

The Nationals WA are generally very supportive of this legislation. As I said, from a legal standpoint, it is really important that the states work together. The National Redress Scheme is an example of everyone working together to make it easier for the people involved—lawyers, victims and the like. I look forward to not only Western Australia joining this scheme, but also Queensland, South Australia and Tasmania coming into the mix in the not too distant future. Certainly, the National Party supports the bill.

DR A.D. BUTI (Armadale) [5.23 pm]: It was good to hear the member for Roe espouse the virtues of centralisation. As I said, Gough Whitlam would be very proud of him. The member for Hillarys made a very commendable effort outlining a bit of the history behind the bills. I will go over the history a bit more in a minute, but straight up I want talk about the parochialism of the legal professions in Australia, and I will give an example a bit later. Hopefully, this legislation will alleviate some of that parochialism. We can all be proud of our own jurisdictions, but sometimes that can inhibit efficient commerce and legal representation.

We are dealing with two bills—the Legal Profession Uniform Law Application Bill 2020, and the taxation bill, the Legal Profession Uniform Law Application (Levy) Bill 2020. I will go through some of the interesting parts of the legislation briefly, because I want to get on to some of the history that led to the legislation and allow enough time for the member for Mount Lawley to make a contribution before the dinner suspension.

As was mention by, I think, the members for Roe and Hillarys, we are coming into the scheme through Victorian enabling legislation, but there are some differences, including on professional indemnity insurance. It is important—the member for Roe just mentioned this—that the Parliament of Western Australia has the ability to retain its sovereign powers, or rights, to disallow any amending laws from the Victorian jurisdiction; that is, maintaining our ability to disallow any amending laws that we do not think are in the best interest of Western Australia. The members for Roe and Hillarys talked about Western Australian representation on the Legal Services Council and its admissions committee, and that the Attorney General will be a member of the standing committee. Under the legislation, the Legal Practice Board of Western Australia will continue and the Legal Complaints Committee will be renamed the Legal Services and Complaints Committee. Those are some issues addressed by the bill. Of course, there will be a lot of consequential changes to a number of pieces of legislation.

The member for Hillarys outlined a bit of the history of this bill, and I would like to develop that because it is quite interesting. Back in the 1980s and early 1990s, or maybe even earlier, there was a move toward looking at the way in which the professions in Australia were being run and organised because of concerns about economic impacts. The catalyst for seeking a more uniform legal profession was economic forces. The argument was that the separate, parochial regulation of the legal profession in each state hindered the proper function of commerce in Australia, and it was the province of relevant professional bodies to keep a closed shop and to ensure that costs were not reduced for consumers. It really did not serve the consumer. In the end, this Parliament, and all Parliaments—although we, of course, need to consider the legal profession and the people who practice in that profession—ultimately needs to look at the what is best for the citizens of our jurisdiction. Each state having a tightly regulated system bound by parochial interests did not serve clients in need to obtain affordable legal services.

There were two major components of the attempt to free up the industry to create a more uniform profession in Australia—that is, harmonisation and co-regulation. The harmonisation component was to have a regulatory regime that covers the legal profession across the various jurisdictions in Australia. The aim was to increase the competitiveness of the legal profession. As the member for Hillarys said, once upon a time, we had only state-based law firms. Then they became national law firms. Of course, now we have international law firms spreading their tentacles across the world. There is also the issue of co-regulation. Rather than having the profession regulate itself, there are independent or external regulators. There would be a professional overseer and an independent regulator. Of course, the Legal Practice Board in Western Australia is an independent overseer.

That was the genesis, or the kernel, of the changes being pushed in the 1980s and 1990s by the Hawke–Keating government. In the early 2000s, the push for change accelerated. In 2001, the Council of Attorneys-General—the COAG for Attorneys General—resolved to develop and enact model laws to regulate certain aspects of the legal profession and bring some uniformity in areas such as law degrees, practising legal training, the national practising certificate scheme, requirements for the disclosure of information of costs to clients, definitions of misconduct, rules for trust accounts and fidelity funds, and regulations for incorporated legal practices.

Regarding standard law degrees, I did my law degree at the Australian National University, which I still consider to be the greatest legal institution for the study of constitutional law.

Mr S.A. Millman: Good save!

Dr A.D. BUTI: It may not be the greatest for some of the more commercially oriented legal disciplines, but it is for constitutional law. When I came back to Western Australia, although I was able to take up an article clerkship at a law firm, I still had to do one more unit. I think Western Australia is still the only jurisdiction in Australia where people have to study legal practice and transactions or conveyancing as part of their law degree.

Mr S.A. Millman: It's commercial practice and conveyancing.

Dr A.D. BUTI: Yes. I think we are the only state in Australia where that is still part of a law degree. I was not very happy to start my legal career and still have to go to university for two or three hours a week.

Mr P.A. Katsambanis: Victoria had something similar.

Dr A.D. BUTI: Did it, as part of a law degree?

Mr P.A. Katsambanis interjected.

Dr A.D. BUTI: We had that in Western Australia. That was happening when I was an articled clerk. I still had to do a year-long law course at university; otherwise, I could not be admitted.

There is another part to the parochialism. Although I was Western Australian, I did my degree at ANU. In around August of my final year, we were looking at coming back to Western Australia. While my mother-in-law was visiting us in Canberra, I asked her to see how I could go about applying for articles when I got back to Western Australia. She must have misinterpreted what I said because she rang a legal workplace agency instead. The agency rang me and told me to send in my CV, which I did. At the same time, I also made three direct applications—to Dwyer Durack, Legal Aid WA and Parker and Parker. The only responses I received were from those three firms or services to which I had made a direct application. When I rang the professional workplace

agency to ask why I had not received any other requests for interviews, they told me, "Well the market's pretty tight at the moment and we think if you're not Western Australian, we're not going to process your application." That showed me the parochialism of the legal profession.

In early 2000, a move was made to make the profession more uniform in the areas I mentioned. In 2004, draft model laws were released by the Council of Attorneys-General. Between 2004 and 2008, new legislation based on the model laws was introduced in all Australian jurisdictions except South Australia. That was back in 2004 to 2008. At the 2009 Council of Australian Governments meeting, under the auspices of microeconomic reform and a regulatory reform agenda, a task force was set up to try to draft national laws for regulation of the legal profession, with the aim that they should be implemented in all jurisdictions. However, as we know, that did not take place. By December 2013, only New South Wales and Victoria remained committed to uniform law for the legal profession. The member for Hillarys talked about Western Australia. He made the argument that it was appropriate for Western Australia to wait, and not to commit earlier to the scheme. I am not so sure about that, member for Hillarys, but it is not a massive debating point. On 26 August 2014, the Law Society of Western Australia recommended to the Attorney General—it would have been Christian Porter—the idea of uniform legislation. I remember speaking to Christian Porter about it and he said he had gone cold on the idea, which I was very disappointed about. On 4 May 2016, the Law Society again wrote to the Attorney General, which by then was Hon Michael Mischin, to express its support for the adoption of, at that stage, the Australian Solicitors' Conduct Rules. It has taken a change of government and a new Attorney General to get to this stage of agreeing to a uniform legal profession. Of course, we are going to be part of the scheme with New South Wales and Victoria, which will include about 75 per cent of the legal profession in Australia, so it is quite significant. We are basically piggybacking on the Victorian enabling legislation. It is very important that we retain our sovereign rights and have the ability to disallow any amending legislation that comes out of the Victorian legislation.

As I said, I want to leave enough time for the member for Mount Lawley, so I will conclude very shortly. This legislation has had a long history and a few stumbling blocks. Basically, by the end of the first decade of this century, most jurisdictions had gone cold on the idea, but Victoria and New South Wales—with the two biggest populations—agreed to go their own way. As the member for Hillarys said, it was a bit unusual to have such a level of cooperation between north and south of the Murray River. It was a good start. Now, Western Australia has come into the scheme. I have no doubt that eventually the legal professions in all states and territories will come under one scheme. It seems to be a no-brainer. The economic pressures will become so great that the other jurisdictions will want to join under a uniform legal profession in Australia.

With those comments, Deputy Speaker, I will hand over to my friend the member for Mount Lawley.

MR S.A. MILLMAN (Mount Lawley) [5.37 pm]: Deputy Speaker.

The DEPUTY SPEAKER: Yes, member for Mount Lawley; you have the call, although I think the member for Armadale already gave it to you.

Mr S.A. MILLMAN: I think that shows a good sign of cooperation, and good cooperation is exactly what these bills are about. It is fair to say that during the COVID era, things move very fast. Although today people are debating the state border and how Western Australia remains separate from the rest of Australia, it is true that the handling of the pandemic has brought out the best of our federal system. We had unprecedented cooperation between the states and between the states and the commonwealth. Everyone I spoke to during that time commented on the statesmanlike way our political leaders put aside their philosophical differences and focused deliberately, passionately and professionally on dealing with the pandemic. Unquestionably, the Australian federal system is an outstanding form of government when it works well. When it works well, we should harness the benefits for Western Australians. To harness those benefits requires an activist government that works hard and tackles the task at hand.

The member for Armadale, in his excellent contribution, outlined the significant history and long gestation period of this legislation, with all the work that has gone before it. It is probably no surprise that this Attorney General, with his reputation for hard work and bringing legislation before Parliament, has succeeded when, unfortunately, others in the past have not. I rise to speak in support of the Legal Profession Uniform Law Application Bill and Legal Profession Uniform Law Application (Levy) Bill because they do precisely what I have spoken about—that is, they take the best attributes of our federal system and distil them for the benefit of our Western Australia community. Many times over the course of the fortieth Parliament we have witnessed the McGowan government doing just that. Great examples of uniform laws tailored to work for the benefit of Western Australians include the Work Health and Safety Bill that is currently before the Parliament; the Child Support (Commonwealth Powers) Act, which was assented to in May 2019; the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018, which was alluded to in the excellent contribution made by the member for Roe; the Fair Trading Amendment Bill 2018; and the Health Practitioner Regulation National Law (WA) Amendment Bill. There are many examples of the ways in which the McGowan government has made a move towards uniform legislation to deliver a benefit for the people of Western Australia. The Western Australian Parliament has a long history of doing this as well. I need only refer members to the Australian health practitioner regulations from 2010, the uniform shipping laws from 2009, the Australian Consumer Law from 2011, and the rail safety national laws from 2015 to demonstrate that uniform legislation has an important role to play in our legislative structure. This

legislation is the latest example. As I say—there are no surprises here—this legislation has been brought to this place by the Attorney General, a minister whose track record in modernising and updating our statute book is second to none. As other members have already commented, this legislation has been brought to this place after extensive consultation and with the full support of the legal profession. In a media release issued by the Law Society on 28 February 2019, the former president of the Law Society, Greg McIntyre, SC, had this to say —

> "The Law Society has been in favour of Western Australia adopting the Legal Profession Uniform Law for many years. A single, uniform set of professional conduct rules providing inter-jurisdictional consistency can only benefit consumers of legal services, the legal profession and regulators, especially with national and international firms now being commonplace."
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> …
>
> "The Law Society has always maintained that Western Australia should have guaranteed representation on the national Legal Services Council and that WA should continue to maintain a local regulatory body made up of representatives of the legal profession and independent of government."

In those words, Mr McIntyre eloquently summarises the position that was endorsed and supported in the excellent contributions by the members for Hillarys and Armadale, because numerous benefits will flow to practitioners and consumers of legal services as a result of the introduction of this legislation.

This is a good bill at the right time. This bill will deliver the following. Lawyers will be able to practise across Australian jurisdictions without having to meet the requirements of multiple different regulatory regimes with differing standards. I, the member for Hillarys, and, I am sure, the member for Armadale, have all practised across a number of jurisdictions. I have never practised in South Australia. I have represented a South Australian client, but I have never practised in South Australia, so I share that in common with the member for Hillarys. The bill will increase stronger competition between firms. I see the member for Carine nodding. The member for Carine understands that increased competition will put downward pressure on fees, which can only be for the good of consumers of legal services.

Mr A. Krsticevic: I'll vote for that.

Mr Z.R.F. Kirkup: He gets it!

Mr S.A. MILLMAN: Well, he is a smart man.

Consumers and clients will have consistent protections, rights and remedies —

Several members interjected.

Mr S.A. MILLMAN: I am sorry, member for Carine. The member's own colleagues are laughing at the suggestion that he is intellectually capable.

Mr A. Krsticevic: They like to think they're my equals!

Mr S.A. MILLMAN: All I will say is that with friends like these —

Mr A. Krsticevic: The member for Armadale and I are good friends. Don't worry about that.

Dr A.D. Buti: The two Tonys!

Mr S.A. MILLMAN: When the member for Armadale and the member for Carine have quite finished their sidebar conversation, I will continue.

Consumers and clients will have consistent protections, rights and remedies across participating jurisdictions. Standardised complaint resolution procedures will enhance the position of consumers and clients in disputes with their practitioners. The member for Hillarys has already alluded to the simplified fee and retainer agreements that will be consequent upon this legislation. The increased pressure on law practices to charge fair and reasonable costs and to streamline their costs disclosure processes will also be a beneficial corollary of the passage of this legislation. Rules for the admission of new practitioners will be uniform.

I want to make a couple of further points. Regulation of the legal profession is an interesting subject matter for discussion. The member for Armadale took us all the way back to the 1980s, but I want to go back much further than that and share with members how far back the pursuit of legal services has been regarded as professional. If we go back to medieval or early modern traditions, we will see that there were only three recognised professions: divinity, medicine and law. The members for Armadale, Hillarys, Girrawheen, and the Attorney General and I take great pride in being professional practitioners in pursuit of the law.

Mr P.A. Katsambanis: Those were the only three options my mother ever gave me. I chose number 3.

Mr S.A. MILLMAN: All three are excellent endeavours and were regarded in medieval and early modern times as the recognised professions. Many professions have joined that list recently.

Dr A.D. Buti: Latecomers!

Mr S.A. MILLMAN: Latecomers!

I will take issue with one thing that the member for Armadale said. The requirement to complete commercial practice in conveyancing and drafting, as the subject was called at the University of Western Australia, was a very important part of the completion of my degree. I place on the record my gratitude to Judy Eckert, who was a judge for a while and delivered that course at UWA.

Dr A.D. Buti: My criticism was not to do with the course. I think it should be part of the professional development after the degree rather than part of the degree.

Mr S.A. MILLMAN: We covered a lot of the material that we covered in commercial practice in the associate training program anyway, so it is a fair point, which was well made, as is the member for Armadale's custom and practice.

I want to talk briefly about the concept and importance of uniformity. In the common law tradition, at least in Australia, there has been a push for uniformity in decision-making. I am referring to the fourth edition of "Laying Down the Law", by Morris, Cook, Creyke, Geddes and Holloway. Page 99 discusses decisions made in other Supreme Courts and whether weight should be given to those decisions, which is the doctrine of stare decisis and precedent. It states —

> Although state and territory Supreme Courts are not bound by decisions of Supreme Courts of other states or territories, it is generally recognised that consistency is desirable. In the interpretation of Commonwealth legislation, or legislation which is mirrored in each jurisdiction …

The authors refer us to the decision of Chief Justice Street in R v Daher [1981] 2 NSWLR 669 at 672. Various other cases are referred to thereafter. The authors go on to state —

> Single judges of Supreme Courts also recognise the desirability of conformity with decisions of appellate courts of other states and territories.

This is across jurisdictions —

> In *Body Corporate Strata Plan No 4303 v Albion Insurance Co Ltd* [1982] VR 699 at 705, Kaye J of the Victorian Supreme Court commented: 'In circumstances where there is absence of any binding authority, there are sound reasons for seeking uniformity of the common law throughout the Commonwealth of Australia by following a decision of an appellate court of another State unless it is manifestly wrong'.
>
> …
>
> Considerations of uniformity are also regarded as relevant when single Supreme Court judges have to consider decisions of courts exercising coordinate federal jurisdiction.

I am trying to demonstrate that the common law, the judge-made law of Australia, in various jurisdictions at a Supreme Court level has demonstrated over time that uniformity is a good aim in and of itself. Legislation such as this, which has been brought before Parliament to aid the uniformity of the regulation of the profession—an ancient and honourable profession—can only be to the good. Other members have already traversed the retention of the sovereignty of the Western Australian Parliament at some length, and the matter has been debated and discussed. I will probably finish on this point to allow the Attorney General some time to summarise the position before we finish. In that regard, I would like to say that this legislation will still be subject to all the considerations of parliamentary sovereignty. I started my contribution talking about how quickly things have moved in 2020 as a result of the circumstances that we are confronted with. The member for Hillarys raised the issue of acting urgently. One of the great features of deliberative democracy is that we take the necessary time to consider exactly what we are implementing but act with appropriate expedition. The fine balance that we are trying to achieve and that the Attorney General achieves with the introduction of this legislation is not, as we have seen with the formulation of the national cabinet, an accrual of executive power, but a mechanism by which the Parliament still retains its power and sovereignty to bring the necessary legislation through. Striking that balance and getting that balance right is a wonderful art and something that this legislation does very well, and the timing of this legislation speaks precisely to that. The Attorney General should be commended and the legislation should be supported.

I wanted to finish by saying that I started my contribution talking about the efficacy of our federal system. This legislation goes some way towards fulfilling the promise of that system—a goal imagined more than 120 years ago—of providing a well-functioning common market. This is a common market in which legal services can be traded across state boundaries. Members have expressed their desire to see other jurisdictions join the uniform regime. In response, I say that a significant proportion—the plurality—of legal practitioners in Australia will be covered by the system. Some 75 per cent of legal practitioners will be covered by the system. When we have regard to national firms, international firms, global legal firms and clients based across the whole jurisdiction, that can only be worthwhile. The introduction of this uniform law will benefit legal practitioners, consumers of legal services and the public of Western Australia and is testament to this Attorney General. It shows once again an activist Labor government taking the necessary steps to deliver the benefits for the community that arise as a result of the Federation working well. For all those reasons, I commend the legislation to the house and I commend the minister for bringing it to us.

MR J.R. QUIGLEY (Butler — Attorney General) [5.52 pm] — in reply: Firstly, I would like to make a clarification to the house. In moving that the bills before the chamber this evening be debated cognately, it was misspoken that the Legal Profession Uniform Law Application (Levy) Bill 2020 was the main bill. In fact, the Legal Profession Uniform Law Application Bill 2020 is the principal bill. For members present, that is the larger of the

two bills before the chamber this evening. The levy bill has to be separate because it is a revenue-raising bill. It raises revenue by imposing a levy on practitioners going for their practice certificate, that levy being an amount decided upon from year to year to run the law library, which is maintained in the David Malcolm Justice Centre. Until now, it was available to all Western Australian practitioners but practitioners visiting our state will also be able to use the library.

A justifiable concern was raised by former attorneys and by the profession that previous iterations of the uniform law required the divesting of power from this jurisdiction to the eastern states. Victoria and New South Wales, I think combined, probably have about 70 per cent of Australian practitioners. We have about seven per cent. They were worried that we would be swamped with the wise men from the east. As noted by the member for Hillarys, any agreement to change the uniform law will require a unanimous decision of the Legal Services Council, upon which we have a member, and that will mean that we could always exercise a veto power.

I also want to turn to another issue raised by my friend from Hillarys that relates to the admissions committee, which will admit practitioners. The rules for admission will be uniform between Western Australia, New South Wales and Victoria. On that admissions committee will be the senior puisne judge of the Supreme Court of Western Australia, Hon Justice Le Miere. He is currently on the admissions committee with an observer status only and attends all admission committee meetings.

The next matter that was raised by my learned friend the member for Hillarys was the question of amendments to the uniform law and how they will be dealt with. They will not create a problem when urgent attention is required. When any amendments to the legal profession uniform law are required, these will be the subject of consultation by the precipitating jurisdictions. When agreement is reached, Victoria will amend schedule 1 and the amendments will apply in Western Australia subject to disallowance by the Parliament of Western Australia. Thereby, the sovereignty of our Parliament is preserved so there will be no referral of power.

There is a useful chart on page 24 of the Legal Services Council's 2018–19 annual report, which sets out the process for amending the legal profession uniform law. On the next page, there is a similar chart for amending the uniform general rules. I am happy to lay a copy of this chart on the table for the rest of the proceedings. It shows that the commissioner, the admissions committee and the local regulatory authority or stakeholders inform the council of a proposal to amend the uniform law. That then goes to the council. The council consults with the stakeholders. If an amendment to the law is necessary, the council recommends the draft to the standing committee.

If the standing committee approves the amendment, the Victorian Office of the Chief Parliamentary Counsel drafts a bill to amend the law. The bill is enacted by the Victorian Parliament, and the amendment is adopted in all participating jurisdictions under section 4 of the Legal Profession Uniform Law Application Act 2014, I stress, subject to a disallowance motion in this Parliament. The normal rules apply in the other place for disallowance. I am happy to lay that chart on the table. I will also lay on the table, for the information of members for the rest of the day, the flow chart for amending the rules, which I ask the attendant to photocopy for the members for Hillarys, Mount Lawley and Armadale and the other speaker in the second reading debate.

We are very pleased that the opposition and the Nationals WA support this bill. I know that it is also supported by the federal Attorney-General. He is also keen to see national reform. This is micro-economic reform. We have a national medical profession and a national dental profession. As soon as it is passed, there will be a national veterinary profession. I recall the former Chief Justice of the High Court, Robert French, QC, saying in his valedictory speech in the High Court at the end of 2016 that after nearly 200 years of Federation, at long last we have a national rail gauge and a national railway line, and it is about time we achieve a national legal profession. Western Australia, of the small states, is leading the way by joining. We hope that it will create critical mass that will encourage the other states and territories to do likewise so that we can have a truly national profession.

Sitting suspended from 6.00 to 7.00 pm

Question put and passed.

Bill (Legal Profession Uniform Law Application Bill 2020) read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

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

LEGAL PROFESSION UNIFORM LAW APPLICATION (LEVY) BILL 2020

Second Reading

Resumed from an earlier stage of the sitting.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

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

TRANSPORT LEGISLATION AMENDMENT (IDENTITY MATCHING SERVICES) BILL 2020

Second Reading

Resumed from 19 March.

MS L. METTAM (Vasse) [7.04 pm]: I rise to make some comments on the Transport Legislation Amendment (Identity Matching Services) Bill 2020. At the outset, I would like to thank the minister's advisers and her department for the information that has been provided on this legislation. Some significant and fair questions were raised. I asked some questions during the briefing, and since the briefing I have also raised questions directly with one of the advisers at the briefing who provided their details. I got some clarity on this piece of legislation, which is certainly very much welcomed.

What this legislation seeks to achieve and its proposed objectives are certainly of great value. The bill seeks to combat identity crime and improve law enforcement. We know that identity crime is a significant issue that impacts one in 20 Australians annually and one in five Australians throughout their lifetime, with an estimated annual cost to Australians of about $2.2 billion. The object of this legislation, in conjunction with the proposed commonwealth legislation, is to enable state government agencies to work together. This legislation will support better services. Members of the public experience great frustration at having to provide the same amount of information to multiple agencies. One of the objectives of this legislation is certainly to provide fluidity in that process. It is built on the 2017 intergovernmental agreement on the national identity security strategy. It is my understanding that the commonwealth is now progressing the Identity-matching Services Bill 2019 in support of that intergovernmental agreement. That bill will be the first legislation of this type since 11 September 2001—since the Howard government's response to the terror attacks. This bill will provide an important tool in combating identity crime, which is a significant issue in this country. It will enable and support our agencies to do so.

A number of fair questions that I raised specifically with the adviser from the government department have been passed on to the Minister for Transport, including, for example, why Victoria and New South Wales need federal legislation to be in place before state legislation is in place, what safeguards are in place and about the role of commonwealth oversight. I am very pleased that we were able to get a comprehensive response from the Minister for Transport's office. I certainly thank the Minister for Transport and her office for that comprehensive response to a number of concerns that have been raised by not only other state governments that have looked at this legislation, but also the federal member for Canning in his capacity as a member of a joint standing committee that is specifically looking at privacy concerns.

Western Australia and South Australia are the only states in Australia without privacy legislation. In WA, privacy is covered by the Public Sector (Data Sharing) Act. I raised concerns about that and was told that WA is currently governed by common law principles and agent-specific legislation and regulations. Members may be aware that in August 2019 the state government announced an intention to introduce new laws to establish a whole-of-government approach to protecting the privacy of people whose information is held by the government. I hope that the government will provide some clarity on the progress of that legislation. I appreciate that this is not within the Minister for Transport's direct area of responsibility, but legislation that enables the sharing of information directly relates to what is being discussed here. As I stated earlier, WA and South Australia are the only states without specific privacy legislation, but are being asked to take on and support legislation such as this bill that provides for the sharing of information through the use of photographs and signatures.

I asked the minister about safeguards in the bill. I understand that proposed section 11C(3) sets out the penalties if a person discloses identifying information for a purpose other than the authorised purpose. There are pretty significant fines, including imprisonment of two years or a $24 000 fine, as they relate to section 7 of the Road Traffic (Administration) Act. The Department of Transport also has a dedicated governance area and has trained staff specifically to manage this process. There is also audit access and information sharing through the national driver licence facial recognition solution service. Participation agreements and participation access arrangements are legally binding, and an identity matching service protects DOT customers from the use of their identifying information. I have been advised that those arrangements must be signed off by senior representatives of other states and territories before the Department of Transport is granted access to a customer's identifying information. Access to a WA driver's licence identifying information by government agencies is also subject to approval by the Minister for Transport on behalf of the WA government. Two agreements must be signed for the national driver licence facial recognition solution. There will be a hosting agreement as well as a participation agreement.

Earlier I mentioned the commonwealth government's Identity-matching Services Bill 2019. I understand the Federal Parliamentary Joint Committee on Intelligence and Security has made a recommendation. The federal member for Canning was part of the committee that recommended that the federal legislation be redrafted. The committee argued that some necessary safeguards needed to be put in place. The federal member for Canning said —

> "The committee … expresses broad support for the objectives of the bill but agrees that the bill as is stands does not adequately incorporate enough detail," …

There is a lot of support for the objectives of the proposed federal bill, and after some amendments are made, it will be introduced. Mr Hastie also said that substantial changes would be needed, such as boosted protections for citizens. The federal member also said —

> "The committee acknowledges these concerns and believes that while the bill's explanatory memorandum sets out governance arrangements such as existing and contemplated agreements and access policy, they are not adequately set out in the current bill," …
>
> "In the committee's view, robust safeguards and appropriate oversight mechanisms should be explained clearly in the legislation."
>
> …
>
> "Wanting to ensure the safety and security of all Australians is something we have in common but we also need to protect citizens' rights whilst doing so," …

The federal member has highlighted some issues with what has been proposed at a federal level. I understand that more amendments will be put in place and that federal legislation will be introduced either later this year or early next year.

In saying that, I raised other questions with the department and the minister's office about whether there would be annual reporting on the use of identity matching services. It is pleasing that there will be some commonwealth oversight through the commonwealth Identity-matching Services Bill 2019. I was advised that the federal minister will provide a report on the statistics that relate to all requests in the financial year and that that report will also include statistics from each authority of the commonwealth and each state or territory.

Other questions were asked about whether the legislation requires a participation agreement to set out the obligations of all parties. The minister's office also referred to the fact that following recommendations by the Parliamentary Joint Committee on Intelligence and Security, the commonwealth bill will be amended to include details of both the hosting agreements and participation agreements.

This is an important bill. I have highlighted that identity fraud is a significant issue. We should be doing all we can to help and enable our WA and national law enforcement agencies to do their job. One job of our agencies is to address identity fraud through information sharing. I also pointed out the great frustration many individuals feel about duplication and having to provide and verify their identity with many agencies. The identification database that will be operated and maintained by the Department of Home Affairs will obviously be a powerful tool to identify and weed out crime.

Significant issues have been flagged, particularly at the federal level, about privacy concerns. The recommendations that have been flagged by the federal member for Canning, and that the bipartisan committee will be looking at, have great merit. So long as the safeguards are in place, this legislation will be a significant positive.

I conclude my remarks by thanking the Minister for Transport's advisers for providing information and clarification about this legislation. Some questions were asked about the fact that at this stage, the Western Australian government does not have specific privacy legislation, as well as a few other issues that I have flagged. I thank the minister and her staff for providing some valuable clarity around that.

MR V.A. CATANIA (North West Central) [7.20 pm]: I rise to support the Transport Legislation Amendment (Identity Matching Services) Bill 2020 on behalf of the National Party of Western Australia. I, too, would like to put on the record and thank the Minister for Transport and her advisers for providing the National Party with a briefing. From the outside looking in, we might have had concerns about this legislation, but once this legislation had been explained to us and we had gone through it in detail, in my belief, and in my party's belief, this is safe and very necessary legislation, because it will set Western Australia up for the future. I will go into why that is the case, and also why it is important to allow government departments to talk to each other. I think everyone thinks that government departments have the ability to access information as they see fit. However, in reality, that is far from the case, particularly when it comes to information sharing between states, which varies and can be quite difficult.

This bill will implement the 2017 Intergovernmental Agreement on Identity Matching Services, which was endorsed by the Council of Australian Governments. It will allow WA drivers' licences, learners' permits and photo cards to be used by the national driver licence facial recognition solution for identity matching. This bill will make legislative changes to the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008. It will also amend the Western Australian Photo Card Act 2014 to allow the disclosure of photos to the WA-controlled portion of the national hub for search by approved organisations, such as WA Police Force, the Australian Security Intelligence Organisation and other law enforcement officials. The bill will allow disclosure to other state government departments by automated processes—for example, to the Western Australian Department of Transport if a person has been disqualified from driving in Queensland and attempts to gain a driver's licence in Western Australia, or the distribution of photo card facial images if a person has been disqualified from driving. That will ensure that people who are questionable are discovered and dealt with under the law. The bill will also allow disclosure with

the consent of the customer; allow the use of photos and signatures between Department of Transport documents; prevent organisations from subpoenaing photos; and provide for the retention of photos and signatures after 10 years. It is important to note that the existing road laws in Western Australia already allow for most of the above to occur. However, Western Australian photos are not shared nationally. That is the issue when it comes to states talking between themselves in order to prove that individuals are who they say they are. This legislation will allow the government to detect drivers from interstate who are driving without a licence or while disqualified. Western Australia already has facial recognition capacity, which is managed by the Department of Transport and WA Police Force.

From time to time, and especially these days, employers may require identity verification such as a driver's licence, along with national police clearances. As technology improves, employers want to make sure that the person whom they are employing discloses correct information and is the person whom they say they are. The important point is that only the police will be able to access this national system, and only with written permission. That will provide the necessary safeguards. This legislation has been questioned by the Australian Human Rights Commission, which has been very critical of the federal government's Identity-matching Services Bill 2019 for not providing enough safeguards for the protection of information. That will provide a safeguard to ensure that people's information is protected.

Risks obviously arise with data security. However, the Western Australian government already has this data. The important point is that this data will continue to be stored in Western Australia, not overseas, and access will be available nationally on a case-by-case basis. The minister may be able to explain some of the potential cases to ease people's minds that someone will not be able to just pick up the phone or send an email and receive that information. The misuse of images is always a concern. The minister's advisers have assured me that only trained and approved personnel will be given access to these images. People are worried about Big Brother when it comes to mass surveillance and facial recognition. That is a concern for everyone, because when people see a camera, although they may not be doing anything illegal, they feel that their way of life is being hindered by Big Brother watching them. I have been assured by the minister's advisers that that will not be possible under the current system capability. However, as we all know, technology is changing and getting better and smarter, and often the public's privacy is diminished. That is probably one of the big concerns about legislation such as this. However, as I have said, the Western Australian government and governments around the country have this information anyway. I have been provided with some level of comfort that the ability to share this information with other approved organisations does not mean that private sector organisations will be able to access this information. It is critical when we are talking about government to government or department to department access that we do not allow public access to this very important information.

It is very important that the Western Australian public participates in the national model. One of the risks of not participating is that there will be reduced recognition of Western Australian drivers' licences as other states move to the national model. Another risk is that as technology improves and people increasingly rely on smart phones and having all their information on one device that can be easily hacked into, there may be an increase in identity fraud, which we all know occurs from time to time. The benefit of this is convenience. It will allow the transfer of a driver's licence from one state to another, the opening of bank accounts, obtaining a working with children check and obtaining a firearms licence. One of the issues often brought up with me is the ability for one state to talk to another about firearms licences, because laws differ from state to state. Having an identity in the system and being able to check it will hopefully somewhat improve the ability for people to transfer firearms between states. It is not just for people who want to carry guns from one state to another. People often compete in shooting sports events, and allowing shooters to come from the eastern states to Western Australia and vice versa is important, because it is a large industry, particularly in regional Western Australia, where we get lots of shoots, particularly in my electorate. One was held recently at Ella Valla station. It is important that people are allowed to travel from state to state to be able to attend these events.

I turn to disaster recovery. We saw bushfires and floods on the east coast, and there were even floods up my way in Carnarvon. A lot of information is lost in disasters. This system will allow that information to be kept. People being able to get their driver's licence or fill out further forms to assist them in the recovery process after a natural disaster is vitally important. It is even more so now when everything is needed to access any potential disaster relief or to get birth certificates—you name it. This system will be beneficial to areas that suffer natural disasters.

With COVID-19, we have seen prevention enforcement measures such as border control. I think this legislation is absolutely vital when border control is occurring. Hopefully, they will be lifted at some point in the future. With border controls even between regions during a pandemic like COVID-19, it is critical to have information shared so that our agencies are able to see who is abiding by the law and who is not.

This legislation will make it easier to investigate identity fraud. It will provide more effective policing of crime and national security. It will improve counterterrorism and will identify interstate drivers seeking to avoid disqualification.

I had a discussion with the minister's advisers about something that I brought up in this place many years ago. Members may remember having had the ability to be an organ donor and to have that information on their driver's

licence, with it stamped on the licence. That ended when the Department of Transport was unable to share that information with the Department of Health, and that information was taken off the licences. If my memory is correct, it was taken off in around 1995. That has had a drastic impact on people donating their organs, because, at the end of the day, it is up to the next of kin to grant authority for a person to have their organs used if they were to die in unfortunate circumstances and that was their wish. I believe that future legislation is coming in that will allow that discussion between government departments, the Department of Transport and the Department of Health, and will bring back organ donation information on licences. I think it is important that everyone has a licence with a stamp saying that they are a proud organ donor. That will then allow a family to make an informed decision, ensuring the wishes of their loved one are carried out. This legislation moves towards allowing those discussions to occur and that information to be shared, which will be only beneficial to everyone in the long run.

As I said, this legislation will prevent identity fraud, which is growing and growing. If Western Australia does not implement this legislation, we will become even greater targets of organised crime and identity fraud. The important thing about this legislation is that it will allow the states to talk to each other and to share that information when needed, all the while ensuring that privacy is held first and foremost. There are always unintended consequences, and legislation like this can make us think of Big Brother. The Nationals WA and I are comforted that this legislation will only be beneficial to the people of Western Australia by reducing the risk of fraud and leading to other opportunities such as one day being able to bring back the organ donor stamp on drivers' licences and for that information to be shared. Hopefully, there will be some future opt-out legislation to ensure that we can grow our organ donor list. That is where this legislation will lead us in Western Australia. On behalf of the National Party, I thank the minister again for allowing her advisers to answer our questions, and I look forward to the minister answering some of the questions we will raise in consideration in detail. More importantly, the National Party supports the Transport Legislation Amendment (Identity Matching Services) Bill 2020.

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [7.37 pm]: I rise to make a few comments on this very important Transport Legislation Amendment (Identity Matching Services) Bill 2020. A lot of opportunities can arise out of this bill. It is interesting that it is a key piece of legislation for a database of people's identities coming out of drivers' licences and the interaction with other states. It was through drivers' licences that a database of people's identities was established in Western Australia, because most people have a driver's licence. Over time, that has been the vehicle for a database that can go national and prevent crime.

The second reading speech was quite easy to read. It sums up this bill very well. I was quite surprised to read the part describing the benefits of the system, which are very important. The second reading speech mentions that law enforcement agencies will have a more powerful investigative tool to identify people who may be associated with criminal activities. It says that identity crime is one of the most common and costly crimes in Australia. I was surprised that one in 20 Australians becomes a victim of identity crime each year. Those statistics mean that two or three people in this Legislative Assembly could be subject to identity crime. That is a growing concern, particularly for elderly people, with computer hacking and people being able to somehow obtain other people's identities. That is a major cause of fraud at the moment.

One of the key aspects of making this legislation national is to ensure that we do not have a separate database of identities and facial recognition in each state. It is very important that we go national with this. Privacy concerns were mentioned in the second reading debate relating to going national with a comprehensive identity database. It was stated in the second reading speech that there will be lots of disclosure provisions and data-security assessments. When we talk about facial recognition, we often think of some of those television programs and movies in which we see people walking around the streets with numbers and facial recognition technology identifying them. It was specified in the second reading speech that identity matching services will not be used to conduct real-time monitoring or live facial recognition of people in public spaces, which is sometimes referred to as mass surveillance. It was specifically mentioned in the second reading speech that this legislation will not be used for that purpose, but once we have the data and the capability sitting in the database, we just need someone to write the program and access that data. This leads us straight back to the security of that information. I guess we will be relying on the Department of Home Affairs to keep that database secure.

Members who want to go into the detail of this legislation will find that most of the information is well explained in the explanatory memorandum. I will go through that briefly. I know we will never get it, but it would have been helpful to have a flow diagram that shows all the agencies in Australia, how the data will move around those agencies, whether the data will be photographs only, and whether the information will be kept separately. A flow diagram would have been helpful, but I am encouraged by this. The process that will be enabled by this bill is quite complex. The explanatory memorandum explains the amazing drawbacks that currently stifle proper investigation and disclosure of even drivers' licences. Currently, our ability to identify legitimate people is not very effective. That is one important aspect of this legislation.

One objective of this bill is to enable the disclosure of photographs and signatures to the National Driver Licence Facial Recognition Solution, which is the database that will be maintained by the Department of Home Affairs. We have to amend legislation to allow the transfer of photographs and signatures to the Solution. That is one objective.

One point that was made is that the document verification service that the Department of Home Affairs currently uses is unable to detect documents, such as a driver's licence, that contain a fraudulent photo but a legitimate name and address, nor can it identify an unknown person from a facial image. Obviously, that needs to be fixed, and this bill will do that.

I refer to privacy arrangements. This bill will allow private sector as well as government agency access. I can understand government agencies having access, but if private sector agencies are to have access to the database, it is very important that we have good protocols around not only the privacy of that data, but also the ability to copy and use the data for commercial gains or even nefarious activities. I am sure that has been covered by the Department of Home Affairs and all the IT experts there. The bill states that an agency will have to get written approval from the Minister for Transport to gain access to that data. As I mentioned before, this is absolutely super-valuable information. A database that contains a massive number of people's faces that can then be linked and matched to a lot of the data and information that it holds is highly powerful. I know that some people in the community would be concerned about that. I think that, provided we have proper controls around that data, the benefits probably outweigh the disadvantages. When thinking about the security of that data I was reminded of the witness protection plan, which I think would be the most important secure database that Western Australia could have. I cannot get the vision out of my head of that Western Australian who died many years ago in a hotel room in Queensland. He was found in the fetal position. He was on a witness protection program. The witness protection program was on a controlled database in the police department. There were protocols around who could access that data, and when investigators looked at the database, I understand that they found the names of a couple of people who had just searched the database. I do not know if anything happened out of that, and it was a fair while ago. The investigators could find which police officers or police admin staff had access to the database. I am assuming that we will have similar protocols for this database. I suggest that we will need a system whereby if someone accesses the database without approval, that information is relayed to two people, so that two people know that the data has been accessed by someone who should not have had access. I am sure that is way outside the technical side of the bill, but those are the sorts of controls that I hope people are thinking about, so that probably the most significant database we could possibly have in Australia is properly managed.

One thing that was frustrating for me when I was the Minister for Science and Innovation was that if someone goes online to pay a bill to a Western Australian government agency, once they are in the system, they should be able to pay their other government agency bills, and if someone changes their address, it should automatically change their address for all the other instrumentalities and agencies. I remember when the ability to do these things online first came in. I was not in government. I think I needed to change my address. I went on the website, and it talked about all the little things. I was a bit new, and I thought that when I changed my address, it would automatically go through to all the other agencies. It did not; after I had changed my address with that agency, I had to click on each individual agency and repeat the process. This was probably about 15 years ago. I got unstuck; I did not renew my car licence because of that. But one of the benefits of this legislation is that once we have facial recognition in place on the state government portal, which can obviously be linked to the commonwealth portal, it will save Western Australian customers time and effort in paying bills and changing their details. Of course, we will have to make sure that a person is who they say they are. Again, we need protocols and controls to make sure that the person who is changing their address really is Bill Marmion, the member for Nedlands, and not someone pretending to be him. There are lots of complications around that, but I am sure they will be addressed. If they are addressed, this legislation will be essential, moving forward, for Western Australia and Australia.

Another interesting thing to comment on is that this will also enable the retention of historical photographs and signatures. The explanatory memorandum advises that currently, after 10 years, photographs and signatures are destroyed. This bill will allow that data to be maintained. For the reasons stated, old closed-circuit television footage can be compared with photographs of people when they were younger, so it is probably useful from that point of view. The question then becomes how long do we keep that data and is there a cost to keeping it?

In concluding my brief contribution, another issue that has come up is whether the database will be held by the department and located in Western Australia or whether it will be stored on a cloud server. That is sometimes an issue. I do not have a problem with storing data in the cloud, but I know that some agencies are nervous about doing that. The minister might comment on that. I do not know whether the Department of Transport's information is stored in the cloud, but I imagine that it probably is. With that brief contribution, the Liberal Party is very happy to agree to support the bill.

MR Z.R.F. KIRKUP (Dawesville) [7.50 pm]: I, too, rise to speak to the Transport Legislation Amendment (Identity Matching Services) Bill 2020. I thank the members for Vasse, North West Central and Nedlands for their contributions, which were directed at the areas of concern they are particularly interested in. I have to say at the outset that I remain steadfastly concerned about any government and any government agency using facial recognition technology that might be brought about via what is proposed in these types of bills. I read the recommendations and concerns contained in the report of the Parliamentary Joint Committee on Intelligence and Security, chaired by the member for Canning, on the Identity-matching Services Bill 2018. I must say that I echo those concerns.

I do not doubt the intent of what I imagine at the time was a Council of Australian Governments' decision to pursue something that clearly will be a tool for, hopefully, a range of aspects to help keep citizens safe. However, I remain genuinely concerned about any government use of any private information—ever. I am not entirely certain that the government has the capability to do that particularly well. It does not do particularly well at establishing safeguards, protecting the information of its citizens or even utilising that information. When databases similar to this have been set up in other jurisdictions—it has yet to occur in Western Australia that I am aware of—time and again we have seen law enforcement use the information to oppress minorities or those who are voiceless. During this debate, I will cite examples of facial recognition technology having been used to track legitimate protesters. That is a massive concern from my perspective and from the perspective of individuals' data rights. However, I hope the bill addresses some of the concerns I have.

The member for Vasse comprehensively demonstrated the Liberal Party's concerns and asked questions of the Minister for Transport and her team about privacy issues and the like. Those issues cannot go unaddressed. Perhaps data privacy is a generational issue, although the member for Nedlands is also acutely aware of it. It is rarely addressed by governments, particularly at the commonwealth level, unless the commonwealth government wants to look more closely at people's data in a range of legislative options, as exercised by the current government. Provincial governments such as Western Australia have not seen this type of data sharing before in the manner that this bill seeks to achieve. The federal and state governments have now agreed that a nationally consistent approach is needed for what the feds call "identity-matching services". That is an understandable pursuit for the national government because of the increasing overlap between various jurisdictions, particularly state and federal agencies, and for the better movement of people. It makes sense. This is not something we could have considered a number of years ago.

The issue I have is that I do not think people realise just how invasive the government is with people's data privacy. Not many western jurisdictions have cared much about the privacy of their citizens' data. It has become an assumed right or responsibility for the government to access it, which is a concern for me. In this case, it is being done for some very earnest reasons. It makes sense to help identify people in the case of a natural disaster. That is a good thing. It is good to use data to help prevent terrorist attacks and improve intelligence services, but questions need to be asked. The Parliamentary Joint Committee on Intelligence and Security raised those concerns and, as a result, a number of recommendations that were needed and that it recommended that the federal government pursue were put in place. Together with the member for Vasse, during the consideration in detail stage, I will address the issues that were identified in the federal legislation and see whether that committee's recommendations have been introduced here. I am concerned that Western Australia and its agencies, as good as they are at their job, are not particularly good at data privacy and security. I have a massive concern about their level of capability. We have seen the Department of the Premier and Cabinet subject to continuing international attacks and possibly attacks from domestic intruders who want to access that information. If central agencies collect a lot of information, they will be subject to more and more intrusion by online players. Where those people come from and what their motivations are is not for me to question here. The reality is that as governments collect the information, they will increasingly become targeted to ensure that the data collected can be used for nefarious means.

Identity-matching services will be brought together and used in a nationally consistent approach. The minister's second reading speech suggested that an officer in Tasmania might be able to access the details of someone from Western Australia—although I could be wrong. I am interested to know how that service will work and how secure it will be. Frankly, I worry about any government's ability to secure itself against a coordinated attack. No government—certainly no western government, no Australian government and no provincial government—pays as much for data analysts and security officers as any Silicon Valley operator. We know that. By virtue of the fact that those companies are paying more for those services, they are getting a certain calibre of individual. That is not the case for provincial governments. The issue of a digital radio communications network was raised previously. When we were at a briefing with the Minister for Transport's staff from the Public Transport Authority, we asked about its information technology capabilities. The PTA is doing a good job; it does the best it can. The concern we had then was that some backdoors might be opened if that service was awarded to a particular provider. Those issues were flushed out and the government has moved on. The government IT workers are doing a great job, but we know of documented cases of foreign state actors with entire networks of individuals who are solely dedicated to the task of breaking into government services—particularly western governments. In Western Australia, we have seen the Department of the Premier and Cabinet subject to increasing levels of virtual attack. That is an issue for not only this government, but also all parties who seek to sit on the Treasury bench. I am not particularly critical of the government at all or mounting a Liberal attack on Labor; that is just the reality of the environment that we are in. We are seeking here to have a nationally consistent framework for the information that is already stored, in this case by the Department of Transport, and the various other agencies that might use drivers' licences or the WA Photo Card identification. The facial recognition information provided might be used by other government agencies. I have concerns about facial recognition. In the United States there is documented evidence about facial recognition continuing to provide false positives and false negatives for people of minority races, and particularly African and Asian Americans. The hit rate of a greater false positive is woefully inadequate. It continues to fail in the United States, particularly for the FBI, which runs a national database that continues to produce wrongful results.

I am not certain whether that would happen in Australia; I do not know what it looks like, but the reality is that the algorithms used for facial recognition know no bounds or international borders. The algorithm that is used to triangulate the eyes, nose and mouth in the United States is likely going to be the same one that is used here in Australia, if that is what our intelligence agencies are going to use. I do not doubt the need for intelligence agencies to use that technology. I am concerned about the ability for governments internationally and in Australia—particularly state governments—to protect that data from a nefarious attack.

I am concerned that facial recognition has already been deployed by Perth city council. One year ago, the City of Perth announced that it was going to start using facial recognition and tracking on its network of over 300 public-facing CCTV cameras, although at the time it said that no more than three cameras would be switched on. The entire purpose was to track a citizen. The citizen has no say in that; we have no say in that. If any of us walk down Hay Street Mall, a camera has the ability to track us. The City of Perth announced it would be a trial, which I understand was meant to end this financial year. I am interested to see what the City of Perth is going to do about that, given its current situation. At no point was anyone told about it. At no point is there any signage or opportunity for a citizen—myself or yourself, Acting Speaker—to opt out of the procedure or simply even turn around because we do not know what cameras are being used or whether we are going into an area that is monitored. Although I understand governments may have a legitimate and decent intent for the capacity for facial recognition, it can absolutely be misused. We have seen that internationally. I am thinking of the Freddie Gray protests and the Baltimore police department. The police ran social media photos through its own database to reverse-match the protesters to see who was there. Any agency has the capacity to do that if it has the opportunity to access a driver's licence photo or a police mugshot. I am massively concerned about how relevant the photos might be. I do not know about other members in this place, but my driver's licence photo was taken five or six years ago; I do not know when it was taken—some time ago—and it looks completely different.

Mr T.J. Healy: A good-looking one!

Mr Z.R.F. KIRKUP: That might be the case, member for Southern River, but I have garnered much more grey hair since I have been elected to this place.

Several members interjected.

Mr Z.R.F. KIRKUP: The more serious point I raise —

Several members interjected.

Mr Z.R.F. KIRKUP: I am not like some former members of this place who —

Mr D.R. Michael: I know who you're talking about!

Mr Z.R.F. KIRKUP: Indeed, member for Balcatta.

The concern I have is that photos that might be used in a database by law enforcement agencies may be very old. We want to make sure a strict regime is in place to ensure robust safeguards for any positive matches.

The Electronic Frontier Foundation, an international organisation set up to try to ensure there is better privacy and data security for citizens, suggests making sure there are better means for accountability when these services are deployed, including having some human involvement to ensure there are not false positives or false negatives, and making sure there is not an overdependence on this technology for law enforcement. The concern I have is not necessarily about the Western Australian jurisdiction; it is that this technology can enable the exploitation of citizens' information and data. The sharing of data opens more opportunity for and vulnerability to exploitation. The member for Nedlands talked about the cloud and, undoubtedly, any identity-matching service will be shared by the cloud because there is no other way to do it. That immediately leaves data open to other vulnerabilities.

The Parliamentary Joint Committee on Intelligence and Security, which was chaired by a member of the federal government, provided a number of key recommendations to the federal government. We should be acutely aware of those recommendations as we continue to progress this bill. I quote the recommendation that sticks out —

> The Committee recommends that the Identity-matching Services Bill 2019 be re-drafted taking into account the following principles:
>
> - the regime should be built around privacy, transparency and subject to robust safeguards,
> - the regime should be subject to Parliamentary oversight and reasonable, proportionate and transparent functionality,
> - the regime should be one that requires annual reporting on the use of the identity-matching services, and
> - the primary legislation should specifically require that there is a Participation Agreement that sets out the obligations of all parties participating in the identity-matching services in detail.

These are genuine concerns raised by the joint committee and I agree with them. If this data is shared more actively and accessed more regularly, is there going to be reporting on it? If the database is breached or, as part of any

transaction, we find that a Western Australian citizen's data has been misused by a Tasmanian agency, for example, will the Parliament or the people of Western Australia be told about it? I do not know. It does not seem to me that it is part of this legislation. That is a concern. What is the level of parliamentary oversight for the exchange of this information? Again, I do not know. We can ask questions in here but sometimes when we ask questions of ministers they do not respond. Not this Minister for Transport, but other ministers —

Ms R. Saffioti: Thank you.

Mr Z.R.F. KIRKUP: I do not imagine this will be subject to freedom-of-information provisions. From my perspective, I understand it will cover personal information, possibly commercially sensitive information, issues about federal and state relations, and possibly security. There is no way to apply the FOI procedure to this information if something goes wrong or ask about what happened. Is the minister, the Premier or any agency responsible for informing Parliament if there is a breach? If so, I do not see it in the legislation. Some of these concerns were raised by the federal Parliament's joint committee. I think these issues would be better addressed by a nationally consistent approach. I realise that the state is proceeding with the intent set down in the national agreement, the merits of which I do not disagree with at all. I think they are really good. The member for North West Central raised the point about disaster services. That makes a lot of sense and I think it would be a really important tool, but we need to make sure there are appropriate safeguards in place and that the data is used and protected in the best possible way. If there are breaches, we must be told about them to provide better accountability and transparency. These are my concerns.

I will leave members on one last note, because I am certain this is particularly enthralling at this late stage of the evening. On 5 August 2019, the Attorney General and the Minister for Innovation and ICT announced that a privacy commissioner would be put in place with, I quote the media release —

> A citizen-centric approach to determine how the information gathered by the public sector is collected, used, stored and managed

I applaud the Attorney General for this work. I think it is a good thing. We are one of only two jurisdictions in Australia without a dedicated privacy commissioner or privacy framework. The consultation process ended in November last year. I appreciate everything that has happened since then, so I am not casting any aspersions on why there have been delays, but I hope that the privacy commissioner could have greater oversight of this issue. It strays from the portfolio for which the Minister for Transport is directly responsible, but of course she sits in cabinet. A privacy commissioner could look at some of the issues that might come about with any potential misuse of this information that we are seeking to store, collect and share amongst other agencies.

The Liberal Party supports this legislation and I am not seeking to talk down this bill directly; it is much more about the concept of data sharing, data collection by governments and how data is used, often in other jurisdictions. I am looking at jurisdictions in the United States that are far ahead of Australia, although the Australian Human Rights Commission suggests that Australia is adopting nationally, to quote a piece from *The Conversation*, a "more draconian" approach than that of the United Kingdom. The reality is that the intent of governments in Australia—Liberal or Labor—is to do the right thing by the citizen. In other jurisdictions, we have seen that that has not been the case and data that is collected—we are seeking to collect similar data—can be used against the citizen. That is not what I think will happen in Australia or Western Australia, but it leaves some vulnerabilities. All citizens should have the confidence that their privacy is being safeguarded. The minister has included some privacy protections in the legislation, including enshrined penalties, which is a good thing. But my concerns go beyond that to the reporting, and ensuring that the systems we use are as best protected and secured as possible. With that, I commend the bill to the house.

MS R. SAFFIOTI (West Swan — Minister for Transport) [8.09 pm] — in reply: I thank the opposition for its support of the Transport Legislation Amendment (Identity Matching Services) Bill 2020 and its contribution this evening. It appears we will go into the consideration in detail stage and go through many of the questions raised during the second reading debate. I will try to pick up some of the key questions now.

Member for Dawesville, the system is designed to prevent access for identification from mass surveillance and requires significant criteria to be met. The data will be in the data centre, which uses the cloud and complies with the high standards recommended by the Australian Signals Directorate, with some of the safety or security measures the member for Nedlands outlined.

The member for North West Central talked about private sector organisations. The process is subject to a binding participation agreement with WA. Certain private sector organisations may seek access to the document verification system and facial verification system to provide yes/no verifications. Examples include organisations under the "know your customer" duty; anti–money laundering and counterterrorism finance legislation; banks and telcos, with a reasonable need to use government identifiers to verify identity; and, screening staff in sensitive responsible positions, such as chief finance officers or chief information officers. There will be very strict requirements for potential private sector access, but there will be no private sector access to facial images. They will be required for a yes/no verification.

This legislation is part of a national scheme, as has been outlined. The member for North West Central talked about bushfire disaster recovery and so forth and the ability to have a replacement for identification as soon as practicable. This is important legislation, but this type of legislation will always raise concerns about privacy and misuse, which is fair enough. I think we have put all the safeguards in place to make people comfortable with what we are proposing. I thank the lead speaker, the member for Vasse, and other members for their contribution. We will go through some of their more detailed questions in the consideration in detail stage.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Ms L. METTAM: What is the minister's understanding of when the commonwealth legislation will be in force? Obviously, this bill relates to that legislation.

Ms R. SAFFIOTI: The bill is due to be introduced in the spring sitting. We expect it to go through federal Parliament in the next six to 12 months.

Ms L. METTAM: I asked some questions via the minister's office about why Victoria and New South Wales need the federal legislation in place before their state legislation is in place and why WA does not. This was only partly answered. Given that this bill relates specifically to commonwealth legislation and its safeguards and, as referred to in my contribution to the second reading debate, that the Parliamentary Joint Committee on Intelligence and Security is making some changes to that federal bill, I seek some clarity about why this bill is being introduced in Western Australia ahead of that. Other states have made a different decision, but some significant privacy issues have already been flagged.

Ms R. SAFFIOTI: Our advice from the commonwealth was that there was no need to wait for the commonwealth legislation. It was a policy or political decision to wait for the commonwealth. We took the view that we wanted to be as proactive as we could, working with the commonwealth government on this as part of the Council of Australian Governments' agreement and decision. We also believe that by the time our systems and processes are in place, it will be timed well with the commonwealth legislation.

Ms L. METTAM: I understand that the commencement and introduction of this proposed legislation requires a data cleansing process. Can the minister outline what that involves, the time frame for that process and how or when these laws will come into effect, given that process?

Ms R. SAFFIOTI: We would like to have the data cleansing and the data ready for upload by the end of this year.

Mr W.R. MARMION: Clause 2(b) states that the rest of act will come into operation on a day fixed by proclamation. Presumably, a prerequisite for that is the commonwealth bill. Are there also regulations, and do the regulations, both state and commonwealth, have to be in place before the rest of the act comes into play?

Ms R. SAFFIOTI: Yes; we are waiting for the commonwealth legislation. We understand that there will be no commonwealth regulations. State regulations will be required, and we will also have to develop the appropriate systems.

Mr W.R. MARMION: Will the regulations be in place before clause 2(b) is proclaimed? Will any bits come on later? Basically, clause 2(b) states that the rest of the act will come into play. I assume that all the regulations will be in place.

Ms R. SAFFIOTI: Yes, the regulations and proclamation will be done together and they will be introduced at the same time.

Ms L. METTAM: Will this legislation be subject to the Standing Committee on Uniform Legislation and Statutes Review?

Ms R. SAFFIOTI: Yes.

Mr Z.R.F. KIRKUP: If the federal legislation is significantly amended, or is significantly different from the Western Australian legislation, what will be the process? A committee report provided a number of recommendations; one urged the federal government to redraft the legislation. If the end product from the commonwealth is substantively different from what we have before us, where will that leave this bill? What would occur?

Ms R. SAFFIOTI: I have a couple of things to say. First of all, the commonwealth is subject to the same intergovernmental agreement, so we would expect the commonwealth to pass its legislation. If it changed dramatically, we may choose, or not choose, to send a particular piece of information across jurisdictions but the legislation would still be useful for Western Australia in how we use that information across the state and between relevant agencies.

Mr Z.R.F. KIRKUP: Thank you very much, minister. I appreciate the response. This is probably one of the first times—I could be wrong; I am not a particularly experienced member of this place—the states have finalised their legislation prior to the commonwealth. Given how controversial the identity matching services bills are, what would happen if the Western Australian bill required amendment? The Western Australian bill will at least enable Western Australian agencies to operate in a more effective manner. What happens if there is a drastic change? Does the minister anticipate she will have to come back to us at some point, in what would be a new Parliament, to make further amendments?

Ms R. SAFFIOTI: We are very efficient. The answer is that someone has to go first. We were keen to proceed with this. The agreement was signed in 2017, so I would not say it was speedy. From our perspective, we see this as a good reform that will serve the community well in the future. These things are always prone to political cycles and political posturing.

Mr Z.R.F. Kirkup interjected.

Ms R. SAFFIOTI: No; I am just saying as in the timing of this type of legislation. Sometimes people put them off because of elections and so forth. We thought we would be efficient and effective and proceed with our commitments in the intergovernmental agreement. I thank my staff here for being so efficient and effective in their jobs.

Mr Z.R.F. KIRKUP: I appreciate the response. This is my last question on this clause, member for Vasse. This bill will help provide Western Australian agencies with the capability to pull together a range of different datasets that the government will prepare to send across as part of the national solution—which I think is a terrible name—when we come to that point. I suppose the minister is suggesting that after all that work has been done, this bill will not be wasted from the state's perspective. It means that whatever we send across might ultimately change. The minister said in an earlier response that it will take the remainder of the year-ish to get this together. The federal government is going to introduce its bill in the spring session. It does seem to be quite a controversial piece of legislation. From my perspective, from the commencement of the original question, the agencies will get this together, start using it within Western Australia and hold it there in preparation—is that right? Ultimately, whatever happens with the feds, if it is consistent with Western Australia's approach, we will send it over; if it is not, we will have to come back at some point and seek amendments or change it through regulations—is that right?

Ms R. SAFFIOTI: That is a fair description of the state of play.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4 amended —

Ms L. METTAM: Clause 4 refers to the definitions of "photograph" and "signature". Can I get some clarity about how photographs are kept and what assurances are given about their privacy and the safeguards? I appreciate that I pointed to it in my second reading contribution, but can I get some clarity on that?

Ms R. SAFFIOTI: The photos are kept on a server in Western Australia. I understand that we would respond to a query sent from the commonwealth. We would not be sending all the information over. I understand the member for Dawesville's issues about cybersecurity. I will not say I am an expert on all things cybersecurity or IT —

Mr P. Papalia interjected.

Ms R. SAFFIOTI: It is like *The Muppets*, seeing those two. Those old guys are the muppets!

Mr B.S. Wyatt interjected.

Ms R. SAFFIOTI: It is quite funny.

Mr P. Papalia: It is offensive!

Ms R. SAFFIOTI: It was a compliment!

We already have systems in place to protect the integrity of our photo database with how we manage our photos and our licences in our licensing centres. I was told in a briefing that some other states do not have that level of protection about where they keep their photos, but we do it to make sure that they are not able to be stolen in any way.

Ms L. METTAM: As I flagged in my second reading contribution, and I think the member for Dawesville covered this as well, a lot of work that was undertaken in August 2019 flagged some privacy legislation for Western Australia. Given these issues had previously been raised, what assurances are there that people's identity, whether by photograph or signature, will have the appropriate safeguards in place and that this image database will be protected?

Ms R. SAFFIOTI: Specific provisions and safeguards will be used to access this information. Penalties and strong mechanisms are already in place to prevent the misuse of access to information. Guidelines and protocols will be put in place around accessing this information, and we also have privacy arrangements with the commonwealth.

Mr Z.R.F. KIRKUP: I appreciate the minister's response to the member for Vasse's question about the systems used for the storage of photographs. Does the minister have the ability to inform us if there any people in Western Australia at the moment who do not have a photograph on their licence; and, if so, how many people?

Ms R. SAFFIOTI: I think that all people have a photograph on their licence, but perhaps I should not have said that in case I am wrong. We will get further information on that.

Mr B.S. Wyatt interjected.

Ms R. SAFFIOTI: That could be it and I might not be across it.

Several members interjected.

Ms R. SAFFIOTI: We understand that a licence cannot be issued without a photo, although my mother had one without a photo.

Mr Z.R.F. KIRKUP: I appreciate the interjections from —

Mr B.S. Wyatt: The peanut gallery.

Mr Z.R.F. KIRKUP: No, I was going to say the young men on the treasury bench. I appreciate that the minister might come back with the numbers of people who do not have a photograph on their driver's licence. I am curious because we are going to be sharing this information predicated on the fact that people have had these photos taken. For argument's sake, how often is it required to renew those photographs? We are providing security agencies and others with up-to-date information and photographs of people that might then be used for facial recognition.

The ACTING SPEAKER (Ms S.E. Winton): It is taken every five years, I believe.

Mr Z.R.F. KIRKUP: Thank you, Madam Acting Speaker—the great Department of Transport adviser that you are. I cannot get my licence out the back of my phone case, which is usually where I keep it. My photo is quite old now. It is not a high-definition photo, but it is particularly —

Ms R. Saffioti: That is a good haircut.

Mr Z.R.F. KIRKUP: They had good haircuts back then, but apparently it is not as good as the member for Victoria Park's at the moment.

Mr B.S. Wyatt interjected.

Mr Z.R.F. KIRKUP: Well, we can take the boy out of Midland. How often is this photograph refreshed? We are sharing up-to-date information with other agencies, so if the photo is old or there is no photo, what does that mean? How many people will not be able to share their information? I cannot remember from which agencies the minister's advisers come, but can they advise if there is any difficulty with taking photographs of people? Would it be a problem for a regional office or an office in the Kimberley to take photos for drivers' licences and things like that?

Ms R. SAFFIOTI: The photos are taken every 10 years, which is more often than many of our campaign photos.

Mr B.S. Wyatt interjected.

Ms R. SAFFIOTI: It should be a requirement to have our campaign photos taken more often. The requirement is that the licence photo be renewed every 10 years. We have good systems in place and a lot of mobile service teams, particularly in the Kimberley and Pilbara, that head out to Aboriginal communities and provide those services. The Department of Transport provides a good mobile service throughout regional WA and we have no difficulties. As part of a team, I remember visiting Kalgoorlie and taking 14 hours to drive out to Tjuntjuntjara. The teams make a big effort to regularly visit many of the Aboriginal communities.

Mr Z.R.F. KIRKUP: Why is the signature a record that is required to be shared? I remember having to sign my licence about 10 years ago.

Ms R. Saffioti: The licence is renewed every five years.

Mr Z.R.F. KIRKUP: The licence is renewed every five years and the photograph every ten years. It would have been some time ago when I signed the licence. It is a very small signature block. How does that provide any beneficial information to other agencies?

Ms R. SAFFIOTI: The police have requested it for fraud purposes.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Sections 16B and 16C inserted —

Ms L. METTAM: I also flagged with the minister's office this question about the parliamentary oversight process, the disclosure of information with consent by means of the automated system, and, more generally and throughout the bill, the sharing of information. I seek some clarification. The office's response pointed to the parliamentary oversight that exists in the Road Traffic (Administration) Act, and some commonwealth oversight over what is being proposed with the Transport Legislation Amendment (Identity Matching Services) Bill 2020. The state is consenting to the sharing of information, so what specific mechanisms have been put in place to track the Western Australian information that is shared?

Ms R. SAFFIOTI: I will provide a summary because my notes on the disclosure of information are quite comprehensive. I have been advised that we will create systems to allow people to provide consent. I can provide a lot of information on this, but is there a particular issue that the member wants to get further advice on? I have quite a bit to read out, but I would prefer to talk to a particular question that the member might have.

Ms L. METTAM: In relation to annual reporting, what sort of tracking and oversight will there be at the state level of the information that is shared?

Ms R. SAFFIOTI: Any release of information to the commonwealth will be reported by the Minister for Home Affairs on an annual basis. Any internal use of records would not naturally be reported across agencies, as is currently the case and will remain the case.

Mr V.A. CATANIA: If a local government has contracted out its parking services, and someone refuses to pay a fine and the local government needs to track that person down, will it need to make a submission to the Department of Transport to enable it to identify that person; and, if so, will that local government have the ability to pass on that information to a private organisation such as Wilson Parking Australia? Can the minister explain how that scenario would work and whether local governments would be able to access information if they have contracted out their car parking services?

Ms R. SAFFIOTI: I think this is slightly outside the legislation, but I understand that we already have agreements with local governments that they can access our databases for parking infringements. In relation to third parties—Wilson is one that comes to mind—apparently Wilson took us to the Supreme Court to get access to that information.

Ms L. METTAM: In relation to the minister's last response about oversight of the sharing of information, the minister stated that there will be regular reporting at the federal level by the Department of Home Affairs. Can I then assume that information from Western Australia will not be shared by the Department of Transport until the commonwealth legislation has been introduced, and that, until that time, the sharing of information will be only with other state agencies? Can the minister spell out how that will work on the ground and how this bill will be effective without the introduction of the federal bill?

Ms R. SAFFIOTI: This legislation will allow us to send information to the central hub. The commonwealth legislation will allow that information to be shared with other states and jurisdictions.

Ms L. METTAM: In the interim, following the introduction of this legislation, and while we are awaiting the introduction of the commonwealth legislation, can I assume that no Western Australian identity data or information will be shared? I seek some clarity on that.

Ms R. SAFFIOTI: Hopefully, some tests will be undertaken. It will not be in a live environment. It will be basically just a test environment to see how we can securely transfer information from the state to the national hub.

Mr W.R. MARMION: I refer to proposed section 16C, "Disclosure by means of automated system". Proposed subsection (3) states that the automated system may allow relevant persons to retrieve data in the system and to be sent alerts about data that has been modified or added to the system. Does the bill provide a definition of "relevant person"? There are a number of stakeholders. Is the relevant person who may retrieve data or be sent an alert the person who is managing the database, the person to whom the data pertains, or the chief executive officer who is overseeing the data?

Ms R. SAFFIOTI: The description of "relevant person" will be laid out in the regulations. I have an example in my notes. This will allow an employer to be provided with regular automatic updates of the status of an employee's driver's licence, with the employee's consent. A customer may also consent for their local council, various government departments or utility providers to be notified when the customer updates their address or phone number with the Department of Transport. That would be an example under this clause.

Mr W.R. MARMION: The database could include a number of different types of people. In the employee example, if a person committed a driving offence, the employer would be notified, with the consent of the employee. If the person's data were changed, such as their middle name, their address or their telephone number, would they get an alert? Could the system be set up for that? If that were me, I might not want them to know. I would be interested to know whether the system could be set up to provide that extra safeguard for the individual.

Ms R. SAFFIOTI: Just to run through another example, if my information changes, people have to inform the Department of Transport that their information has changed, and the person to whom that information is then communicated is defined as the relevant person. The person who has made that change, say by inserting their middle name or changing their phone number, would have to initiate the change at the Department of Transport. It is then about how that is relayed and who is the relevant person in that transfer of information. That will be spelt out in the regulations.

Mr W.R. MARMION: I guess it is about value-adding. A bank has to send someone an alert when they have paid a bill for over a certain amount of money or something has changed. Just keeping it to the example of the employer and employee that the minister gave, the employer could get a notification, but the employee could be courtesy copied and be told that their employer has been notified that they have just gone over 12 demerit points or something. Is that being considered? I realise these are regulations.

Ms R. SAFFIOTI: That is not really anticipated in this clause.

Mr Z.R.F. KIRKUP: I refer to the point the member for Vasse raised about possible breaches of the database. The federal government would provide an update that there have been some breaches as part of its annual reporting process. The minister will be the ultimate custodian of a regime that will harvest Western Australian citizens' data as part of a system that will go across jurisdictions. Is the minister comfortable that she will not know of any breach until information about it is tabled in Parliament and that she does not have a responsibility to tell Parliament?

Ms R. SAFFIOTI: I have been told that I would be advised of any breach of WA data. The other point to note is that we are already custodians of significant information and data. This legislation really makes sure that someone is the person they say they are, and that the photo on their driver's licence or ID matches them. Fundamentally, that is why I am very comfortable with this legislation. There is already an enormous amount of data, and we are already custodians of an enormous amount of information about people. This legislation really just makes sure that someone cannot steal my identification as readily as could be the case without this legislation. I think it is important. We have seen many cases of people having their identity stolen and the process of them trying to get their identities back is sometimes a very complicated and drawn-out saga. This legislation really just tries to make sure that we have the right security and information matches to ensure that someone is who they say they are.

Mr Z.R.F. KIRKUP: I thank the minister for the response. I appreciate the minister's thoughts and reflections on the bill. I entirely get that the Western Australian government already collects an awfully large amount of information on citizens. The member for Nedlands was a minister in the cabinet when two properties were sold in foreign transactions to people with assumed identities, and the former government put in place protections to stop it occurring on, I think, property titles, which would be done by Lands now.

The minister may not feel the need to respond to this, but the only concern I have is that I can imagine the first breach. I do not doubt the intent, but the second reading speech makes clear that there will be possible access by other agencies in other jurisdictions. We have seen in Corruption and Crime Commission report after Corruption and Crime Commission report that public sector agencies can be infiltrated. We have seen that happen from time to time in WA police, for example, with officers having been found to have misused the computer systems. Ultimately, if the minister responsible is informed, it gives me some comfort, but the minister is a very astute individual who is very experienced in politics, and she could imagine what would happen for the state minister the first time there was a breach. The second reading speech gave the example of someone in a Tasmanian agency infiltrating the system when they should not have. We have agreed for our data to be accessed by Tasmania in a nationally consistent approach. The Western Australian minister would have to be responsible for that, and, through no fault of their own, but because we do not have a reporting mechanism here, we would not know about it and it would come out somehow. The minister will have to be held accountable for that. Why is there no need for a more robust reporting system? Under the Westminster system, the minister will ultimately be held accountable, but it is of course not the minister's doing. An infiltration has possibly occurred from another state or territory, or maybe there is an overseas attack from an external threat. Ultimately, as we have heard through questions from the member for Vasse, the reporting will come out likely through the feds. Maybe the information will be generic. The minister will find out as well. What happens then? The minister at the time will have to be held accountable for that through no fault of their own. Does the minister not think there should be more robust reporting mechanisms put in place in Western Australia so that the minister can see things off before they become an issue, because the feds have put them out there and everyone has responded to the issues in the reports that identify breaches of data?

Ms R. SAFFIOTI: I am referring to the Intergovernmental Agreement on Identity Matching Services signed in 2017. A lot has changed since then. The then Prime Minister was Malcolm Turnbull. How many Premiers from 2017 are still in power?

Mr Z.R.F. Kirkup: Since 2017?

Ms R. SAFFIOTI: Yes. There was Hodgman in Tasmania, who is no longer there. Weatherill is not there. There was Turnbull. Is Mark McGowan still there? Annastacia Palaszczuk is still there, Daniel Andrews is still there and so is Berejiklian.

Now I have just lost my place. Part 9.17 of the agreement states —

> The Commonwealth will notify any other affected party of any unauthorised disclosure of the party's identity information via the interoperability Hub or the National Driver Licence Facial Recognition Solution.

Mr Z.R.F. KIRKUP: I appreciate that; that is really good. When there is that notification, does the minister appreciate that times have moved on since the 2017 agreement, as she has demonstrated? Through the processes and systems in place, the agency becomes advised that there has been a breach. Will each agency in Western Australia have to come up with its own protocol about what it does with that?

Ms R. SAFFIOTI: We are all required to have our protocols, and they will be developed. I suspect we will be outlining how we communicate such breaches.

Mr Z.R.F. KIRKUP: This is my final question on this clause, member for Vasse. Does the minister imagine that there will be regular and timely reporting of any breaches for her agencies?

Ms R. SAFFIOTI: We would expect to have protocols that we would report if there were any such breaches.

Clause put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Part 2 Division 3A replaced —

Mr W.R. MARMION: I refer to proposed section 11D on page 8, "Disclosure of identifying information with consent". Would this proposed section enable the state government portal to work more efficiently by people giving consent so that the information can be passed around all the different agencies?

Ms R. SAFFIOTI: Proposed section 11D would allow the CEO to disclose identifying information with the consent of the person to whom it relates. The provision would give effect to objective 4. As has been described to me, it would allow a person to give consent for their identifying information to be shared with other agencies—for example, a skipper's ticket or a firearms licence.

Mr W.R. MARMION: I thank the minister for the answer. I move on to page 10, proposed section 11F, "Disclosure of photographs to executor or administrator". I have read this three or four times to try to work out what it means and why we would need to do that. Could the minister explain what proposed section 11F is about? It was not very clear in the explanatory memorandum.

The DEPUTY SPEAKER: Would you like a tissue, minister?

Ms R. SAFFIOTI: Thank you.

A member: Would you like a face mask?

Ms R. SAFFIOTI: Yes, I know. I am sorry, I think I freaked everybody out. Everyone is running out!

The DEPUTY SPEAKER: A hazmat suit, I was thinking!

Ms R. SAFFIOTI: Yes! This proposed section is very similar to an existing provision, and it exists for an extreme situation. The case has been put to me that if a person died and the executor did not have a photo of the deceased person, at the time, the Department of Transport could not release their driver's licence photo because there was no allowance for that. This allowance was brought in—I will just get my people nodding—and this replicates that existing provision.

Mr W.R. MARMION: Just on that, if the executor did have a photo but it was an old one and they still wanted a photo, could they apply for it? I presume it would still be at the discretion of the CEO whether that could be released, or would it automatically be released if the person has died?

Ms R. SAFFIOTI: Yes, that is correct.

MS L. METTAM: Just on the general clause and information management, I would like to understand how this proposed legislation fits in with the privacy controls that we have talked about. I have pointed to what was flagged as proposed privacy legislation. Obviously, information management raises some issues around privacy. I would also like to know how this legislation will interact with the privacy controls that the government already has in place, and the safeguards as well, which have been flagged.

Ms R. SAFFIOTI: Public sector guidelines on privacy already exist in a policy frameworks and standards document that is issued by the Public Sector Commission and in a Public Sector Commissioner's circular. The last review date was in late December. That regulates information sharing and access to information.

Ms L. METTAM: The participation agreements have been pointed out, and I guess they are a big part of what has been proposed in each state and in the commonwealth legislation. In the correspondence that I have received from the minister's office, it has also been flagged that there are additional controls around the hosting agreement itself, and that the Department of Transport could potentially withdraw from a hosting agreement, as it states, at any time that it sees fit, and that it will not be held to any terms. That is on the hosting agreement itself. What would be an example of the withdrawal of a hosting agreement? I will ask some other questions after that.

Ms R. SAFFIOTI: It gives flexibility or allows the state to turn off that data flow—the participation in that agreement—if we are not satisfied with how that jurisdiction is following its protocols or its use of the information.

Ms L. METTAM: Would that be with the commonwealth jurisdiction or with any jurisdiction?

Ms R. SAFFIOTI: I refer to the intergovernmental agreement again. Part 9.15 states —

> If there are concerns about an Entity's compliance with privacy and security safeguards:
>
> (a) the Commonwealth, as the operator of the interoperability Hub, will comply with a direction from a state or territory: to not facilitate; to modify; to suspend; or to terminate an Entity's access to the state or territory's data via the Identity Matching Services, and
>
> (b) the Commonwealth may exercise its discretion: to not facilitate; to modify; to suspend; or to terminate the sharing of information between Entities via the Identity Matching Services.

Ms L. METTAM: Perhaps this question would have been better asked at the commencement stage, but can the minister clarify when the hosting agreement and the participation agreement will be entered into with the federal government? Will that occur after the commonwealth legislation is introduced?

Ms R. SAFFIOTI: The member for Vasse is correct; it will be entered into once the commonwealth legislation and our legislation is in place.

Ms L. METTAM: Will the minister wait for the commonwealth and the other jurisdictions to pass their legislation?

Ms R. SAFFIOTI: As I understand it—I am happy for people to nod as I speak—we will have an agreement with the commonwealth government, but if another state does not have its legislation in place, that state and its entities will not have access to our information. That is how it would operate.

Mr Z.R.F. KIRKUP: I have a couple of questions about why it is considered necessary for photos from learners' permits to be provided as part of this scheme. There are some concerns about the provisions under proposed section 11H, "Photographs and signatures: possession and reproduction". Penalties will be put in place for the misuse of the information obtained from a learner's permit, which, I imagine, includes a person's photograph. Why is it necessary for the state to include information from a learner's permit as part of this scheme? That will include people who are quite young. It does not provide assumed consent or even ensure that they will be aware of what will happen with the information. Why was it considered important for the government to provide —

Mr V.A. Catania interjected.

Mr Z.R.F. KIRKUP: Given that the member represents a more regional district than my electorate, I imagine that 15-year-olds could apply for an extraordinary licence to drive on a farm. Is that right?

Mr V.A. Catania: It is 16.

Mr Z.R.F. KIRKUP: In that case, my apologies.

Mr V.A. Catania interjected.

Mr Z.R.F. KIRKUP: A 16-year-old's information will be passed on. Why is it important for the government to collect and share that information?

Ms R. SAFFIOTI: It is for simplicity and consistency so that we have the same approach for all types of licences. As has been pointed out, other states have different learners' and drivers' licences. It is to try to create a more simplistic and consistent approach to using similar documents across Australia.

Mr Z.R.F. KIRKUP: Obviously, the minister appreciates the concern about a minor's information being collected and their photographs being used, and that could be accessed by anyone in Australia who is part of the solution proposed here. I appreciate that it is for simplicity, but it is an extraordinary step to use children's photos and for their information to be shared and possibly accessed by agencies across the country. I appreciate the need for simplicity, but where is the protection of the rights of the child?

Ms R. SAFFIOTI: This is a government system that has many safeguards and protocols inherent in it. I do not want to diminish what the member is saying, but we live in the day and age of Facebook, Instagram and other social media. I found the discussion quite interesting when people talked about the COVID app —

Mr V.A. Catania interjected.

Ms R. SAFFIOTI: Yes, and where they had been and where they had checked into. The member has raised a legitimate issue, but I put my child's face on Facebook —

Mr R.R. Whitby: And TikTok and Instagram.

Ms R. SAFFIOTI: Yes. I am not trivialising the matter. The member raises a legitimate concern, but, ultimately, we have to trust the systems and protocols that will be put in place to make sure that the information will be used properly and will not be abused.

Mr Z.R.F. KIRKUP: For the record, I trust the Western Australian government. As a resident of Western Australia, I trust the Western Australian government to do the right thing. The concern I have is whether any Western Australian parent would be comfortable with their son's or daughter's information being accessed by a Tasmanian agency, which it could be, especially if the facial recognition algorithm produces the child's photo in a range of potential suspects or positives for whatever circumstance it might be. It might come up. As was referred to in the minister's second reading speech, a Tasmanian agency seeking to enforce a measure could access the data of Western Australian children. I do not doubt for a second that Western Australian parents trust the Western Australian government. Whether they trust the government of another jurisdiction is a wholly different question. I appreciate that measures will be put in place and that this legislation reflects the COAG agreement. I just highlight my concerns about the issues that might come up if parents knew that their children's information, which was provided in Western Australia, could be accessed in other jurisdictions such as Tasmania or the Northern Territory.

Ms R. SAFFIOTI: Again, I take the member's comments on board. He seems to distrust interstate governments. Maybe we need to keep the borders up for a bit longer! The member seems to be very suspicious about other states. I understand his concerns. Maybe if we keep the borders up, this will not be an issue!

Strong protocols and safeguards will be put in place. This information will have the highest security of any information that is shared throughout the nation or internationally.

Mr V.A. CATANIA: I hope I am asking this question at the right point in the legislation. For people who do not have a licence or any other form of identification, there was an 18-plus card —

Mr Z.R.F. Kirkup: A WA Photo Card.

Mr V.A. CATANIA: Will that be part of this system? It is a card with a photo but without a signature. Will a new card come out or will that card be part of the new system? Perhaps the card to use on Transperth that schools often have —

Mr Z.R.F. Kirkup: A SmartRider.

Mr V.A. CATANIA: Yes, one of those. Schoolchildren have photos and information on that. Will that also be part of the system?

Ms R. SAFFIOTI: In 2014, the Western Australian proof-of-age card came into place. That is covered by this legislation but SmartRiders are not.

Mr Z.R.F. KIRKUP: This is the last question I have on clause 12. Proposed section 11I is titled "No subpoena or orders for disclosure of identifying information". Effectively, is this a protection mechanism to ensure that the information that is gathered and stored as part of this solution cannot be provided to an unauthorised person? Why is it considered necessary for this provision to be included? Is it to prevent another case of the Wilson Parking example that was used previously?

Ms R. SAFFIOTI: Yes, this is another example of the Wilson Parking case, but it is more for if a shopping centre wants someone's photo; this provision puts it beyond any doubt that it cannot be released.

Mr W.R. MARMION: This provision is the same as that in clause 24, so it will avoid me asking a question about clause 24, which has exactly the same wording. Regulations have been drafted and I understand that this provision is included so that, for example, Wilson Parking does not bug the department. I think the regulations cover the grey areas. Can the minister outline these? Are there any matters of family law that might start to merge into a possible breach of court orders? If the CEO is able to produce information, what is the criteria around it? Would it be up to the CEO or do they have to meet some criteria to release information in that grey area?

Ms R. SAFFIOTI: I understand that the member is looking for grey areas, which need further explanation. As described on page 29 of the explanatory memorandum, I quote —

> As some civil proceedings are related to criminal offences, it is proposed to allow regulations to be made under this provision to exclude certain proceedings from the operation of this provision, such that subpoenas issued under certain civil proceedings may request photographs or signatures from the DoT.
>
> Consultation with the State Solicitor's Office and Department of Justice was undertaken on this point. It is intended that following further consultation with the Department of Justice, civil proceedings under the *Dangerous Sexual Offenders Act 2006* and *Criminal Organisations Control Act 2012* would be prescribed under section 11I.

Clause put and passed.

Clauses 13 and 14 put and passed.

Clause 15: Section 6 amended —

Ms L. METTAM: **I** refer to proposed subsection (5) on page 13 of the bill, which states —

> The CEO is authorised to use on a photo card a photograph or signature provided by the applicant under this Act, or a related Act, within the period of 10 years before the application.

What happens after that period?

Ms R. SAFFIOTI: This is red-tape reduction. The chief executive officer is authorised to use a photo card, photograph or signature provided by the applicant under this legislation. Basically, if someone had to give up a driver's licence, their photo and signature could be used for their photo card, whereas currently, they would need to go through the whole process again. This provision will save the affected person time and effort.

Ms L. METTAM: More broadly, can I ask about when information can no longer be used—the expiry of information? If a driver's licence has expired, is there still an ability for the state government to share information on that driver's licence or similar?

Ms R. SAFFIOTI: I am sorry; I did not catch the member's last point, but I think I know where she was heading: what do we do with old photos?

Ms L. Mettam: Yes.

Ms R. SAFFIOTI: We keep that information because police sometimes require older photographs, so we retain them. I can understand why they require them—for cold cases and so forth, I suspect.

Ms L. METTAM: Is there an expiry date or how long is the information kept for? Is it kept forever?

Ms R. SAFFIOTI: Currently, we keep records for up to 10 years. Under regulations or through guidelines, the State Records Act prescribes how long we keep data for.

Ms L. METTAM: To clarify, what happens to the data or information after 10 years?

Ms R. SAFFIOTI: Under this legislation, we would keep the information indefinitely until the relevant regulations or until the State Records Act requires us to destroy it.

Clause put and passed.

Clauses 16 to 18 put and passed.

Clause 19: Section 14 amended —

Ms L. METTAM: Clause 19(2) seeks to insert into section 14(3) of the act the following —

> Penalty for this subsection: imprisonment for 2 years or a fine of $24 000.

Is there any discretion for those penalties?

Ms R. SAFFIOTI: The penalty is the amount up to those figures.

Clause put and passed.

Clauses 20 to 26 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.29 pm]: I move —

> That the bill be now read a third time.

MS L. METTAM (Vasse) [9.29 pm]: The opposition certainly supports the Transport Legislation Amendment (Identity Matching Services) Bill 2020 that has been put before the house this evening. We recognise there are a lot of risks in the state not participating in the intergovernmental agreement under this legislation. Identity crime is a significant issue and we understand that one in five people may be subject to or a victim of identity crime throughout their life, at a significant cost of over $2.2 billion to the state and at a national level. We appreciate the information that has been provided by the minister this evening through the consideration in detail process, as well as the advice provided by the advisers. We have flagged some issues about how this legislation will work with the commonwealth legislation that has been introduced. I also understand that a committee will look at this legislation from a uniform legislation point of view. We certainly support the merits of what is being proposed and understand the risks of not participating in such a scheme.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.31 pm] — in reply: Once again, I thank the member for Vasse, the Nationals WA and the Liberal Party for their support of the Transport Legislation Amendment (Identity Matching Services) Bill 2020, for their engagement with my advisers and for their positive contributions to the bill this evening.

Question put and passed.

Bill read a third time and transmitted to the Council.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019

Returned

Bill returned from the Council with amendments.

As to Consideration in Detail

On motion by **Mr J.R. Quigley (Attorney General)**, resolved —

> That the Council's amendments be considered in detail forthwith.

Council's Amendments — Consideration in Detail

No 1

Clause 2, page 2, lines 9 to 12 — To delete the lines and substitute —

(b) Part 2 — on the day after assent day, but only the following provisions —

(i) Divisions 1 and 2;

(ii) Division 3 (but only section 87);

(iii) Division 4 (but only section 103);

(c) sections 9 to 86, 88 and 89 and Part 3 — on a day fixed by proclamation;

No 2

Clause 2, page 2, after line 14 — To insert —

(2) However, if a provision of this Act does not come into operation before the end of the period of 10 years beginning on the assent day, the provision is repealed on the day after that period ends.

No 3

Clause 8, page 5, lines 13 and 14 — To delete "Part 2 Division 3 comes" and substitute —

sections 9 to 86, 88 and 89 come

No 4

Clause 56, page 53, line 22 — To delete "Part 2 Division 3" and substitute —

section 56

No 5

Clause 87, page 120, line 12 — To insert after "report" —

under subsection (1)

No 6

Clause 87, page 120, after line 15 — To insert —

(3) The Minister must also review the operation and effectiveness of the amendments referred to in subsection (1), and prepare a report based on the review, as soon as practicable after the 7th anniversary of the day on which section 87 of the amending Act comes into operation.

(4) The Minister must cause the report under subsection (3) to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 7th anniversary.

(5) The Minister must transmit a copy of a report under subsection (1) or (3) to a Clerk of a House of Parliament if —

(a) the report has been prepared; and

(b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.

(6) A copy of a report transmitted to the Clerk of a House is taken to have been laid before that House.

(7) The laying of a copy of a report that is taken to have occurred under subsection (6) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

No 7

Clause 103, page 140, line 12 — To insert after "report" —

under subsection (1)

No 8

Clause 103, page 140, after line 15 — To insert —

(3) The Minister must also review the operation and effectiveness of Part 4 Division 3C Subdivision 2, and prepare a report based on the review, as soon as practicable after the 7th anniversary of the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2019* section 103 comes into operation.

(4) The Minister must cause the report under subsection (3) to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 7th anniversary.

(5) The Minister must transmit a copy of a report under subsection (1) or (3) to a Clerk of a House of Parliament if —

(a) the report has been prepared; and

(b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.

(6) A copy of a report transmitted to the Clerk of a House is taken to have been laid before that House.

(7) The laying of a copy of a report that is taken to have occurred under subsection (6) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

No 9

Clause 104, page 140, line 22 — To delete "Part 2 Division 4 comes" and substitute —

sections 90 to 102, 104 and 105 come

Mr J.R. QUIGLEY — by leave: I move —

That the amendments made by the Council be agreed to.

These nine amendments were agreed to in the other place. Several of them relate to review provisions in the bill. The review amendments have three substantive impacts. Firstly, the commencement date of the time period for the review requirement will commence on the day after assent rather than when the operative provisions commence. Secondly, a further review clause was added in addition to the already included three-year review. Thirdly, the additional provisions were introduced to provide tabling when Parliament is not sitting. Furthermore, a provision has been added to the commencement clause to provide that any provisions that are not proclaimed within 10 years will be automatically repealed. The government accepts each and every one of these amendments and looks forward to this important bill coming into force.

Mr P.A. KATSAMBANIS: This is rather unusual. We received this message this evening and the government sought leave from the opposition to move to consideration of the message forthwith. I have consulted with my colleagues and I do not think we have been provided with any reason about why we need to move as hastily as we are. Nevertheless, we do not want to delay the passage of this legislation—after all, we support the legislation. There has been a significant amount of time between when this bill left this place and when it returned. Some of it was because the bill was being considered in the other place, but most of it was because it was not prioritised as government legislation in the other place. Irrespective, it has come back to us tonight. The amendments were moved in the upper house. The Attorney General outlined the general nature of them. They introduce some review clauses, change the timing of the review period and add an additional review. They also include a provision that any of the provisions of the act that do not come into operation within 10 years of assent day lapse or are automatically repealed, rather than hanging around on the notice paper. That is a good construct that parliamentary draftspeople could probably pick up for the future, especially when we provide in acts that some provisions come into force automatically and others can be proclaimed at any time by a minister. If they have not been proclaimed within 10 years, we could imagine that they are no longer needed or required.

These are technical improvements that do not change the nature of the operative provisions of the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. The opposition obviously does not have any problems with them and we are happy for the speedy passage of them and for this bill to become law.

Mr Z.R.F. KIRKUP: I want to follow the contribution of the member for Hillarys. I obviously think that the amendments that are about to pass through this place as part of the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 are significant. They represent significant reform in Western Australia, most particularly when it comes to my concerns about the rates of Aboriginal incarceration. This is an important step. I am advised that a number of Aboriginal people at the moment—four is the number I have recently read—are in jail at this very moment because they have unpaid fines. I note comments in tomorrow's *The West Australian* by the Minister for Aboriginal Affairs that he claims, probably rightly so, that passage of this legislation will see a rapid reduction in the rates of Aboriginal incarceration.

For what it is worth, it is important to recognise this moment and important that the legislation that we have before us is rightly scrutinised in the Legislative Council. I appreciate the work done there and, indeed, the member for Hillarys in this chamber in making sure we can identify it appropriately. But I think, genuinely, all of us realise the significance of the moment of this bill and the significance of the moment of this amendment. With that, it is worth recognising the work of the member for Hillarys and the Attorney General, in what he brought to this place, because it is an important moment in our state's history. For some time, we have seen the rates of Aboriginal incarceration continue to skyrocket at levels that all of us think are absolutely unfathomable at times. With that, it is important to recognise the importance of what we are about to see pass through this place and is hopefully assented to at an expeditious pace.

Mr B.S. WYATT: I want to make a similar comment to the one that the member for Dawesville just made. In 2006 or 2007, I was asked by the then Minister for Road Safety to do a review into how we could get more Aboriginal people licensed. It is seemed like a simple request for those who live in metropolitan Perth and back then, we did not have to do as much supervised driving as we do now. There were different licence requirements.

But what we have all known is that the capacity to get a driver's licence excludes a lot of Aboriginal people from a couple of things: firstly, from getting a job; and, secondly, Aboriginal people who live in remote communities will drive. Let us be honest; whether a licence is attached to that person or not is broadly irrelevant for a person who needs to move vast distances between remote communities on non-gazetted roads or into large centres. It became apparent over time that a lot of people accrued fines after being pulled over in a vehicle. It would get to a point at which fine defaulters would end up in Broome or Roebourne prison, or wherever it happened to be. A lot of people I spoke with, mainly in Broome prison, were doing a stint inside to cut out their fines, which became a normal part of life. Every couple of years, they would go inside. It was not something that they worried about; it was a part of life. When the prison system is used as a way to pay off fines, inevitably it impacts on those most impoverished in our community. It is very much a reflection of poverty and exclusion. In Western Australia, of course those statistics are dominated by Aboriginal people. For many young Aboriginal people, time in jail to cut out fines has been normalised. It was not a negative in their life because it became a part of life. It highlighted the fact that it was clearly not an adequate way to go about ensuring that people paid their fines. We have all seen it: once a year or once every six months, *The West* reports on the outstanding levels of fines—$400 million, or whatever it happens to be, and each year it goes up. Clearly, imprisonment is not a deterrent to people to pay their fines.

As the member for Dawesville just pointed out to the Attorney General, this reform is incredibly important. It will provide a range of options, including garnishee orders. I cannot help but reflect upon Ms Dhu. Ms Dhu was one in an army of people who have been in and out of the prison system. When I say "in and out", every two years or so they would factor this into their normal way of life. We will hopefully see—this is the comment I made to the media—a lot of people being directed away from the prison system. That is something that I think all of us support.

I am really delighted that this had bipartisan support, and I want to emphasise that. This was one piece of legislation I was keen not to see become an election issue where one side committed—in this case the government—and the other side said it would re-implement imprisonment as an easy option for paying down fines. This is an important reform. I thank the Attorney General and I thank Parliament for its bipartisanship on this because hopefully this finishes this debate in Western Australia, full stop, and we can move on to other reforms that need to take place to ensure we continue to make efforts around Aboriginal imprisonment. With those few words, I want to thank the Attorney General for his work on this legislation.

Mr F.M. LOGAN: I also congratulate the Attorney General and thank the opposition for their support on this very critical piece of legislation—the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019—and that it has finally passed Parliament. As the Treasurer just indicated to the house, the burden of cutting out fines falls unfairly, as always, on Aboriginal people. In terms of actually reducing the incarceration rate of Aboriginal people, this is a major step forward.

For the purposes of any criticism directed towards the opposition in supporting this legislation, I draw to members' attention the number of people this reform will affect. We heard recently on radio that this legislation will not affect very many people; someone said it will affect five people a day. I can assure members that it will affect over 100 people a day for the whole year. When we look at the number of people, in one year 5 400 people are affected by this process of cutting out fines through going to prison. The worst part about it is not only does the burden fall unfairly on Aboriginal people, but also it costs the state a significant sum of money. The first 10 days a person is in prison costs $700 a day. It is the most expensive time to spend in prison because people have to go through all the medical and various other checks upon entering prison. Imagine 100 people a day going to prison to cut out their fines over two, three or four weeks. This continual rotation of people through the prison system costs Western Australian taxpayers an absolute fortune. That burden falls upon Indigenous people who have to pay off their fines by being incarcerated over and over again. It also affects their job prospects and their future life prospects, particularly those of women.

We have seen what happens sometimes when people go to prison when they are unwell. Not only does being in prison not make them any better, they also get sicker and sometimes pass away. This legislation is not just a critically important to keep people out of prison, it is going to turn people's lives around and it is beneficial to taxpayers. I commend everybody who has been involved in the creation of this legislation. It is a big step forward for the state of Western Australia. Once again, I congratulate the Attorney General and thank the opposition for its support.

Mr P.A. KATSAMBANIS: I spoke earlier on the technical aspects of the amendments to the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019, but given the comments made by the member for Dawesville, the member for Victoria Park and the member for Cockburn, I thought I would add my comments to the broader issue. This is an issue that should concern all of us. I agree with the sentiments expressed by all three members who have spoken about the need to, firstly, reduce the number of Aboriginal people who are incarcerated; and, secondly, to recognise that our system of imprisonment for fine default and the non-payment of fines has not been an overly successful deterrent for a large cohort of people. The Minister for Aboriginal Affairs, in his capacity as Treasurer, would know better than anybody the outstanding figures. We are not changing a successful system; we are changing a system that has been unsuccessful on all elements—from the human and community cost level to the lack of recovery of fines level. Right across the board, the system has not worked.

In my second reading contribution, I made the comment that my biggest criticism about this legislation is that I thought it lacked ambition. Some people on the other side sniggered at that. I think they did it out of surprise that it would come out of my mouth more than anything else. The member for Victoria Park said that assisting marginalised people in remote communities, particularly Aboriginal people, in getting a driver's licence, and helping them keep it, does not fall into the silo of the Attorney General. I think we have made some steps since 2007, member for Victoria Park, but I do not think we have nailed it. I do not think we are anywhere near that. Imagine the empowerment in giving a driver's licence to someone who absolutely needs to drive. It would give that person an incentive to keep it. If they have never had a driver's licence, what incentive is there to keep it from all aspects, be it in the old regime before this bill comes into force, or losing it for fine enforcement? In many cases now they will not if they live in a remote or regional community where there is no public transport, or just simply from other aspects of driving, such as driving too fast, driving whilst intoxicated and the like. It would prove a wonderful incentive, particularly for young people, if they were able to obtain that driver's licence. If we could work on that as a community, that would be a wonderful outcome.

In the bipartisan spirit that we have shown here in supporting this legislation, let us work on all those other aspects that might not necessarily fit into the silos of government at the moment and get outcomes across the portfolios and across government that transform people's lives. The Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 will transform many people's lives. Let us use it as a starting point and let us do better in the future. It might sound a little bit pie in the sky, but that is what we are here for. With respect, we are here to protect the most vulnerable and the most marginalised—to lift them up, not push them down. Through this legislation we have shown that we can do it. Let us be more ambitious and talk more about how we can make things better, rather than continuing to go around in circles like a hamster on a hamster wheel. We are sometimes rightfully accused of that as politicians, but in this case we ought not to be accused of that.

I commend this bill to the house. If we can work to reduce Aboriginal incarceration rates in this state and continue to work on it until we get it right, we will be able to walk out of this place—whenever we end up walking out—with our heads held high knowing that we did something positive for a group in the community who required a hand up and was looking to us for leadership. Thank you to everyone in the house for making it a possibility with this Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. Let us do it more often.

Mr J.R. QUIGLEY: I rise again because this is a special moment in the Parliament. I have been here for over 19 years—20 years coming up—and I have heard too often during that period of time, both when Labor was in government before and then during the time of the former Liberal government, debates like this descending tragically into a soft-on-crime law and order shouting match. I am very encouraged that the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 has received the support of not only the three major parties represented in this chamber, but also the crossbench in the Legislative Council. I will keep the *Hansard* of this speech as inspiration to go further and to look at other sentencing options. The tragic fact is that, in Western Australia, we imprison our Indigenous First Nation people at a 70 per cent higher rate than the national average. We imprison Indigenous First Nation people at a 30 per cent higher rate than the Northern Territory. I am very encouraged by the words that I have heard in this chamber tonight to even be a little more ambitious over the ensuing months, and, if I am re-elected, over any period of time that I remain in this chamber, to chisel away at this dreadful tragedy of mass incarceration of our Indigenous people.

I had an argument with a silk from Melbourne when I said that we had 7 000 prisoners in Western Australia. He said "No, we've got 7 000 in Victoria. You've got it wrong. You could only have 5 000." But we have 7 000 prisoners in Western Australia. That means that we are jailing at twice the rate of Victoria. Do we feel twice as safe as Victorians? I do not think so, but we are jailing at twice the rate of Victorians. In the prison muster, 48 per cent of inmates are Indigenous. In the female estate, about 54 per cent are Indigenous, and in the juvenile estate, about 80 per cent are Indigenous. We were facing a tragedy in Western Australia. I commit the balance of my parliamentary life to working away at that—not exclusively; there will be other bills of course—and to always keep focusing on what I can do in this area.

I thank all members for their collegiate spirit in joining with the government in trying to bring relief. At the moment, there are 1 300 outstanding warrants of commitment. As soon as this legislation is signed off at Executive Council, those 1 300 warrants of commitment will be immediately cancelled. But that is not the end of enforcement because we are also introducing garnishee orders for those people who have the money to pay and are refusing to—we can take it out of their bank account or their wages. I thank all members for their collegiate approach to this bill and I hope that we can maintain this collegiality as we face further challenges in the sentencing options especially for our First Nation people.

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

The Council acquainted accordingly.

House adjourned at 9.54 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HOUSING AUTHORITY — PROPERTIES

6056. Mr A. Krsticevic to the Minister for Housing:

How many properties owned by the Housing Authority are:

(a) Less than five years old;

(b) Between five and ten years old;

(c) Between ten and twenty years old; and

(d) Between twenty and thirty years old;

(e) More than 35 years old?

Mr P.C. Tinley replied:

(a)–(e) Properties owned by the Housing Authority as at 31 December 2019

Property Age (Years)	Community Housing Properties	Public Housing Properties	Government Regional Officer Housing Properties	Non–Government Organisation Properties	Total
< 5	182	997	94	42	1315
5–10	534	2759	839	387	4519
10–20	872	8284	537	3	9696
20–35	601	14036	743	6	15386
35 <	285	9769	508	10	10572
Unknown	52	2	0	0	54
Total	**2526**	**35847**	**2721**	**448**	**41542**

Please note that in the case of (d), I have taken the liberty of including properties aged between twenty and thirty-five years to cover the full range of property ages queried by the Member.

Aboriginal Housing properties are not counted in the above table as the Department of Communities does not own them. The properties that Communities manages are done so on behalf of remote communities via Housing Management Agreements or similar arrangements.

Leased Community Housing properties and leased Government Regional Officer Housing properties are not counted in this data.

The McGowan State Government's Social Housing Economic Recovery Package announced in June 2020, is the largest housing maintenance and refurbishment program in our State's history. This $318.7 million stimulus package will see the refurbishment of 1,500 public and community houses, supported accommodation facilities such as family and domestic violence refuges, and residential group homes. It also includes a rolling maintenance program targeting 3,800 regional government-owned properties, and the delivery of about 250 new homes to help the most vulnerable people in our community.

HOUSING — PUBLIC AND SOCIAL HOUSING

6057. Mr A. Krsticevic to the Minister for Housing:

(1) What is the Housing Authority's current target for public/social housing in metropolitan and country areas?

(2) What percentage of public/social housing was in each metropolitan local government region, for each of the past five years?

Mr P.C. Tinley replied:

(1) Housing Authority targets for public/social housing

	2018–2019 Actuals	2019–2020	2020–2021	2021–2022	2022–2023	2023–2024	Total
Perth Metropolitan							
Public Housing	32	89	134	385	104	74	818

Community Housing	13	3	16	20	20	18	90
Regional WA							
Public Housing	20	7	28	119	15	–	189
Community Housing	5	6	8	1	–	–	20

(2) [See tabled paper no 3443.]

The McGowan State Government's Social Housing Economic Recovery Package announced in June 2020, is the largest housing maintenance and refurbishment program in our State's history. This $318.7 million stimulus package will see the refurbishment of 1,500 public and community houses, supported accommodation facilities such as family and domestic violence refuges, and residential group homes. It also includes a rolling maintenance program targeting 3,800 regional government-owned properties, and the delivery of about 250 new homes to help the most vulnerable people in our community.

HOUSING — AFFORDABLE HOUSING

6069. Mr A. Krsticevic to the Minister for Housing:

I refer to Affordable Housing Action Plan, and ask:

(a) How many homes have been delivered in each year, since the program commenced;

(b) Please provide a breakdown of the response to (a) by tenure type (i.e. social housing, shared equity, affordable rentals, low deposit home loans, or otherwise), in each year?

Mr P.C. Tinley replied:

(a) In 2017–18, 3,220 affordable housing opportunities were delivered.

In 2018–19, 2,514 affordable housing opportunities were delivered.

Between 1 July 2019 and 31 December 2019, 1,572 affordable housing opportunities were delivered.

(b) Affordable housing opportunities by tenure type

	2017–18	**2018–19**	**As at 31 December 2019**
Social housing	107	88	25
Affordable rentals	253	70	98
Remote Indigenous housing	71	70	6
Shared equity home loans	284	174	74
Keystart home loans (excluding shared equity)	2,505	2,112	1,369
Total	**3,220**	**2,514**	**1,572**

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HOUSING — GOVERNMENT REGIONAL OFFICERS' HOUSING

6081. Mr A. Krsticevic to the Minister for Housing:

I refer to Government Regional Officers' Housing (GROH) for each of the past five years, and I ask:

(a) how many GROH houses were there, in each region;

(b) how many GROH houses were rented (or available to rent), in each region; and

(c) how many GROH houses were sold, in each region;

(d) how many GROH houses ceased to be used as rentals, in each region?

Mr P.C. Tinley replied:

(a) GROH Stock by Region

Region	**Number of GROH Properties**				
	2015/16 FY	**2016/17 FY**	**2017/18 FY**	**2018/19 FY**	**2019/20 (YTD)**
North Metro	0	0	0	1	1
South Metro	9	7	7	30	30
South East Metro	15	8	8	8	2
Great Southern	274	264	256	257	226
Southwest	243	219	214	197	188
Goldfields	837	814	821	808	789
Midwest/ Gascoyne	687	646	605	586	542
Pilbara	1507	1458	1369	1352	1324
West Kimberley	916	892	883	868	851
Wheatbelt	590	568	544	510	565
East Kimberley	438	418	416	424	425
Grand Total	**5516**	**5294**	**5123**	**5041**	**4943**

The above data includes all properties managed by the GROH program. This includes those that are Department of Communities (Communities) owned and those that are leased from the private market, on behalf of Government Agencies.

Data for 2019/20 YTD was taken as at 14/04/2020.

(b) GROH Stock (rented or available to rent) by region

Region	**Number of GROH Properties Rented or Available to Rent**				
	2015/16 FY	**2016/17 FY**	**2017/18 FY**	**2018/19 FY**	**2019/20 (YTD)**
North Metro	0	0	0	1	1
South Metro	9	7	7	30	30
South East Metro	10	5	2	2	2
Great Southern	266	258	253	251	225
Southwest	232	209	210	190	186
Goldfields	805	791	795	790	777
Midwest/ Gascoyne	667	628	578	563	525
Pilbara	1420	1368	1282	1296	1299
West Kimberley	906	883	857	848	832
Wheatbelt	560	547	515	489	547
East Kimberley	403	407	403	409	416
Grand Total	**5278**	**5103**	**4902**	**4869**	**4840**

The table above includes all properties in the GROH portfolio which were tenanted or recorded as between tenancies. This includes those that are Communities owned and those that are leased from the private market.

Data for 2019/20 YTD was taken as at 14/04/2020.

(c) GROH Property Sales by Region

Region	Properties Sold by the GROH Program					
	2015/16 FY	2016/17 FY	2017/18 FY	2018/19 FY	2019/20 (YTD)	Grand Total
North Metro	0	0	0	0	0	0
South Metro	0	0	0	1	0	1
South East Metro	0	0	0	0	0	0
Great Southern	13	11	8	3	4	39
Southwest	16	13	8	1	2	40
Goldfields	10	18	11	11	6	56
Midwest/ Gascoyne	23	16	16	8	7	70
Pilbara	32	79	100	40	29	280
West Kimberley	5	3	11	6	6	31
Wheatbelt	44	29	15	9	2	99
East Kimberley	9	7	1	0	2	19
State-Wide Total	**152**	**176**	**170**	**79**	**58**	**635**

Data for 2019/20 YTD was taken as at 13/04/2020.

(d) GROH Property Disposals (other than by sale) by region

Region	Properties Removed from GROH service					
	2015/16 FY	2016/17 FY	2017/18 FY	2018/19 FY	2019/20 (YTD)	Grand Total
North Metro	0	0	0	0	0	0
South Metro	0	0	0	0	0	0
South East Metro	2	7	0	0	6	15
Great Southern	1	0	0	0	1	2
Southwest	2	0	0	0	2	4
Goldfields	0	2	0	0	1	3
Midwest/ Gascoyne	0	0	0	0	1	1
Pilbara	4	0	1	3	0	8
West Kimberley	0	3	0	1	2	6
Wheatbelt	2	0	1	0	3	6
East Kimberley	0	1	5	3	4	13
State Wide Total	**11**	**13**	**7**	**7**	**20**	**58**

The table above shows all GROH owned properties that were removed from service in the GROH program each year excluding those properties that were for sale or sold.

Data for 2019/20 YTD was taken as at 13/04/2020.

The McGowan State Government's Social Housing Economic Recovery Package announced in June 2020, is the largest housing maintenance and refurbishment program in our State's history. This $318.7 million stimulus package will see the refurbishment of 1,500 public and community houses, supported accommodation facilities such as family and domestic violence refuges, and residential group homes. It also includes a rolling maintenance program targeting 3,800 regional government-owned properties, and the delivery of about 250 new homes to help the most vulnerable people in our community.

KEYSTART — CLIENTS

6086. Mr D.C. Nalder to the Minister for Housing:

(1) What is the number and percentage of Keystart clients with defaulted accounts for each month for October 2019, November 2019 and December 2019?

(2) What is the number and percentage of Keystart clients with accounts over one month in arrears for each month for October 2019, November 2019 and December 2019?

(3) What is the number of Keystart client homes repossessed for each month for October 2019, November 2019 and December 2019?

(4) What is the amount of interest earned on Keystart loans for each month for October 2019, November 2019 and December 2019?

Mr P.C. Tinley replied:

(1) Keystart clients with defaulted accounts

Month	Number of loans	Percentage of total loans
October 2019	231	1.17%
November 2019	233	1.18%
December 2019	250	1.25%

(2) Keystart clients with accounts over one month in arrears

Month	Number of loans	Percentage of total loans
October 2019	437	2.22%
November 2019	447	2.26%
December 2019	521	2.61%

(3) Keystart households affected by repossession

Month	Number of loans
October 2019	18
November 2019	23
December 2019	20

(4) Interest earned on Keystart loans

Month	Interest earned $000
October 2019	$18,619
November 2019	$17,824
December 2019	$18,641

The Keystart loan book has continued to increase, from $4,441m at 30 June 2019 to $4,813m at 31 March 2020. This has contributed to the increase in interest revenue over this time.

HOUSING — PUBLIC AND SOCIAL HOUSING

6087. Mr A. Krsticevic to the Minister for Housing:

I refer to social housing owned, managed and contracted by the Department of Communities and ask, for each of the past five years:

(a) what was the total number of social houses owned by the Department:

(i) please include a breakdown by accommodation type and region; and

(b) what was the total number of social houses overseen/contracted by the Department:

(i) please include a breakdown by accommodation type and region?

Mr P.C. Tinley replied:

(a) Social Housing properties owned by the Department of Communities

Financial Year	Number of houses
2015/16	38,579
2016/17	39,115

2017/18	38,837
2018/19	38,579
As at 31 December 2019	38,199

(i) [See tabled paper no 3444.]

(b) Social Housing properties leased by the Department of Communities

Financial Year	Number of houses
2015/16	4,587
2016/17	4,942
2017/18	5,026
2018/19	5,036
As at 31 December 2019	4,999

(i) [See tabled paper no 3444.]

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HOUSING — DEPARTMENT — PUBLIC AND SOCIAL HOUSING

6088. Mr A. Krsticevic to the Minister for Housing:

I refer to community housing managed by the Department of Communities and ask, for each of the past five years:

(a) how many community houses were available;

(b) please include a breakdown of the response to (a) including the location of the properties and accommodation provider?

Mr P.C. Tinley replied:

(a)–(b) Community housing properties owned by the Department of Communities are managed by the Community Housing organisations they are leased to.

As the Community Housing organisations are responsible for the tenancy management of Community Housing properties, the Department of Communities does not keep records of vacancies for Community Housing properties.

HOUSING — DEPARTMENT — STAFF

6089. Mr A. Krsticevic to the Minister for Housing:

For each of the past five years, how many full time equivalent staff have been employed by the Department of Communities (or previous Department of Housing/Housing Authority) in respect of the housing portfolio?

Mr P.C. Tinley replied:

This answer encompasses the Department of Communities and legacy agencies whose functions were amalgamated into the Department of Communities from 1 July 2017.

Housing Portfolio FTE 2014–15 to 2018–19

Financial Year	FTE	Agency
2018–19	6012	Department of Communities
2017–18	5999	Department of Communities
2016–17	1670	Housing Authority
2015–16	1523	Housing Authority
2014–15	1570	Housing Authority

For years 2017–18 to 2018–19 the full time equivalent staff numbers for the whole Department of Communities have been provided as an individual staff member may work across multiple portfolios including Housing. As such, it is impossible to separate exactly how many FTE are devoted fully to the Housing portfolio.

PUBLIC AND SOCIAL HOUSING — MAINTENANCE

6090. Mr A. Krsticevic to the Minister for Housing:

I refer to maintenance works for public housing, and ask for each of the past five years:

(a) how much money has been spent on the maintenance and repairs of public housing stock; and

(b) which contractors were used to undertake repairs and maintenance works;

(c) what was the value of work allocated to each contractor?

Mr P.C. Tinley replied:

(a) Maintenance spend on public housing:

Financial Year	**Amount spent**
2015–16	$137,670,366
2016–17	$164,126,938
2017–18	$162,247,790
2018–19	$162,186,257
As at 31 December 2019	$79,641,351

(b) Head contractors:

Spotless Facility Services Pty Ltd

Programmed Facility Management Pty Ltd

Lake Maintenance (Western Australia) Pty Ltd

Pindan Contracting Pty Ltd

(c) The Department of Communities manages and maintains over 51,000 properties, comprising Public, Community, Government Regional Officer, Aboriginal and Non–Government Organisation Housing, across 11 regions and allocates work to over 1,740 sub-contractors across the state through the Head Maintenance Contract.

It is not considered a reasonable or appropriate use of Agency resources to compile a breakdown across the entire state for each contractor given the breadth of the amount of work that would be involved.

If the Member has a question about a particular contractor, I would suggest he ask a more specific question and I will endeavour to answer it.

The McGowan State Government's Social Housing Economic Recovery Package announced in June 2020, is the largest housing maintenance and refurbishment program in our State's history. This $318.7 million stimulus package will see the refurbishment of 1,500 public and community houses, supported accommodation facilities such as family and domestic violence refuges, and residential group homes. It also includes a rolling maintenance program targeting 3,800 regional government-owned properties, and the delivery of about 250 new homes to help the most vulnerable people in our community.

POLICE — COVERT MOBILE CAMERAS

6103. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to Police covert mobile cameras, and ask:

(a) For each of the years 2013, 2014, 2015, 2016, 2017, 2018, 2019 and year to date, how many new cameras have been purchased; and

(b) Of the most recent purchase of covert mobile cameras, what was the average cost of each unit;

(c) How often are the covert mobile cameras serviced and re-calibrated?

Mrs M.H. Roberts replied:

The Western Australia Police Force advise:

(a) An additional mobile speed safety camera has been acquired as part of the Expanded Automated Speed Enforcement Project. This does not include the acquisition of replacement existing mobile speed safety cameras after a camera has been damaged or reached end of life.

(b) On average an additional mobile speed safety camera costs between $100,000 and $150,000 once fitted to a vehicle including peripheral equipment required to operate the mobile speed safety camera.

(c) Mobile Speed Safety Cameras are checked by the Camera Operators prior to every deployment, maintained by the supplier on a bi-monthly basis and calibrated / certified annually at a minimum.

POLICE — REDRESS SCHEME

6104. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to the Western Australian Government's Police Redress Scheme, and ask:

(a) Given the state of emergency caused by the COVID-19 pandemic, will there be delays in finalising reviews of applicant's appeals:

  (i) If yes, what is the anticipated new deadline for the completion of all appeals;

(b) With regard to the initial advertising of the Police Redress Scheme, was advertising carried out in all states and territories or only in Western Australia;

(c) How many applications for redress were received from other jurisdictions;

(d) Will interest be paid to any outstanding redress applications;

(e) Was consideration given to including Dr Douglas Brewer from Hollywood Hospital as part of the Independent Assessment Panel:

  (i) If not, why not;

(f) Who will be conducting the reviews of each appeal; and

(g) Were any serving Western Australian Police Officers engaged as independent assessors for the review process:

  (i) If so, why?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a) No.

  (i) Not applicable.

(b) In West Australian and national newspapers. Social media was also used, including among retired officers and their networks.

(c) 20.

(d) No.

(e) No.

  (i) Specialist medical expertise was not required on the Independent Assessment Panel as the Panel was informed by the medical assessments undertaken prior to and at the time of separation from the WA Police Force, and information provided by the applicant.

(f) The Independent Assessment Panel initially considered the appeal applications. If the Independent Assessment Panel's decision was not to accept an appeal, the Independent Assessor undertook an independent review of that decision.

(g) Yes, the Independent Assessor is a senior Commissioned Officer.

  (i) The purpose of the Independent Assessor was to ensure that appropriate decision making was followed by the Independent Assessment Panel when reaching a decision and a senior Commissioned Officer at the WA Police Force not otherwise involved in the Scheme was well suited to this role.

PUBLIC AND SOCIAL HOUSING — MIDWEST

6106. Mr I.C. Blayney to the Minister for Housing:

I refer to the answer to Question on Notice 5971 in relation to public housing, and I ask:

(a) With regards to answer (c)(iii):

  (i) Please provide a table outlining the type of maintenance or repair needed for each of the 60 properties and an estimated timeframe for when each property undergoing maintenance and repairs will be complete; and

  (ii) Please outline how many of the 85 properties allocated for demolition, redevelopment or sale are for:

    (A) Demolition; and

    (B) Redevelopment;

    (C) Sale;

(b) With regards to answer (c)(i):

(i) Can the Minister please provide a table in relation to the properties mentioned, outlining:

(A) A timeframe for when each property scheduled for demolition is expected to be complete;

(B) How much each demolition is expected to cost;

(C) Which company will be carrying out the work; and

(D) What will be done with the empty blocks for each demolition;

(c) What effect will demolition and sale have on the number of Government houses available in Geraldton;

(d) Are any new houses going to be built to replace stock that are sold or demolished;

(e) With regards to answer (c)(ii):

(i) Please provide a table outlining the redevelopment work needed to restore each of the properties mentioned, and; and

(ii) How much each redevelopment is expected to cost;

(iii) Provide a timeframe for the completion of redevelopment for each property; and

(f) With regards to answer (c)(iv):

(i) What additional measures have been put in place to ensure vacated properties are relet as soon as possible during the COVID-19 recovery process?

Mr P.C. Tinley replied:

(a) (i) Of the 60 properties undergoing maintenance repairs as at 31 January 2020, only three remain under maintenance.

Two properties are undergoing refurbishment works and are expected to be completed by the end of June.

One property is undergoing structural assessment after a structural defect was found in the building. The outcome of this assessment is expected by the end of June and will be used to determine the future use of this property.

(ii) (A)–(C) As at 31 January 2020:

24 properties were allocated for demolition

36 properties were allocated for redevelopment

25 properties were allocated for sale

(b) (i) (A)–(D) Of the 24 properties identified for demolition as at 31 January 2020:

10 properties in a 10-unit complex are now approved for sale and have been removed from the list of properties scheduled for demolition;

five properties have been demolished;

two properties are scheduled for demolition by June 2020;

two properties are scheduled for demolition by December 2020; and

five properties in Spalding are scheduled for demolition in the 2020/21 financial year, with the exact timeframe subject to the Spalding Urban Renewal Project.

The estimated average costs for the scheduled demolitions are $20,000–$30,000 per property. The contracts for the demolition work are yet to be awarded.

The sites of seven of the properties scheduled for demolition have been identified as having the potential to be repurposed for social housing developments.

The Department of Communities is undertaking planning for the remaining properties, as part a long-term strategy that will guide future development and investment in the suburb and encourage a safe, supported and connected community.

(c) The Department of Communities manages its asset portfolio to maximise its benefit to the community, at times this involves disposing of assets as they reach the end of their useful life where it is practical to do so.

(d) Yes.

(e) (i)–(iii) The Department of Communities is unable to provide expected cost, timeframes and works required for the properties that have been earmarked for redevelopment as they have not been allocated to a program. The redevelopment of these properties is dependent on the program demand and available funding for the properties.

(f) (i) The Department of Communities' processes to relet vacated properties have continued throughout 2020.

Additionally, on 19 May 2020, the McGowan State Government announced it would bring forward funds from the $150 million Housing Investment Package in response to the current COVID-19 crisis. These funds will maintain work for local tradies and building businesses and focus on refurbishing 70 homes across metropolitan and regional areas and the construction of up to 500 social and affordable homes.

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CORONAVIRUS — MV *ARTANIA*

6109. Mr P.A. Katsambanis to the Minister for Mines and Petroleum; Energy; Industrial Relations:

I refer to the recent visit of the *MV Artania* to the Port of Fremantle and ask:

(a) Did WorkSafe WA take any steps in considering a formal investigation of the captain and crew of the *MV Artania*;

(b) If not, why not; and

(c) Did WorkSafe WA have any informal or formal discussions with the Australian Federal Police, the Western Australian Police Force, the Department of Agriculture (Biosecurity) or the Department of Home Affairs regarding an investigation of the *MV Artania*;

(d) Did the Minister or his Ministerial staff receive any briefing from WorkSafe WA regarding a possible investigation of the *MV Artania*?

Mr W.J. Johnston replied:

(a) No.

(b) Western Australia's *Occupational Safety and Health Act 1984* does not apply to foreign flagged ships, so WorkSafe WA does not have jurisdiction in this matter.

(c) No.

(d) Yes.

LOCAL GOVERNMENT ACT — STATE ADMINISTRATIVE TRIBUNAL APPEAL

6110. Mr W.R. Marmion to the Minister for Local Government; Heritage; Culture and the Arts:

I refer to the Minister's response to Question on Notice 6061 regarding an annotation to the Minutes of the Ordinary Council Meeting of the City of Subiaco on 28 August 2018 to reflect the correct section of the *Local Government Act 1995* to close a portion of the meeting to the public to deal with Agenda Item C13.1, and I ask:

(a) Can the Minister confirm that the section of the Act quoted in the original Minutes for the reason for closing the Council Meeting to the public to discuss Agenda Item C13.1, was section 5.23(2), (e)(iii), which refers to a matter, if discussed, would reveal information about the business, professional, commercial or financial affairs of a person;

(b) Can the Minister confirm that the wording of the annotation to the Minutes of the meeting was; "The reference to section 5.23(2)(e)(iii) is incorrect and an administrative error. The legislative reference should have been recorded as s.5.23(2)(d). This error has no material effect on the closure of the meeting for discussion of this matter, as the matter remains confidential in accordance with s.5.23(2) of the *Local Government Act 1995*.";

(c) Can the Minister confirm that section 5.23(2)(d) allows a Council to close a meeting to the public if a matter on the agenda deals with legal advice obtained, or which may be obtained, by the local government in relation to a matter;

(d) Can the Minister advise if the Council had legal advice in relation to the matter discussed under Agenda Item C13.1 which gave rise to the corrected reason for the closing of meeting to the public;

(e) If the Council did not have legal advice in relation to Agenda Item C13.1, are you aware if the Council had grounds to close the meeting, and if so, under what section of the Act; and

(f) Given that the Minutes of the Meeting were annotated, can the Minister advise who authorized the annotation and what is the correct process for such annotation to take place and does it require Council approval;

(g) Is there a section of the *Local Government Act 1995* which allows the annotation Of Council minutes, and if so what is the section?

Mr D.A. Templeman replied:

(a)–(b) The minutes of this Council meeting are available on the City's website.

(c) Yes.

(d)–(e) The Council is responsible to determine if an appropriate reason exists for closing a meeting to the public, as provided by section 5.23 of the Local Government Act 1995 (the Act).

(f) Councils are required to confirm the accuracy of minutes of Council meetings, with correction if required, by majority decision at subsequent Council meetings, as prescribed by section 5.22 of the Act.

(g) There is no reference to the word 'annotation' in the Act.

ENVIRONMENT — PRESCRIBED BURNING — LOT 300, CONNELL AVENUE, KELMSCOTT

6111. Mrs A.K. Hayden to the parliamentary secretary representing the Minister for Environment:

I refer to the land on Lot 300, Connell Avenue, Kelmscott, which is State-owned, and has not had any prescribed burning since 2011; and past correspondence to the Minister on this matter, reference number 62-16284, and I ask:

(a) Why has no prescribed burning been undertaken to reduce the fuel load on Lot 300; and

(b) When will prescribed burning be undertaken;

(c) Please provide an explanation as to why fire prevention maintenance has not been made a priority for this particular area, given its high fire risk?

Mr R.R. Whitby replied:

(a) Lot 300 forms part of the Banyowla Regional Park and has high environmental values including the presence of a threatened ecological community. Prescribed burning was last undertaken in Lot 300 in 2011, and a 10-year return to fire interval has been recommended for this area to protect its high natural values.

(b) Prescribed burning is undertaken when conditions are suitable and there is no set date for burning Lot 300. Lot 300 is included in the Department of Biodiversity, Conservation and Attractions (DBCA) indicative burn program. Prescribed burning in this lot would be considered amongst other priorities within the Banyowla Regional Park and wider DBCA-managed lands across the Perth Hills.

(c) DBCA undertakes a range of fire pre-suppression works in Lot 300 and the greater Banyowla Regional Park, including pruning, maintenance and upgrade of fire access tracks and servicing locks and gates to ensure rapid access by fire appliances. Prescribed burning has also been undertaken within the park, with the area directly to the east of Lot 300 having been burnt in 2018.

MINES AND PETROLEUM — NATIONAL PARKS — EXPANSION

6113. Mr W.R. Marmion to the Minister for Mines and Petroleum; Energy; Industrial Relations:

(1) Can the Minister advise that as a part of the McGowan government's "Plan For Our Parks" to create an additional five million hectares of new national parks, marine parks and other conservation reserves by February 2024, it is now increasing the area for possible consideration for inclusion in this plan to six million hectares?

(2) With the increased area now being considered, how many mining tenements or additional mining tenements are impacted?

(3) What is now the total number of mining tenements affected and what area of land does this represent?

(4) Have the mining tenement owners affected by the increased 1 million hectares been notified in writing that their tenements may require new approvals if their land becomes an A-Class reserve, and in addition, the granting of a future mining lease or general purpose lease would require the approval of both Houses of Parliament?

(5) If yes to (4), how much notice was provided to tenement holders to respond to any letter of notification?

(6) How many tenement holders have responded to the notification letter with concerns, how many have responded with "no comment", how many did not respond within the deadline and how many have responded after the deadline?

(7) Will tenement holders who are affected with the possible loss of their tenements receive compensation for sunk expenditure into their tenements?

(8) Will these affected tenement holders receive a hold on their tenement fees during this period of uncertainty?

(9) Will exploration mining tenement holders affected by the "Plan For Our Parks" proposal receive a deferral of expenditure requirements during the consideration period? If not why not?

(10) Will the Minister be able to veto any proposed declaration of land for the creation of additional conservation reserves under the "Plan For Our Parks" that includes a mining tenement?

Mr W.J. Johnston replied:

(1) The five million hectare target proposed for reservation within Plan for Our Parks has not changed. In refining the initial 18 proposals, the Government saw the need to consider an additional one million hectares as a risk management strategy to ensure the five million hectare target is met. Eleven additional areas have been identified providing flexibility knowing that it is likely that not all the parks will be created, or areas may be reduced following consultation with affected stakeholders including tenement holders.

(2) As of 27 May 2020, 136 mining tenements/petroleum titles and applications intersect with the additional 11 park proposals.

(3) As of 27 May 2020, 376 mining tenements/petroleum titles and applications are impacted by the initial 18 plus the 11 additional, intersecting approximately 37 per cent of the terrestrial reserve proposals.

(4) Yes.

(5) Consultation on the 11 additional areas commenced on 3 March 2020 and an initial three week submission period was given, with extensions granted upon request. All holders were notified on 31 March 2020 that Plan for Our Parks was on hold due to the COVID-19 pandemic. With the Government cautiously lifting some COVID-19 restrictions, the Department of Mines, Industry Regulation and Safety (DMIRS) and Department of Biodiversity, Conservation and Attractions have recommenced tenement holder consultation, seeking submissions by 30 June 2020. Further extensions may be granted upon request.

(6) As the consultation deadline was put on hold, it is not relevant to report the number of responses received before and after the "deadline". However, as at 27 May 2020, 47 of the potential 71 affected title/tenement holders and applicants impacted by the additional 11 park proposals had responded expressing some preliminary concerns. One responded with "no comment".

(7) Tenement holders are not required through this process to surrender mining tenements/ petroleum titles and therefore no compensation is being considered.

(8) No.

(9) The affected tenement holders may apply for an exemption from expenditure conditions.

(10) The Plan for Our Parks process established by this Government ensures that all relevant portfolios are consulted throughout the process of identification, assessment and decision-making. This means that consensus across the Government is achieved before final consent to create the reserves is requested.

LOCAL GOVERNMENT — DEPARTMENT — INQUIRIES AND REVIEWS

6115. Mr W.R. Marmion to the Minister for Local Government; Heritage; Culture and the Arts:

(1) Can the Minister provide a list of Local Government Inquiries and Reviews undertaken by the Department of Local Government, Sport and Cultural Industries (DLGSC) since March 2017, including the starting date, completion date and estimated or actual cost of each?

(2) How many staff are employed by the DLGSC, how many of these are dedicated to Local Government, and of these, how many are allocated to manage or conduct Inquiries and Reviews?

(3) What external resources were required to be engaged to undertake each of these Inquiries and Reviews and what was the cost of these engagements?

(4) For the total cost of each of the Inquiries and Reviews undertaken by the Department, what was the final break down of costs between the DLGSC and the Local Government subject to the review or inquiry?

Mr D.A. Templeman replied:

(1) Local Government	**Inquiry commenced**	**Inquiry complete**
*Shire of Wiluna	January 2017 November 2019	November 2018 Ongoing
City of Melville	November 2017	June 2019
Shire of Perenjori	January 2018	July 2019
Shire of Carnarvon	January 2018	October 2019
City of Perth	January 2018	Panel of Inquiry commenced March 2018
Shire of Ngaanyatjarraku	February 2018	Withdrawn October 2018
City of Joondalup	March 2018	Withdrawn in December 2018

Town of Cambridge	April 2018	Ongoing
City of Mandurah	August 2018	Withdrawn October 2018
Shire of Toodyay	December 2018	Ongoing
City of Cockburn	April 2020	Ongoing
City of Subiaco	May 2020	Ongoing

* Shire of Wiluna inquiry commenced in January 2017, however the bulk of the Inquiry was completed after March 2017.

(2) DLGSC staff	**Headcount**	**FTE**
Total number of staff employed by the DLGSC	462	431.7
Number of staff dedicated to Local Government	42	38.11
Number of staff allocated to manage or conduct Inquiries and Reviews	9	9

(3) A Forensic Audit was conducted in 2017 as part of an Authorised Inquiry into the Shire of Wiluna. The cost of that audit was $25,693.07.

(4) The DLGSC does not record specific costs for individual inquiries unless there is a specific reason to do so. An Authorised inquiry is part of the agency's core business and as there has only been one instance where an external resource has been utilised, DLGSC absorbed that cost.

TOWN OF CAMBRIDGE — INQUIRY

6116. Mr W.R. Marmion to the Minister for Local Government; Heritage; Culture and the Arts:

(1) I refer to the Inquiry into the operations and affairs of the Town of Cambridge authorised by the Director General of Local Government, Sport and Cultural Industries (DLGSC) in April 2018. Can the Minister confirm:

(a) That the Director General (DG) wrote to the Town of Cambridge on 6 November 2019 in regard to the Authorised Inquiry and requested the Town undergo a Governance Review with agreement between the Town and the Department on the scope of works;

(b) That in his letter of 6 November 2019 the DG also advised that "With accountability and transparency ongoing and a Governance review to support the changes made by the Town, the Department would be satisfied the Town is governing and operating towards the best interests of the community and will withdraw the Authorised Inquiry.";

(c) That the DG received a letter, dated 29 November 2019, on 2 December 2019 from the Chief Eexecutive Officer (CEO) of the Town of Cambridge in which the CEO outlined the Council's resolution from its meeting of 26 November in response the DG's letter of 6 November 2019;

(d) That on 2 December 2019, the DG appointed 5 additional Authorised Inquiry Officers to recommence the existing Authorised Inquiry;

(e) That on 10 December 2019, the DG wrote to the Town of Cambridge in response to the CEO's letter of 29 November 2019 advising that he was not satisfied that the resolution passed by Council at its 26 November meeting warranted the withdrawal of the Authorised Inquiry and that the Inquiry would continue until further notice; and

(f) That the DG has not responded to the letter dated 20 December 2019 from the CEO of the Town of Cambridge in which he reported on the resolutions passed by Council at its meeting held on 17 December 2019 and which authorised him to seek particulars about what concerns the DLGSC have that justifies the continuation of the Authorised Inquiry?

(2) Can the Minister advise what specific concerns DLGSC still have in regards to the Town of Cambridge and what additional aspects warrant a further Governance Review following the near completion of the current governance review being undertaken?

(3) Given that the Authorised Inquiry has been going for more than 2 years, can the Minister provide a target date for its completion?

(4) Can the Minister advise if the Authorised Inquiry has sought to interview all Councillors and ex-Councillors as part of its deliberations, and if not, is there a reason?

(5) Has the Minister met officially or had discussions with any existing or ex-Councillors of the Town of Cambridge, including the Mayor, since the Authorised Inquiry commenced in April 2018?

Mr D.A. Templeman replied:

(1) (a) Yes.

(b) Yes.

(c) Yes.

(d) The Authorised Inquiry was not recommenced as it was ongoing. Officers are required to be authorised under the provisions of section 8.3(2) of the Local Government Act 1995.

(e) Yes.

(f) The DLGSC received an undated letter on 21 January 2020 from the CEO, Town of Cambridge detailing the 17 December 2019 Council Resolutions which did not require a response.

(2) It would not be appropriate to comment on the Authorised Inquiry until the Report has been completed.

(3) It would not be appropriate to comment on the Authorised Inquiry until the Report has been completed.

(4) It would not be appropriate to comment on the Authorised Inquiry until the Report has been completed.

(5) The Minister and the Director General met with the Town of Cambridge on 26 May 2020 and issued a show cause notice.

ENERGY — RESIDENTIAL ELECTRICITY COSTS — METROPOLITAN

6117. Mr D.C. Nalder to the Minister for Energy:

(1) What is the breakdown of the cost stack for metropolitan residential electricity customers?

(2) What is the current percentage of the metropolitan residential electricity cost stack for tariff equalisation?

Mr W.J. Johnston replied:

(1) The residential (A1) electricity tariff cost information in Table 1 below is based on Department of Treasury (WA) modelling of the efficient supply costs for an integrated generator-retailer servicing the State's main electricity grid. Regulated retail tariffs paid by residential customers are about 7.5% below the total cost of supply.

Table 1: Residential Electricity Tariff Cost Stack (cents per Kilowatt Hour (c/KWh))

Cost Category	**c/KWh**	**% share**
Network Charges	16.0577	45%
Capacity Charges (including large-scale renewable energy obligations)	8.9166	25%
Average Wholesale Energy Costs	7.0257	20%
Net Retail Operating Costs	1.5700	4.5%
Retail Margin	1.2104	3.5%
Market Fees and Ancillary Services	0.5338	1%
Small-scale Renewable Energy Obligations	0.4803	1%
Total	35.7945	100%

(2) Department of Treasury modelling indicates that the contribution of Tariff Equalisation Contribution charges to the residential electricity supply cost is 1.65 cents per kilowatt hour or 4.6% of the total cost of supply.

HERITAGE — SUNSET HOSPITAL SITE

6118. Mr W.R. Marmion to the Minister for Local Government; Heritage; Culture and the Arts:

(1) Can the Minister advise how many organisations responded to the Expression of Interest (EOI) which was released on February 2019 seeking organisations interested in investing in the Sunset Hospital site?

(2) Of these organisations, how many expressions of interest are still under review and who is responsible for their analysis and making recommendations to the Minister?

(3) Has the Sunset Hospital EOI process been concluded, and if so, what was the outcome? If not, what date is it planned to be concluded.?

(4) How many organisations currently have a lease for any parts of the Sunset Hospital site and what are the names of these organisations?

(5) Can the Minister advise if lease rates for the Sunset Hospital site are set at market rate and if so who provides advice on the market rate and what are the current lease arrangements with organisations on the site?

(6) Can the Minister advise if the Sunset Transformation Committee is still functioning and if so how many times has it met since February 2019?

(7) Can the Minster advise if the Sunset Transformation Committee or its representatives have met with the City of Nedlands Council and if so on what dates and who did they meet?

(8) What is the Annual Budget allocated to manage the Sunset Hospital Precinct and how much did it cost to manage for the most recent financial year, 2018–19?

Mr D.A. Templeman replied:

(1) 14

(2) One. A Cabinet appointed negotiation team is responsible for negotiating an agreement and will make recommendations to the Minister for final Cabinet approval.

(3) Expression of interest stage closed on 27 March 2019. Recommendations will be made by the negotiation team in due course.

(4) Minderoo Foundation (Lease)

Sunset Studios Ltd and SART Holdings Pty Ltd (Sub-Lease)

SAS Resources Fund (Sub-Lease).

(5) No. Not applicable.

(6) Yes. Twice.

(7) Yes. 25 March 2019 and 28 August 2019, Chief Executive Officer.

(8) Budget Allocation $235,000

Actual management cost in 2018–19 was $439,382.

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