



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
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LEGISLATIVE ASSEMBLY

Thursday, 24 June 2021

Legislative Assembly

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THE DEPUTY SPEAKER (Mr S.J. Price) took the chair at 9.00 am, acknowledged country and read prayers.

ELECTORAL REFORM — REPRESENTATION — REGIONS

Petition

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [9.03 am]: I have a petition from 46 petitioners that has been certified by the clerks and is couched in the following terms —

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

We, the undersigned, are strongly opposed to any cuts made by the McGowan Labor Government to regional voices in our Parliament.

There is no doubt that regional WA is the engine room of our state and ripping away regional voices will only be harmful to the communities which help this state to grow and prosper.

We therefore ask the Legislative Assembly to speak up for regional Western Australians and call on the Government to ensure there is no reduction in regional representation.

And your petitioners as duty bound, will ever pray.

[See petition 7.]

A similar petition was tabled by Mr P.J. Rundle containing 66 signatures.

[See petition 8.]

PAPERS TABLED

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

COMMUNITY LANGUAGE SCHOOLS — 2021 GRANTS

Statement by Minister for Citizenship and Multicultural Interests

DR A.D. BUTI (Armadale — Minister for Citizenship and Multicultural Interests) [9.05 am]: I am pleased to inform the house that the 2021 community language schools grants have been announced. In this round, 46 community language schools have been funded, which will see young Western Australians across the state learning languages. The funding is awarded through the community languages program, administered by the Office of Multicultural Interests, to support not-for-profit community language schools to teach languages and cultural maintenance programs after school hours. The community language schools supported by the program are located throughout the Perth metropolitan and regional areas and teach a total of 32 languages including Dari, German, Greek, Hindi, Hungarian, Kiswahili, Korean, Mandarin, Punjabi and Vietnamese. The schools have been awarded grants of \$112 for each student, from kindergarten through to year 12, plus an additional \$112 for each student enrolled in Western Australian Certificate of Education language courses. This per capita funding is awarded annually to eligible community language schools that have been operating for more than 12 months. This year, six recently established community language schools were also awarded New School grants of \$4 000 per school. The awarding of these grants underscores the McGowan government's commitment to enhancing language and cultural learning in the community languages sector. These schools play a vital role in language education in the state, teaching skills that can last a lifetime.

I am also pleased to announce that, as part of the community languages program, annual funding of \$300 000 over three years, will be provided to the Italian language in-school insertion program run by the Italo-Australian Welfare and Cultural Centre. This funding will enable the teaching of Italian language and culture in primary schools across Western Australia, with more than 11 000 students currently participating in the program.

Ms R. Saffioti interjected.

Dr A.D. BUTI: Yes; bravo!

This continues the commitment to the program of the McGowan Labor government, which reinstated funding after it was unjustifiably defunded by the Barnett Liberal government. Language learning is inherently valuable. It contributes to first language learning, problem-solving and communication skills. It helps build intercultural understanding and cultural competency—important qualities in our vibrant multicultural society and interconnected world. I am sure members of the house will join me in commending our volunteer-run community language schools on their commitment to maintaining language diversity in Western Australia.

TOBACCO PRODUCTS CONTROL ACT — REVIEW*Statement by Minister for Health*

MR R.H. COOK (Kwinana — Minister for Health) [9.08 am]: Section 127 of the Tobacco Products Control Act 2006 requires that a review of the operation and effectiveness of the act is conducted, and that a report based on the review is laid before each house of Parliament. On 25 September 2020, the Department of Health launched the statutory review of the Tobacco Products Control Act 2006 and commenced the public consultation process. The consultation period was open for six weeks from 25 September to 6 November 2020.

The Western Australian Tobacco Products Control Act 2006 and its regulations comprise Western Australia's primary pieces of tobacco control legislation. The purpose of the act is to reduce the incidence of illness and death related to the use of tobacco products by prohibiting the supply of tobacco products and smoking implements to young persons, discouraging the use of tobacco products, restricting the promotion of tobacco products and smoking generally, and reducing the exposure of people to tobacco smoke from tobacco products that are smoked by other people.

The statutory review was conducted to seek stakeholder views on the operation and effectiveness of the act and its regulations and to seek other evidence-based reforms that could update and strengthen Western Australia's tobacco control legislation to ensure that it continues to meet its objectives. The report summarises the key themes of the responses by stakeholders to the department's request for submissions. A wide range of respondents, including members of the public, universities, industry stakeholders, non-government organisations and government departments, provided submissions in response to the discussion paper. The submissions highlighted the varying perspectives and expectations of different stakeholders regarding tobacco control legislation in Western Australia. Most responses acknowledged the effectiveness of tobacco control legislation to date in reducing the availability of cigarettes and the rate of smoking in Western Australia. The themes and responses provided will be used to inform possible areas for further investigation to strengthen the operation and effectiveness of the act and the regulations.

The government is committed to reducing the serious impact of tobacco use in Western Australia and introducing tobacco law reforms that will strengthen the regulation of the sale, supply and marketing of tobacco products and exposure to second-hand tobacco smoke. I table the *Review of the Tobacco Products Control Act 2006: Consultation report*.

[See paper [329](#).]

BREASTSCREEN WA — ALBANY CLINIC*Statement by Minister for Health*

MR R.H. COOK (Kwinana — Minister for Health) [9.11 am]: Each year, approximately 1 300 women in Western Australia are diagnosed with breast cancer and approximately 250 women will die. This is why the opening of the new permanent BreastScreen WA clinic in Albany earlier this month is so important. The permanent clinic has replaced the previous mobile screening unit that visited Albany for 12 to 15 months in every two-year period, and offers women in Albany and its surrounding region increased access to screening services to detect breast cancer early. The new clinic, located at 2/2 Barnesby Drive, Yakamia, will operate all year round, three days a week, which will equate to approximately 3 000 screens each year. The clinic has also been designed to accommodate any future growth in demand and has the capacity to increase to five days of screening and house a second X-ray machine.

As part of the 2020–21 state budget commitment from the McGowan government, this clinic is the first of two to open, with another new screening and assessment centre scheduled to open in the northern suburbs later this year. Western Australian women over 40 years of age with no breast symptoms are eligible for routine screening with BreastScreen WA. Women between 50 to 74 years of age are actively encouraged to get screened every two years. Any women with breast changes should contact their general practitioner immediately to discuss their concerns and undertake further investigation if required. We know that breast screening rates have declined nationally during the COVID-19 pandemic, so it is important that we boost screening rates. We know that the earlier breast cancer is detected, the better the chances of survival, and it also enables women to be eligible for more effective and less invasive cancer therapies.

Congratulations to BreastScreen WA and the member for Albany for taking the initiative to identify the requirement to have a permanent clinic in Albany.

POLICE AND COMMUNITY YOUTH CENTRES — EIGHTIETH ANNIVERSARY*Statement by Minister for Police*

MR P. PAPALIA (Warnbro — Minister for Police) [9.13 am]: I wish to acknowledge a significant milestone of 80 years of service delivery through the Western Australian police and community youth centres. The Western Australian police and community youth centres were established in 1941. Originally identified as the Police Boy's Club, the focus of the original club was on providing guidance and structure to boys, many of whose fathers were away at war and their mothers were busy working. Back then, activities were centred around sports such as boxing and gymnastics. Diversionsary programs were later developed to ensure young people remained active,

engaged and supported so that they could stay on a positive path through life. This paved the way for a number of name changes since the original Police Boy's Club, and many of my colleagues will recall it being called the police and citizens youth club until the current title was adopted in 2005.

The PCYC approach is community focused. It provides services to young people within Western Australia with an emphasis on the delivery of accredited training programs dedicated to young people who need alternative learning options to traditional school. Since the establishment of this group, the Western Australia Police Force has played a prominent role in supporting PCYCs in delivering activities and alternative education and training programs to young people at risk. The McGowan government continues to support the work of the PCYC, and at the recent election committed a further \$18 million towards the operation of centres within metropolitan and regional WA, building upon the success in delivering programs to vulnerable children and at-risk youth.

The SPEAKER: Minister, I am sure that all members will join with you in congratulating the PCYC on its eightieth anniversary.

NATIONAL FIREARMS AMNESTY

Statement by Minister for Police

MR P. PAPALIA (Warnbro — Minister for Police) [9.15 am]: Western Australia's participation in the permanent national firearms amnesty, which begins on 1 July 2021, will strengthen the arrangements already in place in Western Australia. This national amnesty arises from an agreement between state and territory police ministers reached in late 2019 and will run concurrently across jurisdictions. The amnesty aims to improve community safety by removing unwanted, unlicensed and illegal firearms, parts, prohibited accessories and ammunition from our cities, suburbs and towns. It also aims to lessen the likelihood of these firearms falling into the wrong hands. Even with Australia having some of the strongest firearms laws in the world, illicit firearms remain a significant law enforcement issue.

During the last national amnesty in 2017, 1 240 firearms were surrendered to the Western Australia Police Force, including a World War II submachine gun, more than 196 handguns, 186 shotguns, 855 rifles and 65 618 rounds of ammunition. The items included 10 cut-down firearms and five homemade firearms, including two homemade handguns. Since then, Western Australia put in place its own permanent firearm amnesty, allowing people to surrender firearms, parts and ammunition without fear of being prosecuted for possession. Under the new permanent national amnesty, all states and territories will join Western Australia and South Australia in enabling community members to hand in their unlicensed firearms and firearm-related articles without fear of prosecution. States and territories will also collect and share data regarding the surrendered items. Although the amnesty is focused on firearms, other prohibited and controlled weapons, such as tasers and crossbows, may also be surrendered.

In Western Australia, the items being surrendered can be taken to any police station. People are asked to plan ahead, to contact their local police first and to transport the guns unloaded and in a safe manner, such as in a carry bag, box or other covering. The person surrendering the firearm may also apply to licence the guns and articles where this is allowed for under the Firearms Act 1973. Generally, the surrendered articles will be sold or destroyed by the WA Police Force. However, if the items have historic value or significance, police will consider allowing those items to be donated to museums or police firearms reference libraries. Members are encouraged to let their constituents know about this permanent amnesty and the opportunities it provides to remove unlicensed and illegal firearms from our community.

DEBBIE HENDERSON — ACKNOWLEDGEMENT

Statement by Minister for Child Protection

MS S.F. McGURK (Fremantle — Minister for Child Protection) [9.18 am]: I rise to acknowledge the important work of Debbie Henderson, chief executive officer of the Family Inclusion Network of Western Australia. Debbie has recently announced her resignation from the organisation. Debbie is a qualified social worker who has worked in various aspects of the community services sector for many years, and particularly with vulnerable families in the child protection system. After graduating in 2007, Debbie worked in community development with Anglicare WA, where she began working with parents whose children had been placed in out-of-home care. Anglicare WA was the initial umbrella organisation for what became known as the Family Inclusion Network of WA—FinWA. When FinWA received funding in 2008 to establish a service to provide advocacy and support to parents and families who become involved in the child protection system, Debbie was appointed the inaugural chief executive officer. Debbie has been a board member of the Society of Professional Social Workers in Western Australia and the Child and Family Alliance WA.

FinWA works to empower parents and families whose children are involved with the child protection system and advocates for the vital role they play in their children's lives. Debbie has been instrumental in developing and sustaining FinWA into a viable and effective organisation. As the Minister for Child Protection, I want to acknowledge the hard work of people like Debbie who support parents and families to feel heard and strive towards children being able to safely live at home. I want to thank Debbie for her commitment to promoting the rights of parents, family and community involved in the child protection system, and I wish her all the best for her next challenge.

COMMUNITY GARDENS GRANTS PROGRAM

Statement by Minister for Community Services

MS S.F. MCGURK (Fremantle — Minister for Community Services) [9.20 am]: I am pleased to update the house on the state government's Community Gardens Grants Program. Thirteen community gardens were recently approved to receive state government funding through the 2020–21 program. The successful recipients will share in \$99 677 to support the establishment or further development of sustainable and edible community gardens. Facilitated by the Department of Communities, the program provides grants of up to \$10 000 per project for everything from planning and design, to training, plants, seedlings and fertiliser. The program focuses on inclusiveness, accessibility and community participation. By getting involved in local community garden projects, people can build community connections, develop new skills and share the benefits of growing edible produce.

The 2020–21 successful recipients include Good Sammy Enterprises for the development of a community and sensory garden; Fremantle Women's Health Centre to hold 10 garden-related workshops that combine horticultural pursuits with mental wellbeing activities; Warburton Local Drug Action Group for planning and design work and to develop a community-led garden project; Mandurah Community Gardens to resurface and level pathways throughout its existing garden to improve accessibility for wheelchair users and people with balance issues; Darlington Sports and Recreation Association to complete stage 1 of a new garden, including fruit trees, native plants, reticulation and seating; and Baysie Community Garden to expand its existing garden with paving, seating and new garden beds.

A number of projects receiving funding this year use community gardens as an avenue to boost people's wellbeing, help with preventing drug use and improve disability access and training. The benefits of community gardens are many: they transform neighbourhoods and foster connections between people from all walks of life. I want to acknowledge my parliamentary colleague Minister Carey for attending the launch at Perth City Farm recently. I congratulate all the worthy recipients of the grants and I look forward to seeing what grows from these very special gardens.

CHILD AND ADOLESCENT MENTAL HEALTH SERVICES

Grievance

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [9.22 am]: My grievance is to the Minister for Health representing the Minister for Mental Health. It is with a heavy heart that I stand to speak about the significant gaps in child and adolescent mental health services and the urgent need to invest in early intervention, and I thank him for taking my grievance. I also thank the parents and advocates who have contacted me to raise awareness about this issue and the impact it is having on their children, families, work and lives. Some are here in the gallery today. I would especially like to acknowledge Meron Savage and Pamella Fink, who continue to fight for change for other families while carrying the heartache and grief of losing their own children.

To say the system is falling well short is an understatement. Despite at least eight reviews and inquiries on the mental health system in Western Australia and recommendations from the Office of the Commissioner for Children and Young People in 2011 and 2015, the system is still broken. As the commissioner concluded in his 2020 update, the reforms fall short of making the desired impact for children and young people without proper financial investment and resourcing. Unfortunately, both statistics and anecdotal evidence from parents and clinicians support those findings.

As outlined in a 2020 review by the Chief Psychiatrist of Western Australia, Dr Nathan Gibson, funding for the Child and Adolescent Mental Health Service has not kept pace with increased demand for services. The current CAMHS funding represents 6.5 per cent of the total 2020–21 mental health budget of \$1.01 billion despite a 51 per cent increase in demand for services in the four years to 2019. The review states that within the past decade, metropolitan emergency departments have experienced a 214 per cent increase in self-harm, suicide risks or attempted suicide in the 13 to 17-year-old age bracket and a 403 per cent increase in under-13s. Dr Gibson stated that the chronic underfunding had continued despite the sustained efforts of leadership teams to highlight the issues and put forward business cases for additional services. Essentially, this underfunding has resulted in the prioritisation of care for only the most acute cases with a focus on crisis management.

Some parents spoke of their children not being "sick" enough or "psychotic" or "suicidal" enough to access services. They say the system is essentially not set up to treat mental health until their children's physical health is seriously under threat. Simply, there has been a focus on acute services, rather than prevention, early intervention and community supports. Those who are hospitalised are treated until they were well enough to be discharged but often are not provided with any ongoing support at home, stuck in a revolving door of hospitalisation that is purely a last resort for parents who do not know where else to go and desperately want an alternative.

This missing middle, specifically the lack of early intervention and step-up, step-down services between home and hospital and a lack of funding in community support services is putting undeniable stress on our emergency departments and hospitals and could be avoided if there were other options. Unfortunately, there is not. Many community supports are severely underfunded and getting an assessment in the public system can take months. A lot of psychiatrists or psychologists are simply not accepting new patients and those who are have a waitlist of months, if not years.

One mother was told the quickest way to get her eight-year-old son assessed was to book a telehealth consultation with a specialist in the eastern states. Another mother I spoke with this week has booked her daughter into an eating disorders clinic in Sydney because there simply is no viable option in WA. She is now desperately trying to keep her daughter alive until they can get there.

When I specifically raised questions last month about the lack of facilities to treat eating disorders in this state, the minister pointed to a \$31 million commitment over forward estimates, but my understanding is that that will not start until 2023. What are these families whose children are literally starving in front of them supposed to do in the meantime? These gaps are not being raised just by families. One health expert in the field described it as a tsunami of cases heading for Perth Children's Hospital and feared the hospital was ill-equipped to deal with them. This is a view shared by school nurses, chaplains and many clinicians who advise me that outside of the support they can provide at school, little support is available and there are significant waiting lists.

We know that early intervention and community support is key to an improved long-term outcome in mental health yet the system is not reflective of that and the consequences are tragic. Kate Savage was aged 13 years when she took her own life. Her mum believes it could have been prevented but said services are vastly lacking and children are dying. Cohen Fink's family are also carrying the lifelong grief of a system that they feel has failed them.

This is not new. The *Western Australian mental health, alcohol and other drug services plan 2015–2025* outlined a plan forward, yet the targets are continually falling short. By 2025 we need to expand services from 1.7 million hours to 3.2 million hours. At last count, in 2018–19, the state had only provided for 209 000 hours—a fraction of what is required. Child health leadership teams have submitted various business cases to address this shortfall. The state's Chief Psychiatrist has said the situation is now well beyond a bandaid situation. These are our children, our most valuable resource, and we should be doing everything in our power to support and nurture them. No more families should have to suffer.

We have had multiple reports, plans and reviews. I implore the minister and the government to prioritise and fund the necessary early intervention and community support services in the next budget, as outlined in the master plan six years ago, to enable some of the recommendations to be implemented in full and enable real changes across the sector. It is clear: our children cannot wait and now is the time to act.

MR R.H. COOK (Kwinana — Minister for Health) [9.28 am]: On behalf of the Minister for Mental Health, I thank the member for Vasse for her grievance today and acknowledge the families and advocates in the gallery. There is no greater purpose than looking after the health and wellbeing of our young people. They are our future parents, leaders and workers. The McGowan government provides more than \$120 million a year for mental health services for children and young people. Additionally, we are investing another \$122 million in the expansion of mental health services to young people as part of our \$361.6 million election commitment package to address critical gaps in the mental health system. With significant increases in the Mental Health Commission's budget since 2016—in fact, the budget has increased by almost 17 per cent to a record \$1.01 billion—our commitment to youth remains strong, compared with the paltry commitments of the previous Liberal–National government. The previous Liberal–National government was unfocused and, as a result, our young people have borne the brunt of its underinvestment. The McGowan government refuses to allow this to continue.

On 16 December 2020, when I was the Minister for Mental Health, I released the *Young people's mental health and alcohol and other drug use: Priorities for action 2020–2025*, otherwise known as YPPA. The YPPA builds on a range of existing state and national plans, strategies and frameworks, and was developed in consultation with a range of stakeholders. It contains a broad range of initiatives that sit across six key strategies, which aim to address and respond to the mental health and alcohol and other drug needs of Western Australians aged between 12 and 24 years. The Mental Health Commission is currently developing an implementation plan to guide the implementation of the immediate actions and top priorities as identified in the YPPA. This implementation plan is due for completion in October 2021. Many of the immediate action initiatives are already underway. The YPPA informed the McGowan government's \$122 million youth-focused election commitment.

Turning to those election commitments, as I said, \$122 million has been allocated to a number of youth mental health and alcohol and other drug focused initiatives, including \$7 million for the expansion of the "Alcohol.Think Again" and Parents, Young People and Alcohol "I See" campaigns to inform and influence the knowledge and behaviours of young people aged between 12 and 17 years; \$9 million for the statewide expansion of the Strong Spirit Strong Mind metro project to prevent and delay the early uptake of alcohol and drugs by young Aboriginal people; \$10 million to provide drug education support services workers at youth accommodation and support services; and \$8 million to support the WA AIDS Council to continue peer-based support and education for LGBTQIA+ youth.

In addition, in relation to the gaps as described by the member for Vasse, student support and wellbeing services are being boosted and expanded, such as the 2018 violence in schools action plan. The government has committed \$104 million for the following programs: \$42.2 million for more than 100 additional psychologists in Western Australian public schools over the next four years and a commensurate increase in funding for non-government schools; \$38.5 million to expand successful alternative learning settings, a pilot program across WA; \$21.8 million to enable

every Western Australian school to purchase chaplaincy services if they want to; and \$1.4 million for the expansion of respectful relationship programs to prevent family and domestic violence. In addition, through the state government's 2017 election commitment to provide additional resources for mental health in schools, 300 schools have been provided with half a day of classroom teacher time to implement a whole-of-school mental health and wellbeing framework.

In the community support and community beds space, the McGowan government committed \$11 million for a 10-bed youth step-up, step-down community mental health service in the metropolitan area; \$10 million for 30 psychosocial support packages for young people aged between 16 and 24 years; \$64 million for psychological support for students; and \$18 million for youth long-term housing and a support program to provide young people access to long-term accommodation.

The government understands—I am sure all members appreciate this—that a tsunami of mental health issues is impacting our community at the moment, which has had a severe impact on child and adolescent mental health services. That is one of the reasons why I, with the assistance of the Chief Psychiatrist, undertook a review of child and adolescent mental health services. We want to continue to ensure that they have the resources and service provision they need to meet the ongoing work they undertake for a large proportion of young people going to community youth mental health services, hospitals and other services. As we have discussed in this place previously, there has been an 80 per cent increase in the number of young people presenting at our hospitals with eating disorder issues.

It is a challenge, but it is a challenge that the McGowan government is up for. The Minister for Mental Health is doing an outstanding job in ensuring that we implement our election commitments and making sure that we have good engagement with the community mental health sector and, of course, parents everywhere. I take a moment to acknowledge the love and support that parents everywhere in Western Australia provide young people who are struggling with mental health issues. It must be a great burden for them to bear and obviously we admire the work that they are doing, in conjunction with the clinical services available in the community and our health system, to ensure that we continue to nurture the mental health and wellbeing of young people in Western Australia.

COASTAL EROSION — ALBANY

Grievance

MS R.S. STEPHENS (Albany) [9.35 am]: Today, I would like to grieve to the Minister for Transport about the ongoing coastal erosion in my electorate, particularly at Emu Point. As the minister will recall, when she visited this site, I was able to explain the significant and ongoing effects of erosion at Emu Point. I grew up living on the pristine coastline between Middleton Beach and Emu Point at Griffiths Street beach. Over the years, I have witnessed the loss of infrastructure, leasehold houses and the beach at Emu Point.

As the minister saw when we visited the area, the well-used bike path is close to falling into the ocean and, as we discussed, the beach has become dangerous, with waves surging in and hitting the temporary sandbag groins. I told the minister a story about my daughter Maggie, who was playing in the water and was dangerously picked up by a surging wave and dumped onto the shore. As the minister would know, the Middleton Beach foreshore enhancement project is nearly complete and will include the construction of a promenade behind the very important seawall. The seawall was vital to this foreshore development to protect important assets, both physical and natural.

Last week, I attended a community meeting with over 100 community members about the Albany surf reef project. This is a fantastic project to which the McGowan Labor government has committed \$5 million. A significant amount of work has been undertaken to date, with compressive assessments and review undertaken by the UWA Wave Energy Research Centre, but work is ongoing.

The community appreciates that coastal erosion has been considered in the design of the Albany artificial surf reef by using state-of-the-art modelling as well as a quantified conceptual model. Mitigating coastal processes is an extremely challenging area, as we all appreciate, but I would like to outline why it is so important to me. A 2017 report found that the erosion risk for the beach and foreshore reserve is medium to high in the short term, increasing to extreme for the foreshore by 2090 due to its high community value. The need for management action at Emu Beach has been made clear through the high vulnerability identified in the coastal hazard risk management and adaptation planning process. I participated in many community forums and workshops as a councillor at the City of Albany. Ongoing erosion at the site has led to it being identified as an erosion hotspot in the Department of Planning, Lands and Heritage and the Department of Transport's *Assessment of coastal erosion hotspots in Western Australia* report, which was released in August 2019. The hotspot report found that infrastructure assets at Emu Point, such as footpaths, are vulnerable in the immediate term, zero to five years, and additional assets, such as roads, access paths and leasehold caravan park properties, will be susceptible in the short term, five to 25 years. In addition to the built assets, the CHRMAP identified intolerable risk to natural assets, such as the beach and foreshore vegetation, which hold significant value in various forms—economic, social and ecological. It has also been noted by the 2019 Seashore Engineering report, which supported the coastal hotspots report, that a lack of protective action or a managed retreat approach could compromise the structural stability of the existing revetment, putting additional assets such as paths, roads and car parks, as well as the revetment itself, at risk from erosion hazards.

The need for urgent action has recently been highlighted by acute ongoing erosion at the site during April 2021, which has damaged existing infrastructure, such as footpaths, and created safety risks for visitors to the area, as I have highlighted. It would be greatly appreciated by my constituents—and I am sure the broader WA community—if the minister could provide an update on what efforts and progress is being made to address the issues at Emu Point, along with those at other coastal erosion hotspots in WA. I thank the minister for taking my grievance.

MS R. SAFFIOTI (West Swan — Minister for Planning) [9.39 am]: I thank the member for Albany for her grievance. She is correct. Last week I visited Albany with the member. It was a really good day, and we went to a number of places. We looked at some of the work that has been completed at Middleton Beach, in particular the seawall. I was involved in that project in the last term of government, initially really as Minister for Lands through DevelopmentWA. It was great to see some of the progress that has been made at Middleton Beach. We then went to Emu Point and out onto the water in Oyster Harbour as well. The member took me for a tour around the coastline there and to a key point at Emu Point where there has been significant erosion. As the member outlined, some of the more recent severe weather in that area has caused significant damage to the coastline there, and a major path is being impacted. The member recounted her history and some of the stories about growing up and visiting the local beach. Of course, that beach was her local growing up as a young kid in Albany.

Coastal erosion is a massive challenge and it is something I have spoken about in this place a number of times. In 2019, the department released a hotspot analysis that identified areas around the state where infrastructure is at risk and really tried to provide a guide on how we would invest through a series of grants in the future. We are working collaboratively with local governments across the state to see how we can work together to, first, identify the problems and, then, identify the solution. As I said, the coastline is littered with bad solutions from the past, which in many instances continue to push the problem further or down the coast. What were seen as good solutions at the time have actually impacted more negatively further down the coast, as the erosion or sand was pushed to other areas. We are very sensitive about that. That is why we put a lot of investment into working with councils to identify the best solutions.

The government has been working with the City of Albany on coastal management issues for a long time. We are providing technical and financial support for Emu Point coastal data collection and engineering, investigation, modelling and structural design. More than 12 coastal grants, with total funding of more than \$1 million, have been provided in the past. As the member outlined, that included the coastal hazard risk management and adaptation plan for Emu Point to Middleton Beach, which was adopted by the council in December 2020 and supported through a \$75 000 coastal management plan assessment program grant. The CHRMAP really articulates the actions required—both coastal protection work and the provision of greater guidance to the City of Albany, with support of the state, to manage its coastline. The city has a coastal management plan assistance program of \$44 000 to prepare a foreshore management plan for Emu Beach, consistent with the CHRMAP. This will integrate coastal protection with landscape management strategies to guide further investment and uses.

The member will be happy to know that today we are announcing our next round of our recipients for coastal grants, and I am pleased to say that Albany will receive two grants. These are two grants for the City of Albany. One is for \$230 000 to complete the design and approvals for the new groynes at Emu Point and the other for \$100 000 to develop a CHRMAP for Princess Royal Harbour. These grants will help the city manage significant issues, particularly through Emu Point. We will also be announcing a number of other recipients today. Rottnest Island will get \$1.7 million for urgent work across Thompson Bay south, and a number of other cities will receive funds today. They include the City of Busselton, the City of Cockburn, the City of Fremantle, the City of Greater Geraldton, the City of Joondalup, the City of Stirling and the City of Wanneroo. As I said, the Rottnest Island Authority will receive a grant. The Shire of Augusta–Margaret River will also receive grants today. The Shire of Broome will also receive some grants, member for Kimberley, in relation to Cable Beach and other surveys in the area. The Shire of Denmark, member for Warren–Blackwood, will also receive grants. There are also grants to the Shire of Gingin, Shire of Exmouth, Town of Cottesloe, Town of East Fremantle and Shire of Manjimup. There will be more work in the City of Albany, Ravensthorpe, Broome, Karratha and a number of Aboriginal communities. There is a long, long list. There are a lot of new grants, the details of which will be available through the website. In particular, I am very pleased to announce the work that will be undertaken through the City of Albany, member for Albany, and the cooperation and collaboration that we have with the City of Albany to help protect and manage the coastline in that area.

NORTHLINK WA — TRAFFIC NOISE — ELLENBROOK

Grievance

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [9.45 am]: My grievance today is to the Minister for Transport. I grieve today on behalf of the residents of Charlottes Vista in Ellenbrook. These residents have been subjected to unreasonable levels of noise since the opening of the Tonkin Highway extension, otherwise known as NorthLink WA, on 23 April 2020. The residents of Charlottes Vista do not have the benefits of a noise wall. If we travel south on Tonkin Highway from the Muchea end, we will observe that the lime green panels of the noise wall on the east of the highway come to an abrupt end. I understand there is a 600-metre gap where there is no wall, and residents tell me that the noise from passing trucks sounds like a helicopter overhead. They awake to that noise

at 4.00 am. A traffic noise assessment of NorthLink carried out in August 2020 monitored noise well north of these residents, with the closest monitoring site being eight kilometres away from Charlottes Vista. Having downloaded an app to test noise levels in the vicinity of their homes, some residents have recorded up to 80 decibels from passing traffic. *State planning policy 5.4: Road and rail noise* seeks to ensure that the community is protected from unreasonable levels of traffic noise, while ensuring the future operation of transport corridors. These reported noise levels do not appear to comply with that policy.

Residents of Charlottes Vista have been campaigning to have the noise issue addressed for over 12 months now and feel there is no end in sight. Some property owners who accepted the offer to address noise attenuation at their individual properties received correspondence from Main Roads Western Australia in April 2021. It seems that what was on offer to individual residents varied greatly. One resident had approval for the extension of the noise wall, installation of double-glazed windows and doors at the rear of the property, installation of mechanical ventilation in the roof cavity and installation of ceiling insulation and insulation in the rear walls of the house, while another resident was offered just a fraction of that—an extension of the noise wall and installation of double-glazed windows and doors at the rear of the property. This resident admits that she felt second class. The second resident highlighted this discrepancy with Main Roads and, after further negotiations, an offer similar to the one made to the first resident was put in place. These Ellenbrook residents contend that their lifestyle has changed forever. Some have only small air-conditioning units because in the past they relied on the breeze coming through, but they can no longer leave their windows and doors open because of the noise. The noise is such that they cannot use alfresco areas outside their homes; it is impossible to hold a conversation. Main Roads should remain accountable to these taxpayers while upholding the principles of state planning policy 5.4, which sets out to protect communities from traffic noise while also protecting freight routes in the future. Acknowledging that road and rail noise can have an adverse impact on human health, the policy encourages best practice in noise mitigation.

I ask that Main Roads act in good faith and treat residents equally. Why have neighbouring properties—houses that are next door to each other, not way down the road from each other—received different offers? It seems those best able to negotiate are substantially better off. When Main Roads sent its noise mitigation offer to residents, it included a list of three suppliers in each of the following categories: builders, glaziers, air-conditioning contractors and insulation firms. Residents were instructed to select a supplier and get a quote. I ask the minister how those businesses were selected for inclusion on that list. I understand that phone calls to some of those suppliers were less than satisfactory for residents. One supplier, located 60 kilometres from Ellenbrook, was not prepared to travel. Another was no longer in business. Another did only outdoor work and not indoor work. Having got a quote, residents were to present cost estimates to Main Roads for mitigation works, with an agreement struck between Main Roads and the individual resident. Once residents sign a deed of release, Main Roads makes a payment and work can be commissioned. Residents are extremely concerned that they are agreeing to noise mitigation efforts with no idea whether they will have the desired effect. For instance, will the proposed wall that is to be built 50 metres from their property boundary have an impact on road noise given the uneven topography between their house and the highway? Having signed the deed of release, residents are presuming that they will have no further recourse. I call on the minister to ensure that Main Roads treats these Ellenbrook residents fairly and with respect. Residents' hesitation in signing a deed of release is understandable given the unknown nature of the proposed mitigation measures and their effects. Main Roads should ensure that there is best practice noise mitigation in accordance with state planning policy 5.4. I ask that residents not be asked to sign or be bound by a deed of release until that mitigation is complete and can be found to be effective. I would like to thank Hon Donna Faragher for bringing this matter to my attention. I would also like to thank the minister for taking this grievance today.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.50 am]: I thank the member for Moore. This issue of NorthLink WA noise through the Ellenbrook area was raised once the NorthLink project through that area was completed. The member for Swan Hills, who is not here today, and her office raised this issue on behalf of the residents, particularly of Charlottes Vista, last year. I want to make a couple of points. We released a new, more stringent *State planning policy 5.4: Road and rail noise* in 2019. That policy is tougher than the previous one in the sense that it tries to better reflect what is acceptable for noise for new infrastructure, both road and rail. We ensured that this road, even though it was approved under the previous state planning policy, came under the new, more stringent policy. Of course, the policy lowered the noise-limit criteria for new roads. As a result, the measurements will be judged according to the new planning policy.

There has been a lot of discussion and work with residents. A couple of points were made about Main Roads dealing with people individually regarding their priorities for upgrades to their homes. A number of options are provided. Individual home owners are given choices about what upgrades they require. On the suppliers, I will follow that up. Whether it be for upgrades to homes or recipients of grants, I have had the same issue that grant recipients through government processes are not getting people to rock up to tender, or some of the costs have changed because of the very tight housing market. The member raised the issue primarily of location of suppliers and I will follow that up. The closer the small business, the more likely it is to attend and give someone a quote. The issue of suppliers is something I will take up. I think treating people individually is the right thing to do—approaching each householder and talking to them individually. They are best placed to make decisions on what they would like to have done.

On the noise wall, a lot of work has been undertaken by Main Roads, primarily because of the concerns that were raised by the member for Swan Hills' office last year. If members go north on NorthLink, they will basically touch the western side of Ellenbrook. A noise wall was built along NorthLink, primarily next to where all the homes are. However, there are some concerns that where the wall commences and where it ends does not protect homes in the northern and southern areas enough. There are a couple of reasons. The noise wall was built where the homes were but the area is not flat and the topography is such that there are some hills in the area. As a result, there has been concern about some of the noise levels that reach residents, as I said, in both the northern and southern areas. Main Roads has been working on developing some additional noise walls in that area, which has been communicated, and how those noise walls could be constructed to try to prevent the distribution of noise to households. There was a discussion about whether we just extend the existing wall or where we could place it to try to prevent noise levels from reaching households. I think Main Roads has nearly finalised the design, and consultation on the proposals either has started or is about to start. The aim is to get the placement correct to try to prevent the distribution of noise. Possibly, we will not just extend the existing wall because that may not prevent noise from getting to households. As I said, a lot of work has been done on extending the noise walls to prevent further impact.

I thank the member for the grievance. As I said, managing noise from roads and rail, whether it be industrial or commuter, is a factor when we build new infrastructure. It is interesting that we have strengthened the policy to try to protect households. I think the original policy, for example, did not require the infrastructure builders to acknowledge the existence of two-storey homes. We have strengthened the policy to better protect households when we are building road and rail. Sometimes it is only when the project is up and running in a normal way that we start to hear some of the noise distribution in those areas. The call for noise walls and noise protection, as well as school bus services, are the two biggest issues we talk about in the office. People are very concerned about those issues throughout the state. People want noise walls along existing infrastructure. Our policy requires the building of noise walls for new infrastructure. I think about some of the homes that back on to some of the older rail lines and some of the policies in the past that really did not reflect modern practices.

TRUCK DRIVERS — AMENITIES

Grievance

MR D.R. MICHAEL (Balcatta — Parliamentary Secretary) [9.57 am]: My grievance today is to the Minister for Transport. Of the many things that have been highlighted by the COVID pandemic, one prominent one that we should all take heed of is the importance of truck drivers. At a time when many people were out stockpiling toilet paper, it was our truck drivers who were making sure that deliveries got to supermarkets so that our shop assistants could keep the shelves stocked. It was truck drivers who ensured that everything from our basic essential items to fuel, equipment and medical supplies all got where they needed to go. I want to thank all truck drivers for their work over the past year and a half, especially during lockdowns. When many people were able to work from home, truck drivers just kept driving so that the rest of us could keep going. We all need to remember that. Minister, this is one of the reasons I raise my grievance today, on behalf of the many truck drivers in my electorate of Balcatta, and indeed across the state, about heavy-vehicle rest stops.

Truck drivers face many challenges in the work they do, none more so than the hours that they have to work and the distances they have to travel, much of the time in regional and remote areas. That is why it is essential that when truck drivers need to stop, there is a rest stop available with appropriate amenities. Access to clean and modern restrooms and showers at regular intervals can make a big difference to truck drivers.

Tim Dawson and the WA branch of the Transport Workers' Union of Australia have been and are fierce and effective advocates for workers in the transport sector across Western Australia. The TWU surveyed its members to find the issues that mattered most to them and to look at the factors that could increase participation in the industry. In the results of that survey, the members overwhelmingly said that Western Australia needs more truck rest areas. Further, truck rest areas need to have parking for multiple trucks and road trains, including road train assembly areas that are large enough to park in and to safely manoeuvre trucks with multiple trailers. They also said that truck rest areas should have separate male and female facilities, with showers and toilets that are regularly cleaned, and outdoor rest facilities at truck rest areas, such as benches, and tables for meals. Truck rest areas should have signs that indicate that it is a "Truck Only Rest Area", so that they are not taken up by caravans and by the general public. Members said that truck rest areas should have emergency communication equipment with a self-sustainable power source that could be accessed in an emergency, especially if there is poor mobile telephone coverage. Members also said that roadhouses should supply clean showers and toilets at no cost to truck drivers, and provide healthy food options.

At the beginning of last year, like other members and government representatives, I received a letter from the Transport Workers' Union of Australia advocating for action on this issue. I am pleased to say this was followed by strong engagement between the McGowan government, the TWU and the wider transport sector. Last year, Tim recounted to me a trip he had taken to the north west when he talked to drivers and checked out the rest stops available and the existing amenities himself, because that is the kind of leader Tim is. He told me about the hook-up area near Newman, which has no bitumen, no toilets and no showers. There is nothing but red dirt, unless it is raining, of course; then it is just mud. This stop is used by truck drivers each and every day. Minister, we can do better. The

average age of a truck driver is 45 years. The transport sector has an ageing workforce and it becomes impossible to attract new drivers, let alone keep the drivers we already have if the conditions we expect them to work in are not up to expectations. Western Australia is a big state; the tyranny of distance makes this a difficult issue, but, equally, it makes it all the more important that we provide these basic facilities that all of us expect would be available. If a truck driver has to drive for an entire day or, as is normal, several in a row, it is simply not enough for us to say that the area is remote and it is too hard to meet the needs of these drivers. There need to be rest stops at regular intervals with appropriate toilet and showering facilities.

Roadhouses have traditionally formed an important part of transport amenities and I am sure that they will continue to play a significant role. However, the COVID pandemic showed us that largely relying on businesses, which quite fairly at the time needed to reduce their operating hours or temporarily close, was no longer our best option to support these essential workers. Over the past two years, Tim Dawson has been working tirelessly and constructively on this issue, and I know there has been no shortage of support from Senator Glenn Sterle, who is always there for the drivers and, like Tim, knows exactly the challenges faced by long-haul truck drivers. I know that the TWU has been a part of broad consultation and great constructive work to look after the needs of the sector and drivers, including new owner–driver legislation, better training pathways, mental health programs and heavy-vehicle rest stops.

I thank the minister for taking this grievance this morning, and I hope that she can provide an update on progress to improve truck rest stops across Western Australia, especially in regional and remote areas.

MS R. SAFFIOTI (West Swan — Minister for Transport) [10.03 am]: I thank the member for Balcatta for that grievance. I want to acknowledge the importance of the freight industry to our economy. As the member for Balcatta outlined, there is no greater demonstration of its importance than its response to the COVID pandemic, when we realised the integral role of the freight industry and truck drivers in the economy. While we were all struggling to understand the impact of the pandemic on ourselves, truck drivers were on the road making sure they were delivering essentials to our shopping centres and therefore our households so that we could continue to both live and operate normally in an extraordinary situation. I want to acknowledge that.

Another point I acknowledge is that activity on our roads has significantly increased over the past year, in particular in regional Western Australia. We looked at some statistics to examine the impact of the COVID pandemic and the Wander Out Yonder campaign and the desire, and need, for people to travel within Western Australia. I note some interesting statistics on vehicles. I think this is a weekly model. In a typical week in 2019–20, there were 568 vehicles on North West Coastal Highway north of the blowholes. That increased in 2020–21 to 657. In 2019–20 it went from 565 to 617 vehicles on Great Northern Highway north of Goldfields Highway. On Brand Highway just south of Jurien Bay, there were about 1 468 vehicles in 2019–20 and it increased to 1 735 in 2020–21. That is a combination of both truck traffic and caravanners and tourists more generally. We have seen a significant increase in road usage across the state.

Another point I want to make is that we are investing a record amount in regional roads and particularly in road safety, as members of the south west in particular would know when they arrive at Parliament after being delayed by about half an hour by a number of different closures. I can see the member for Collie–Preston nodding her head. I am sorry about that, but there are a lot of roadworks in particular for the members who are driving to Parliament from the south west and the wheatbelt. It normally involves closures and some delays and I am sorry about that, but it is all part of our significant increase in road safety spending.

The member for Balcatta is right; the member of the TWU and the Western Roads Federation have constantly raised the need to improve rest stops and facilities for truck drivers in regional WA. There always has been a bit of conflict, in a sense, between the caravanners and the truckies as well. I am not sure whether I can sort that out; I suspect that is beyond me. There is always a need to do better in delivering services to truck drivers who are travelling significant distances. They need basic services. Both the TWU and the industry more generally have put forward constantly that we need to improve our facilities. As a result, and in response to the calls from the “T-dubs” and the industry, we established a working group with Main Roads Western Australia. That had representation from across the transport industry. The working group was established to help jointly identify the locations and facilities of greatest priority. The working group was represented by the Transport Workers’ Union of Australia, Western Roads Federation and the Australian Livestock and Rural Transporters Association.

One of the key priorities that the working group outlined was the provision of better ablution facilities. We not only have long recognised the importance of these facilities, but also understand that in many instances existing roadhouses have facilities too. There is always a tension with not taking too much business away from a roadhouse and supporting that roadhouse by providing better facilities. During the COVID-19 pandemic, for example, we provided a financial roadhouse assistance package to help critical roadhouses stay open because that was a big challenge that people raised, in particular across the Nullarbor. Today, I am pleased to announce the government is trying to invest in rest areas by delivering \$14 million of improvements to heavy vehicle rest areas across Western Australia. In consultation with the transport industry, we have finalised 14 high-priority locations across WA. We will be making major upgrades to rest stops at Newman, the Auski, Karijini and Leonora and improvements at 10 key heavy vehicle sites in the Pilbara, midwest, Gascoyne, wheatbelt, goldfields–Esperance and south west regions.

We will continue to consult industry for further upgrades and ensure that we work collaboratively to identify the priorities. I will quickly go through them. Minor rest area improvements will be made and ablution blocks constructed on Marble Bar Road, and at Bell Street and Redmont on Great Northern Highway. Rest areas will be upgraded and ablution blocks constructed at Whim Creek and Karijini Drive on Great Northern Highway. New rest areas and ablution blocks will be constructed at Newman and Auski on Great Northern Highway.

Mr R.H. Cook: You only have a minute!

Ms R. SAFFIOTI: There is also Great Northern Highway; North West Coastal Highway; some improvements at Minglya and Exmouth; Great Eastern Highway, Northam; goldfields; Esperance; Goldfields Highway, the south west region; Willinge Drive, Bunbury; and Great Eastern Highway, wheatbelt.

There are a number of improvements and new facilities being constructed. This is part of our overall package to try to improve the efficiency of freight and to support truck drivers throughout regional Western Australia. I thank all the parties involved. It is always important to work together constructively—I could make a comment there, but I had better not!—to deliver improved results across the community. These improvements will go a long way towards supporting our freight industry and truck drivers in WA.

PARLIAMENTARY SUPERANNUATION BOARD

Appointment of Members — Motion

Resolved, on motion by **Mr D.R. Michael (Parliamentary Secretary)** on behalf of Mr D.A. Templeman (Leader of the House) —

That the member for Bicton and the member for Moore be appointed as members of the Parliamentary Superannuation Board in accordance with section 6(3)(b) of the Parliamentary Superannuation Act 1970.

HEALTH SERVICES AMENDMENT BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Mr R.H. Cook (Minister for Health)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.H. COOK (Kwinana — Minister for Health) [10.12 am]: I move —

That the bill be now read a second time.

The Health Services Amendment Bill 2019 was passed by this house on 9 September 2020. Unfortunately, that bill lapsed because it did not reach its final stage before Parliament was prorogued. That bill contained important changes for the WA health system, which is why it is being reintroduced as the Health Services Amendment Bill 2021. Minor changes have been made to the new bill to prepare it for reintroduction to this house. They consist of changes in Parliamentary Counsel's Office drafting style and other minor amendments to ensure consistency in approach across the act. The amendments do not change the policy intent of the provisions.

The purpose of the Health Services Amendment Bill 2021 is to improve the effectiveness of the Health Services Act 2016. The act is a relatively new piece of legislation that was designed to create a contemporary and decentralised governance model for the WA health system. The act has been successful in establishing the new governance model, which has led to greater levels of accountability and performance at each level of the WA health system.

However, there have been some operational and legal issues encountered since its commencement on 1 July 2016. This bill will address those issues by overcoming administrative burdens created by the act; improving the effectiveness of certain functions and powers of the health service providers, department CEO and minister; and rectifying drafting errors and clarifying ambiguous sections of the act. The bill will make amendments to a broad range of matters affecting the WA health system, including matters relating to: employment, powers of inquiry, information use and disclosure, service agreements, notices of financial difficulty, and the delegation of powers under the act.

Some of the key amendments the bill will make are as follows. The bill will establish a new framework for the delivery of capital works and maintenance works. The new framework will clarify roles and responsibilities for the delivery of capital works at each level of the system, and provide for greater flexibility in the delivery of the works. It is intended that the department CEO will continue to be responsible for high-risk projects, such as Perth Children's Hospital, and the health service providers will be responsible and accountable for the delivery of lower-value projects through their service agreements with the department CEO.

The bill will amend part 6 of the act to establish a more comprehensive and effective scheme for the recovery of fees and charges from patients who receive treatment for compensable injuries.

This is going to go on for some time, Acting Speaker; I do apologise to the chamber!

The new scheme will allow health service providers to recover charges for the cost of health services from patients, in situations in which the patient has received treatment at a public hospital as a public patient but has either not disclosed that they have received compensation, or have received their compensation after the treatment has been provided. It will also allow for more effective recovery of treatment costs from insurers and other compensation payers, and will give greater certainty to compensable patients regarding the fees that will be charged for health services they receive.

The ACTING SPEAKER (Ms M.M. Quirk): Gosh, it is 12-point font, double-sided!

Mr R.H. COOK: This is going to go on for some time! Strap yourselves in, ladies and gentlemen! We continue.

The bill will rectify the WA health system's complex land management and ownership issues. The act's transitional provisions were designed to transition land and property held by, or under the care, control and management of, the old hospital boards to the health ministerial body. At the time, it was understood that all freehold property and crown reserves used by the WA health system were held in the name of the old hospital boards. However, it was subsequently determined that a significant number of properties were actually held in the name of the Minister for Health or the Minister for Public Health in various other capacities. As a result, the transitional provisions were not effective in transitioning those properties to the health ministerial body. The bill will rectify this administrative oversight by allowing the minister to make orders for the transition of all freehold property and crown reserves used for the purpose of providing health care to either the health ministerial body or to a health service provider. Importantly, these transfer orders can be made as standalone orders by the minister and are not contingent on any other changes being made to a health service provider's structure or governance.

The issues with the act's transitional provisions also affected other assets, rights and liabilities of the WA health system and resulted in uncertainty regarding the validity of acts and omissions undertaken by the various health entities in respect of these interests. These acts and omissions were undertaken in good faith but are potentially invalid because they were not performed by the correct interest holder. The bill will validate these acts and omissions, which will protect the interests of third parties who may have relied upon these decisions in their dealings with the WA health system. The bill will also validate the Health Services (Health Service Provider Land) Order 2016, and all acts carried out over this land pursuant to part 16 of the act and the Health Services (Conduct and Traffic) Regulations 2016. This validation will put beyond doubt the validity of the order.

The bill will amend the act to clarify who is the employing authority for employees of health service providers. The amendments will confirm that the employing authority for all employees other than the chief executive is the board for board-governed health service providers, and the chief executive for chief executive-governed health service providers. The amendments will ensure that the act is consistent with the Public Sector Management Act 1994, which the act is intended to mirror, adapted to the context of the WA health system. The department CEO will remain the employing authority for the chief executives of each health service provider.

The bill will amend the act to allow health service providers to more effectively provide services to, and receive services from, one another and to enter into contracts and act as agents on behalf of one another. It is expected that health service providers will use these new powers to negotiate and manage whole-of-health contracts to the benefit of all health service providers and share resources with one another. This will allow the WA health system to achieve economies of scale and reduce duplication and more effectively utilise its resources.

The bill will strengthen the duties of board members under the act by clearly setting out board members' duties in respect of management of conflicts of interest and fiduciary duties to their health service provider and to the state more broadly. Failure to comply with the duties of a board member under the act, or any of the duties of a board member under the Western Australian Statutory Corporations (Liability of Directors) Act 1996 or the general law, will constitute misconduct and may result in the board member being removed from their statutory office by the minister. These new provisions will foster greater levels of integrity and accountability in the WA health system.

In conclusion—I am sure to the great relief of all assembled—this bill will build upon the improvements to the WA health system made by the Health Services Act 2016 by refining the act's effectiveness and strengthening the operations of the WA health system.

I commend the bill to the house.

The ACTING SPEAKER: Before I put the question, minister, I welcome students from Perth Modern School and tell you that you will be tested on that later!

Debate adjourned, on motion by **Mr P.J. Rundle**.

INDUSTRY AND TECHNOLOGY DEVELOPMENT AMENDMENT BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Mr R.H. Cook (Minister for State Development, Jobs and Trade)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.H. COOK (Kwinana — Minister for State Development, Jobs and Trade) [10.24 am]: I move —

That the bill be now read a second time.

The purpose of the Industry and Technology Development Amendment Bill 2021 is to ratify amendments to the Industry and Technology Development Act 1998, to permit use of Northern Australia Infrastructure Facility finance for government trading enterprises through changing the definition of “industry” in the Industry and Technology Development Act 1998 to include any activity undertaken by a GTE; and to remove the Technology and Industry Advisory Council from the Industry and Technology Development Act 1998 by removing references to TIAC, its members, functions and activities. The bill being introduced today is consistent with the government’s vision to support resources development and economic diversification in northern Australia.

The Industry and Technology Development Act 1998 was established to encourage, promote, facilitate and assist the development of industry, trade, science, technology and research in Western Australia, to continue the Technology and Industry Advisory Council, and for related purposes. The Northern Australia Infrastructure Facility is administered under the ITD act, on behalf of the commonwealth. However, this prevents NAIF from being able to lend to government trading enterprises due to the ITD act’s definition of “industry”. This definition of industry relates to private industry and therefore excludes grants or loans being made to government-owned companies. This results in barriers to investment in government-owned infrastructure in northern Australia by NAIF. Although the state government does not have the same barriers to accessing financing markets that some private sector proponents experience, it is often asked to underwrite or otherwise support industrial development through the provision of infrastructure. This leads to the state either being exposed in relation to the infrastructure that the project proponent seeks, or requiring a guarantee from that proponent to de-risk the state’s investment. Proponents without substantial balance sheets are often unable to meet the latter requirement.

Recently, proponents requiring substantial investment in state-owned common-user infrastructure have been unable to obtain finance—NAIF or otherwise—to develop that infrastructure due to the inability of banks to take security over state-owned assets. Development of this infrastructure by the state currently requires an assumption of the risk that if a proponent’s project ceases production, that infrastructure will be underutilised and not make a return on the state’s investment. Using NAIF as a vehicle for investment in GTEs potentially allows the state to share the risk of delivering this infrastructure with the commonwealth, unlocking opportunities to support projects that might not otherwise be supported by the state.

In response, the amendments to the ITD act revise the definition of industry to include GTEs. The amendments to the ITD act will remove blockers on investment in common-user infrastructure, helping to drive economic growth in the state’s north as a state recovery initiative. In addition to assisting with the administration of NAIF finance, the amendments will also support the WA renewable hydrogen strategy and similar funding schemes managed by the Department of Jobs, Tourism, Science and Innovation. The current drafting of the ITD act requires the department to use different contracting mechanisms for disbursement of funds to GTEs, as use of the ITD act does not currently extend to funding GTEs. This will allow the department to streamline that funding so that it is all delivered through the ITD act, ensuring consistency in contracting and funding delivery.

The Technology and Industry Advisory Council is administered under the ITD act. However, TIAC was established in 1998 with an incredibly broad mandate and was unable to achieve the goals that are set out in the ITD act as it is currently drafted. The establishment of TIAC also predates the mass data availability and access to extensive research and expert insights that the internet now provides. Technology has progressed exponentially since the establishment of TIAC over 20 years ago and as a result, the mediums for access to technology and industry expertise have also clearly changed. Since forming government in 2017, the McGowan government has also set up numerous forums that are better suited to meeting the outcomes intended by the ITD act, including the LNG Jobs Taskforce, the Renewable Hydrogen Council, the battery and critical minerals industry task force, the steel round table and, more recently, the WA jobs task force and WA skills summit. To reflect these changes, TIAC was disbanded at the direction of the Premier, as the minister responsible for the ITD act at the time, on 31 August 2018. However, references to TIAC are still present in the ITD act. The amendments therefore also propose to remove these obsolete references to TIAC from the ITD act.

I commend the bill to the house.

Debate adjourned, on motion by **Mr P.J. Rundle**.

PUBLIC HEALTH AMENDMENT (SAFE ACCESS ZONES) BILL 2021

Second Reading

Resumed from 23 June.

MS S.F. McGURK (Fremantle — Minister for Women’s Interests) [10.32 am]: I have had a few goes at giving my second reading contribution to this bill, so I am pleased to hopefully finish my submission today. In my last address to the house on the bill, I was particularly critical of some of the issues raised in the debate when this bill

was before the previous Parliament late last year. I was referring to some of the comments made by the member for Cottesloe, who was arguing that perhaps there could be an argument for protesters outside abortion clinics in Perth on the basis that some clients going to those abortion clinics might not have given truly informed consent to the procedures that they were going in for. The member for Cottesloe said that he was convinced by a group called “40 Weeks to Life”, which was a Christian organisation that felt that the bill, and he states —

... will unfairly impede the work that it does to assist women who may be accessing an abortion service but who are doing so because they are suffering from undue pressure or financial distress.

He said that he believed they were well-meaning people and that they —

... conduct prayer vigils outside the clinics and also hand out brochures to women attending the clinics, offering help and support.

I am referring to the member for Cottesloe in the debate on 11 November 2020. Of this group, he said —

They claim that since 2012 at least 55 women have accepted their offer for help and went on to have their baby. They believe that 55 people are alive today because of their action.

The member for Cottesloe later goes on to say —

But I also believe that it is fair that people with good intent should have the opportunity to politely offer to help someone who is accessing those services because of extreme pressure or financial distress.

... But if someone simply wants to ask someone, “Look, would you like some help? Would you like some assistance?”, then I am concerned that if they cannot, some women will go through with the termination of a pregnancy when they may not have done. The information I have is that since 2012, 55 people have not gone down that path.

I was staggered during that debate, and I still am today, to hear the member for Cottesloe say that he thinks that the actions of some of the protesters outside abortion clinics are justified. I am also astounded that someone who holds a PhD accepts without question the claims of those anti-abortion protesters outside a clinic like Marie Stopes, and to say that he believes 55 people are alive today because of the efforts of that group. I took the time to look up “40 Weeks to Life” to see whether I could find out any information. I could not find “40 Weeks to Life”, but I found an organisation called 40 Days for Life and it refers to the protests that happened in the period of Lent, when these protesters are particularly active. I am almost certain that this is the group that the member for Cottesloe was referring to, because on its website it has a photo of a group of people outside the Marie Stopes clinic in Midland. In fact, 40 Days for Life is an international organisation that includes anti-abortion protesters. On its website it talks about the power of prayer and fasting and states —

Christ told us some demons can only be driven out by prayer and fasting. The two go hand in hand. Prayer keeps us rooted in the fact that it is our desire to carry out God’s will ...

Each day during 40 Days for Life, individuals, churches, families, and groups will be asked to join together in prayer for a specific request so the entire Body of Christ can unite around a common focus.

...

It is a peaceful and educational presence. —

Outside these clinics —

Those who are called to stand witness during this 24-hour-a-day presence send a powerful message to the community about the tragic reality of abortion. It also serves as a call to repentance for those who work at the abortion center and those who patronize the facility.

In fact, the experience of people working inside those centres or who patronise the abortion clinics is very different from a peaceful protest or a gentle approach about whether people would need help.

[Member’s time extended.]

Ms S.F. McGURK: That was the experience of more than 70 per cent of submissions on the bill that were in favour of the safe access zones. It was also the opinion of the Australian Medical Association, the Public Health Association of Australia WA branch, and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, which are in favour of the safe access zones legislation. In fact, the protesters outside those clinics are offensive and intimidating and they cause distress to clients and staff alike. As I said, I was not just concerned but angry to hear the comments of the member for Cottesloe, who would not know what it is like to face that sort of decision about what to do with an unwanted pregnancy, as many women, including me and many other people in this house, will have faced. I ask members like the member for Cottesloe to think very carefully about how they vote on this bill. We are talking about a safe perimeter around the two termination clinics in Perth and other places where these services are offered in Western Australia so that clients, their partners and their family members can get not only termination services, but also contraception advice and the like, and staff can do their work, safely and in peace.

I spoke before about the 40 Days for Life website, but I also note that Steve Klomp from Right to Life Western Australia has spoken about his organisation's work outside the clinics. An online article from *The Feed* on SBS from March this year states —

Mr Klomp said pro-life protesters are concerned that introducing a 150-metre safe access zone will “effectively stop the campaign altogether”.

I, for one, would be very pleased about that —

“We're there to be witness to the Lord, he tells us to do it. And then pray for the mums and the children or the fathers ...

I think that sort of approach is not one that says, as the member for Cottesloe would have us believe, that these people are doing gentle, quiet protests about their beliefs about termination or abortion, but in fact are trying to inflict their views onto patients and their families and the staff at the clinic.

It is also important for the member for Cottesloe and others who are considering where they stand on this legislation to know that, as with any medical procedure, informed consent is required under the current legislation. For terminations that occur up to 20 weeks of pregnancy, the doctor who is performing the procedure is required to ensure that the person undergoing the procedure is informed and that proper counselling is available. That is to make sure that there are people with the expertise and resources to give proper advice and counselling to anyone who is seeking to have a procedure undertaken, not people who do not have expertise or who often are, frankly, zealots who protest outside abortion clinics. For all those reasons, I think it is important that this legislation is supported.

Before I sit down, I also want to take the opportunity to give credit to some of the authors of the Western Australian legislation that decriminalised abortion, including Cheryl Davenport. New South Wales, South Australia and Queensland are jurisdictions that have recently taken abortion off their statute book, but Western Australia was a very early adopter of legislation to ensure that women have proper control over their bodies and reproductive freedom. We are grateful to the people who were in Parliament back in 1998, including Cheryl Davenport, who was recently acknowledged in the Queen's honours list. We can see that we have been the beneficiary of that early advocacy, and now we are continuing to refine our legislation to ensure that women and their families and supporters are able to access, and staff are able to perform, those medical procedures without harassment or undue pressure.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [10.45 am]: I rise very briefly to make a contribution on the Public Health Amendment (Safe Access Zones) Bill 2021. As speakers from the opposition have noted already, we have a conscience vote on this bill. I have already made a contribution to the previous iteration of this bill.

Mr R.H. Cook: I remember it, member.

Ms M.J. DAVIES: This debate has obviously been an opportunity for members who are new to the house to make their views known and ask any questions of the minister about this legislation, but for the purposes of the historical record, I say, firstly, that I am supportive of the legislation and, secondly, that the contribution I made on Tuesday, 10 November 2020, stands. Really, there is not a lot more that I can add. We raised some questions that will probably be covered by the minister in his response. They were about the penalties that are being set and how the 150-metre boundary was arrived at. I think the shadow Minister for Health also raised those concerns. In all truthfulness, in the contribution that I made at the time on this matter, I touched on many of the issues that other members have spoken about. The very difficult situation that women and families find themselves in need not be further aggravated by being faced with unwanted attention as they seek to access this type of service.

Just out of interest, I did note when I looked at my contribution that I had done a bit of research on other jurisdictions that had introduced similar laws. There was quite a lot of contention about the New South Wales legislation previously and I made the note that the laws in New South Wales were co-sponsored by the Labor Party and the National Party. Sometimes the National Party gets put into a particular box, so it was worth noting that in various state jurisdictions, political parties and members strive for a very sensible centre-of-the-line outcome on a number of different matters. The National Party tends to get put into a very socially conservative box. I do not think that is how Nationals WA members are perceived here, and I would certainly be very disappointed if that were the case. Every member of the Nats has an opportunity to put forward their views as an individual MP. They get to vote according to the requirements of their electorate, but also according to their conscience on every piece of legislation that comes to this house. I made the point at the time that, as a group, we tend to hold fairly similar views, but there are matters within our party—I am very sure that that occurs in other parties—that we can put first when we are considering legislation, and we vote according to our conscience or our electorate's priorities on every piece of legislation, not just legislation such as the bill we are dealing with today. That is just a historical point. When we debated the previous bill in November last year, I noted that in other jurisdictions the National Party has been involved in bringing forward similar types of legislation.

With that, I would just like to say for the purposes of *Hansard* that if anybody wants to know exactly the issues that I raised and my views on this bill, they were articulated at 7.21 pm on Tuesday, 10 November 2020. With that, I offer my support for the legislation, minister.

MR D.J. KELLY (Bassendean — Minister for Water) [10.49 am]: I want to make a contribution in support of the Public Health Amendment (Safe Access Zones) Bill 2021. I am fully supportive of the concept of providing safe access zones around clinics that to date have attracted the attention of anti-abortion protesters who attend those clinics with the desire to, as they say, provide information or advice to clients who might be wanting to use the services at those clinics. One clinic that is often targeted is the Marie Stopes clinic in Midland. As the member for Bassendean, I am reasonably familiar with that clinic and some of the protests that occur at that clinic. I know how distressing it is for some of the women who attend as patients to that clinic. I know how distressing it is for the staff who do a fantastic job at that clinic when either staff or patients have to run the gauntlet of the fairly regular protesters who attend that clinic. The member for Fremantle very well canvassed a lot of the issues around these clinics and why this legislation is necessary. I just want to make a few points.

One claim made by those protesters, which has been repeated in this place by the Leader of the Liberal Party, the member for Cottesloe, is that they are concerned that women, in particular, who want to access these clinics may be doing so in an environment in which they are acting under duress or financial pressure, or that they are not seeking the services of those clinics in a way in which they are giving their genuine consent, and that the protesters are there to help those women with information and assistance should they need it. Can I say, from my experience of those protesters, that they are the last people who should be in a position to offer advice or assistance to any patient accessing the services in those clinics. They are not trained health professionals who are trying to provide some professional advice to women entering those clinics; they are people, as the member for Fremantle said—I think she used the word “zealot”—who are motivated often by quite irrational views. I acknowledge that people are entitled to their religious beliefs, but these people are motivated by very strong religious beliefs that anyone who has an abortion, for example, is acting against the will of God. I respect their right to hold those personal views, but I do not believe that it is their right to try to impose those views on women who are trying to access those clinics. Given that that is their motivation and that motivation results in them behaving in quite extreme manners at those clinics, I think the idea that they are somehow providing a service to assist women who are accessing those clinics and to ensure that those women are acting under informed consent is absolutely untenable.

As a community we need to make sure that for all medical procedures, people have proper access to medical advice and all the information that they need before they decide to have any medical procedure. I am confident that women who access those clinics get that information and medical advice through the proper procedures. The idea that those protesters have a role in doing that is absolutely outrageous. We only have to look at the views they put forward and the way in which they conduct themselves at those clinics to know that they are absolutely the last people who should be given any credit for assisting women to make those decisions.

I absolutely fully support this legislation. I am disappointed that it did not get through in the last Parliament, but I am very pleased that the Minister for Health has very promptly brought this legislation into this Parliament. The sooner it becomes law, the better.

I want to deal with another issue. We need safe access zones around these clinics because, unfortunately, too often these clinics are readily identifiable. Groups that are opposed to abortion know where they are and they can pretty much guess—sometimes they are wrong—and pretty much assume that any woman who is accessing those clinics is likely going there for a termination. In my view, it would be preferable if these services were provided as part of the services that are available generally in our public hospitals so that women who want to access these services are able to attend a public hospital amongst hundreds of other patients who are attending on that day for a multiplicity of services so that they can do so with anonymity. I do not believe that we should, in effect, be divulging personal patient information, such as what procedure a person is seeking, by having these sorts of procedures being restricted to, if you like, standalone abortion clinics. My view is that it would be much better if these procedures were offered through general public hospitals. If that were the case, a lot of these problems of right-to-life protesters would disappear.

In the context of the Marie Stopes clinic in Midland, it was the case that termination procedures were available through the now closed Swan District Hospital. People could access that hospital, get those services and no-one would be the wiser. It is very unfortunate in my view that the previous Liberal–National government, when it closed Swan District Hospital and built the new Midland Public Hospital, entered into a contract with St John of God Health Care that allowed that hospital to decline to provide terminations, contraception and sterilisation as part of the services that they offer to that community. If women who currently go to the Marie Stopes clinic were able to go to Midland Public Hospital to access these services, we would not really be having the problem around that clinic that we do today. But under the previous government, when the previous minister Hon Kim Hames announced in 2012 that St John of God Health Care was going to operate the new Midland Public Hospital, it was clear that these services would not be provided at the new Midland Public Hospital. In subsequent debate in this place, former Premier Colin Barnett claimed that he was not aware of this.

Ms S.F. McGurk: He said it was an oversight.

Mr D.J. KELLY: That is right; it was an oversight that these services were excluded from that contract. It is a terrible admission, if it is true, that that contract went to cabinet, was approved by cabinet, with Liberal and National Party

ministers in attendance, and that they approved that contract—some of them, including the then Premier—claiming to be oblivious that there was this carve-out of the services that were to be provided at the Midland Public Hospital. I find that hard to believe, but either way, it is a damning indictment on those ministers.

I was not a member of Parliament when that was announced in 2012; I was working for the union. We raised concerns about a number of aspects of that contract, including the carve-out of services. As it unravelled it was clear that what the government had done would create problems down the track. When this became a public issue, the solution, if I can put it that way, of the then minister, Kim Hames, was to propose that there be a separate standalone clinic at the other end of the car park from the new Midland hospital where abortion services would be offered. He put out a public expression of interest for a private operator to run that clinic. Members can imagine that if that had gone ahead, there would be a public hospital on the existing site run by a Catholic healthcare provider, ideologically opposed to abortion services being provided to anyone, then a car park, then a standalone clinic where those services were provided. Members can imagine the conflict that would have created.

As it turned out, the minister put out an expression of interest for a clinic to be established on that site. My understanding is that no private provider put up its hand to run that clinic, certainly not under terms that the government found acceptable. My understanding is that St John of God Health Care made it clear that if there were to be such a clinic on that site, patients attending that new clinic would not be able to access the car park at the public hospital; that clinic would have to have its own car park. It would not allow patients accessing the clinic to use the same entry and exit points at the site, so the whole traffic management of that site would have been made more complicated and there would need to be a hard border between the two facilities; that is, a hard fence with no entry and exit points. My understanding is that St John of God Health Care made it clear that it was not going to cooperate with the establishment of that clinic. In the long run, that was probably a good outcome for patients accessing that site because, as I said, had that proposal of the previous government been successful, and had that clinic been provided in that way, the conflict that would have generated would have been immense. When the separate standalone clinic fell over on that site, the previous government provided additional funds to Marie Stopes in Midland to upgrade the facilities at its clinic so it could provide services that would otherwise have been provided at the old Swan District Hospital. Off the top of my head, something like \$1.5 million was provided to Marie Stopes to upgrade its services. I may be wrong on that figure, but I think in the order of \$1.5 million was provided to Marie Stopes by the previous government to bring its facilities up to that required standard. We now have the situation that the public hospital that served the eastern corridor, including my electorate, that had previously provided these services no longer does so because a new Midland hospital is run by a Catholic healthcare provider. When it negotiated with the previous government, it was given a carve-out and its contract allows it to refuse to provide those services.

It is a very unsatisfactory situation. It is just one of the complications that occurs when governments privatise public hospitals. In this particular case, because the previous government made the decision that the contract would be entered into with a Catholic healthcare provider, it had the consequence that a bunch of health services that the vast majority of the community considered to be legitimate services could not be provided in that public hospital. It has caused conflict. It has caused a bunch of patients who seek those services the unnecessary grief of having to attend a standalone clinic which, in effect, outs them for accessing a particular service and invites people with strong religious views of a particular flavour to come and protest. In addition, it costs the taxpayers more money; the additional money that was required to upgrade the Marie Stopes clinic to provide these services.

Mr R.H. Cook: Why don't you seek an extension?

[Member's time extended.]

Mr D.J. KELLY: I thank the Minister for Health for his timely advice. He does a very good job generally.

Mr R.H. Cook: Don't you mean usually, and this is an unusual occasion, or something like that?

Mr D.J. KELLY: Particularly on this issue the minister has done an excellent job and I commend him for it, in very strong terms. I know that when he deals with these issues he gets a lot of flak from particular quarters.

When the contract was signed for the new Midland hospital and questions were raised about whether services that were provided at Swan District Hospital would be provided at the new hospital, the government knew exactly what it was doing. The contract summary that was put out in December 2012 contained a section that outlined the four services that would not be provided at Midland. It identified that there were likely to be about 250 patients a year who would have had access to services at Swan District Hospital who would not be able to access those services at the new Midland hospital. I had a look at that document this morning. It said that in a full year, it would be expected that 250 patients would want those services out of about 29 000 procedures that would otherwise be provided across the full range of what the new Midland hospital would offer. I remember at the time, and I have heard it since, members of the previous government saying that it is only 250 patients and that out of 29 000 procedures at the new Midland hospital, 250 procedures are not a lot. I found that pretty insulting, particularly to the women concerned. It is potentially 250 women seeking a termination, who at Swan District Hospital could just go through the front door anonymously, get the medical services they needed, with the best professional advice, and leave. Up to 250 women

now have to go to a standalone clinic such as Marie Stopes and run the gauntlet of distasteful pressure being put on them by protesters. I find it remarkable that the previous Liberal–National government, the previous Minister for Health and members of the previous Liberal–National government argued that 250 women is an inconsequential number. I found that staggering.

I conclude by making special mention of the staff at Marie Stopes. Anyone who puts their hand up to work in that clinic knowing what they have to face from protesters on a daily basis needs our strongest expression of gratitude. People who work in the public health system are incredible and the services that we are provided with are first-class, but the staff at Marie Stopes not only provide first-class medical assistance, but also know that every day, as they provide that medical assistance, they are likely to get a volley of abuse from protesters out the front of the clinic. They are fantastic and, for the record, I express my appreciation for the work that they do under extremely trying circumstances. I hope that one of the good outcomes of the Public Health Amendment (Safe Access Zones) Bill 2021 is that not only will women who want to access that facility be able to do so without having additional pressures, but also the working lives of the staff at Marie Stopes will be made easier. As a government, we should do everything we can to assist those workers because, as I said, they do amazing work. Again, I congratulate the Minister for Health for bringing this bill forward so promptly. I look forward to the day it becomes law.

DR K. STRATTON (Nedlands) [11.12 am]: I am also very proud to stand and support the Public Health Amendment (Safe Access Zones) Bill 2021, a bill that has wide support from the health providers community and the community of Western Australia more broadly.

Last week, I had my COVID-19 Pfizer vaccination at Claremont Showgrounds, and, funnily enough, nobody followed me, nobody tried to stop me from getting in and nobody intervened. On Monday morning, I had a routine check-up with my general practitioner and, again, funnily enough, nobody followed me, nobody tried to stop me from getting in, nobody tried to change my mind and nobody intervened. On Tuesday afternoon, I went to the pharmacy to fill a script from my GP. Nobody tried to stop me from going into pharmacy, nobody tried to change my mind about filling that script and nobody intervened. Let us face it; if anyone had, it would have been slightly weird and odd, but it also would have been an invasion of my privacy, a threat to my safety and undue influence on my right to seek and access legal medical care. All people have the same right to seek and access medical care regardless of the medical intervention they are seeking. The bill is about not only protecting women's health and their choices, but also their right to seek legal medical intervention and to seek it with safety, respect, compassion and dignity. I stand here as a woman but also as one who has worked alongside women in their reproductive health journeys as a social worker at King Edward Memorial Hospital for Women. I stand proudly in support of a bill that enshrines women's safety when exercising their right to the legal termination of a pregnancy.

Let us be clear; following the enactment of the Acts Amendment (Abortion) Act 1998, abortions became legal in Western Australia in certain circumstances. I still consider 23 years to be a relatively short period of time for women to have had the right to access that type of medical intervention but, regardless, for 23 years we have had the legal right to access the termination of a pregnancy. In Western Australia, public hospitals, private hospitals and private clinics offer pregnancy termination services. In 2017–2018, the Department of Health noted that more than 20 separate establishments around the state provided abortion or termination services. More than 8 000 terminations are performed in Western Australia each year. This makes terminations one of the most commonly performed surgical procedures on women of child-bearing age. Again, I emphasise that it is a legal surgical procedure. The majority of terminations, over 6 300, are undertaken at two private clinics, Marie Stopes and Nanyara Medical Group. It is the women who attend these two sites who are currently the most targeted and most impacted by the behaviour of protesters.

The negative impact goes beyond the women who are seeking termination; the behaviour of protesters affects not only these women, but also their partners, support people, the medical, legal and counselling staff at the clinics and neighbouring businesses. The behaviours of protesters are reported to include, but are not limited to, confronting verbal abuse; approaching people to try to change the minds of the women who are seeking a termination; taking visual recordings of women without their consent, which is outrageous; giving gift bags containing food to precipitate the cancelling of procedures that might require fasting; forcing on patients pamphlets that contain emotive and non-evidence-based information about termination and its health impacts; displaying at clinics placards and posters with words and images to discourage the termination of a pregnancy; using emotional imagery of babies and fetuses; creating a physical barrier, so blocking entry into clinics, impeding a woman's free access to a clinic; and singing and prayer chants that are deliberately done at such a volume that they can still be heard inside the building. Protester numbers often range from three to 30. They work in organised shifts, and this is ramped up, as Minister McGurk said, during the period of Lent. Again, let us be really clear; this is planned, organised and deliberate behaviour that is intended to cause distress and anxiety, and it can and does compound the emotional toll of the decision to have and carry out a termination.

With permission, I am going to share with the chamber three stories of termination from women who I know, love and respect. These stories highlight the complex decision-making that goes into terminating a pregnancy—of the grief as well as the impact of the deliberate decisions and actions of protesters. In my previous life as a lecturer in

social work at Curtin University, I would have given trigger warning for these stories. I give a trigger warning now because they are difficult to hear, but they highlight the very personal impact of the behaviour of the protesters, which is anything but polite. I will tell these stories in the first person, as they have been told to me. I am going to read them to ensure that I do them justice. The first story is —

We are going back twenty years now, when I was in my early 20s. I was in a long-term committed relationship. We planned to get married and have kids together eventually. The Pill failed for us. My pregnancy wasn't planned and it didn't fit the plans that we had. We were just getting started, saving for a house and getting our careers going. I was also taking medication, Roaccutane, that was incompatible with a successful pregnancy. If we had gone ahead, my baby would have had a short and very painful life if the pregnancy had gone anywhere near term at all. My partner and I were very clear that terminating the pregnancy was right for us, and right for our baby. We cried making that decision. We cried on our way to the clinic. I woke up from the procedure crying. That the decision was clear did not mean that it wasn't hard. This was not the experience of a first pregnancy that we had planned for our life together. I had seen my GP, who had gone through my options with me. He provided me a referral to the clinic and a blood test confirming the pregnancy. When we arrived at the clinic, protesters were blocking the entrance, a group of them walking around the door in circles. We had to literally duck and weave to get to the very front door. There was verbal abuse directed at both of us. My partner was asked whether a real man would let his wife terminate a pregnancy. What was a sad event in our lives was made traumatic by the behaviour of those protesters.

The second story is —

When I was 28 years old I became pregnant with my first child. During a routine ultrasound at month 4, the doctors noticed that the baby's bone density didn't look "normal" and they were concerned enough to schedule an amniocentesis for the next day to test for two syndromes—Trisomy 13 and octeogenesis imperfecta. Both of these syndromes are rare, and babies born with these syndromes don't survive birth, and if they do survive birth, they suffer greatly and have multiple health issues, and live merely months. The amniocentesis procedure was painless, but not without risk, and went smoothly. While we waited for the results, we met with our team of doctors to discuss what our options were should the test results come back positive for either of the syndromes. One of the options put to us was a late term abortion, a procedure that the hospital where I was receiving maternal health support did not provide. If I chose to proceed with a late-term abortion I would need to transfer to a standalone clinic for the procedure. This standalone clinic was located in close proximity to the hospital. There were protesters in front of the clinic every day, often as many as 20 protesters. So not only was I already dealing with the emotional trauma of having to make a decision to possibly having to terminate a pregnancy that I had long waited for, but I was also forced to have a discussion with my husband and medical team on how we could access the clinic without having to walk the gauntlet of protesters who were there not to give me support but to condemn me for a decision that I felt had been taken out of my hands by a genetic anomaly.

The third story is —

I was in my early 30s, and discovered I was pregnant for the first time. I was 14 weeks along when I found out. The pregnancy was not planned, and really wasn't about failed contraception but the chaos of my life meaning I wasn't in control of preventing a pregnancy. My partner would force me to have unprotected sex because he didn't like to use condoms and because he liked to control me. My partner and I had separated a month earlier due to his escalating physical violence and I decided not to tell him about the pregnancy. I had had to tell my family about the violence so they could help me flee. There was great shame for me in that—a professional and independent woman finding herself in a violent relationship and now another layer of shame. I desperately wanted to be a mother. What I did not want was to bring my baby into a life of violence. I didn't want to tie myself to my violent ex-partner forever. I knew that the baby would become a pawn in his efforts to continue to control me. My 68-year-old mother came with me to the appointment. There was a group of protesters waving placards with horrific images on them. They surrounded us. They called me names. They called my mother names. We both started sobbing as we made our way through the protesters—sobbing—and yet they persisted. I am clear I made the right decision for myself and for my baby. That eases my grief and sadness about that decision. What stays with me 10 years later—the trauma that I live with—is the behaviour of the protesters. The names. The intimidation. The fear. They didn't even bother to find out my story—and I do wonder where they would have been while I tried to raise a baby on my own or, worse still, raise a baby in a life of violence.

These stories are not isolated and they are not even extreme. They are just three stories I happen to know—three of 8 000 stories annually in Western Australia. They demonstrate the very deliberate anxiety and distress created by protesters for women and their supporters. Their presence and behaviour can compound the emotional toll of a woman deciding to have a termination.

It is widely acknowledged that the decision to terminate is often already a difficult one for most women who have an unplanned or unwanted pregnancy. However, a number of factors can complicate the decision, adding layers of

grief and trauma. These factors include if a planned pregnancy, such as in the second story, needs to be interrupted for medical or social reasons. This can be because a baby has a genetic abnormality or disease that will affect the quality of the baby's life, or result in premature death or a lifetime of substantial care. Other factors include the following: pregnancy as a result of unwanted, coercive sexual intercourse or assault; pregnancy as a result of child sexual abuse; a pregnancy that is a threat to a mother's physical, emotional, or social wellbeing; and not wanting to bring a child into a violent relationship. Whatever a woman's reason for making a decision to have a termination, she has the right to make that decision and seek medical intervention free from abuse.

Let us be really clear that these protesters are not offering support for decisions, they are not offering counselling and they are not offering education. We already have access to legitimate, credible, professional supports for this. A woman will have already had a referral from a GP, and perhaps a blood test and an ultrasound. She has had an assessment with the service and perhaps been offered counselling support to assist with the decision-making. That is, women have had professional, qualified advice rather than the promotion of religious or moral beliefs—although “promotion” is a fairly kind word in light of the behaviour of the protesters. I think it is also safe to assume that, as women, we and our partners already have agency and capacity to make decisions about our own health.

Accessing medically safe, private and appropriate care being the legal right of all women who choose not to continue with a pregnancy is widely supported. During community consultation undertaken between April and May 2019 regarding this bill, more than 70 per cent of the some 4 000 submissions from the public and 40 public and private organisations supported the introduction of safe access zones around abortion services in Western Australia. Those who were against the legislation were more likely to be over the age of 55 and more likely to be men; that is, people not of child-bearing age or capacity. People with actual experience of accessing a termination reported in consultation feeling judged, harassed, intimidated and, in some cases, threatened by the behaviour of the protesters.

All other Australian jurisdictions, except for Western Australia, have already introduced safe access zones legislation. Not only will this bill bring us in line with contemporary practices and protections in other states and territories, but importantly, the zones in other states have successfully addressed this type of behaviour outside abortion clinics. The bill before this Parliament is modelled on the Victorian legislation, which is widely recognised as being the best model of safe access zones across the country. In April 2019, the majority of the High Court dismissed the constitutional challenge to the Victorian legislation establishing safe access zones and likewise unanimously dismissed the constitutional challenge to the Tasmanian legislation. Although the High Court held that both the Victorian and Tasmanian legislation burdened the implied freedom of political communications, in both cases, the decisions were considered justified by reference to the legitimate purposes of the legislation. The highest court in this country has enshrined the protection of the safety and wellbeing, privacy and dignity of persons accessing lawful medical services.

As elected members of this Parliament, we have a responsibility to ensure that all women in our community have access to safe medical intervention. That responsibility is in line with community expectations and also best practice. I would like to thank the passionate and dedicated staff who work across the variety of health providers who provide terminations in Western Australia, but particularly at the two clinics who are subject to the worst of the protesters' behaviours. These staff work hard to deliver for women safe, accessible and supportive access to termination of pregnancy. To those doctors, nurses, administration staff, social workers, psychologists and counsellors, I say thank you.

I commend this bill to the Parliament, and I urge all members to do the same to ensure that women in Western Australia have access to healthcare that is safe—physically safe and free from judgement, free from prejudice, free from interference and free from trauma—delivered with compassion, respect and dignity for all of us.

MS C.M. COLLINS (Hillarys) [11.28 am]: I wish to speak today on the Public Health Amendment (Safe Access Zones) Bill. I wholeheartedly support this bill. As we have heard today, Western Australia is now the only Australian jurisdiction that does not have safe access zone legislation to protect the safety, wellbeing, privacy and dignity of women who access abortion services. Simply put, this legislation will bring Western Australia into line with all the other states and territories.

In 1998, 23 years ago, Cheryl Davenport, Labor member for South Perth, introduced the bill to decriminalise abortion. This hard-fought bill enshrined the legal rights of women to determine control over their own bodies and to allow them to seek medical advice and access medical facilities for an abortion, where and when they had made this deeply personal decision. It was landmark legislation at the time. Given it dealt with such an intimate and personal subject, there was obviously strong opposition to its passing based on a raft of moral or ethical arguments. It has to be said many of its opponents remain actively opposed to the very concept of abortion to this day. However, I am not here to re-litigate the arguments for or against abortion. It is now a clear and established fact that a woman's right to choose was recognised by the government of Western Australia and enshrined in laws many years ago, yet since the amendment of the Criminal Code in 1998, there have been countless incidences of serious and organised harassment and threatening behaviour being perpetrated upon women attending family planning clinics while trying to exercise their legally protected right.

This behaviour includes making visual recordings of patients without their consent, and confronting clients with abusive verbal communications and pamphlets with emotive and non-evidence-based information on abortion and its health impacts. The list goes on, and we have heard some personal examples today. It is important to note the proposed bill does not prohibit protests to abortions. Everyone, of course, has the right to protest, but this bill will create a safe buffer zone to move protesters away from the immediate vicinity and premises. It is therefore simply a matter of defining and demarcating a physical safe access zone for excluding protesters from obstructing staff in these clinics and women who are making the personal decision to exercise their legal rights. As such, the bill is simply about passing into law a number of protective measures to ensure the safety of our citizens.

It is recognised and documented that making the decision to terminate a pregnancy is not an easy one for women. It is a time when women are subjected to a raft of societal and family pressures, greatly increased anxiety and, in many cases, a period of introspection and feelings of deep vulnerability. Therefore, having made this deeply personal decision to proceed with a termination, it is unconscionable and almost incomprehensible that in this third decade of the twenty-first century people should be subjected to picketers on their way into the clinic simply for using their mandated legal right to choose how, where and when they should terminate an unwanted pregnancy.

It is recognised by everyone in this house that everyone in Western Australia and Australia has the legally enshrined and, therefore, protected right to free speech and the right to express their opinions and argue their beliefs in public. However, it is also recognised that as a society, we cannot allow those same free speech rights to impede or take precedence over the legal rights of others to go about their own business or to make important personal decisions such as this—rights that are also equally protected under the law. Further, we, as a body of legislators, cannot condone the belief that groups should use their freedom of speech rights and liberties to somehow seek to impede the legally enshrined rights of other members of our community and carry out the kind of obstructive actions that we have witnessed so many times over these past 23 years. Therefore, in order to protect the rights of everyone, we, as a society have defined certain legal and physical limits for the expression of free opinions to ensure the protection of society as a whole. We should not allow our clear arguments for the need for this protective bill to be deflected or hijacked into a moral or ethical argument over rights of free speech as the member for Cottesloe tried to do. It is clearly not the case. This bill before the house today is solely and simply about ensuring the legal protection and safety of those women and medical staff who wish to exercise their legal rights with no harassment, no public shaming, and no threats of violence within a 150-metre radius of any facility for these important healthcare services. As such, this bill is much needed and a critical step to safeguarding women's health and safety. I therefore commend this bill to the house.

MS J.L. HANNS (Collie–Preston) [11.34 am]: I rise today to speak in support of the Public Health Amendment (Safe Access Zones) Bill 2021. I note that there has been extensive community consultation showing significant support for this legislation and I join in that support. I would like to frame my discussions around the fact that we need to see this bill as assisting women to access health care, including abortion. I would also like to use some personal stories in my experience, including one about my parents. In fact, my mother had me when she had just turned 18 years of age. I am a very proud example of a teenage pregnancy resulting in the person who stands here before you today. My parents were very fortunate. They were in love and they got married. Many other people in the 1970s and other decades were not as fortunate. My mum went on to study later in life. She received a university degree in her late 50s and early 60s. Certainly the circumstances that I was raised in made life fairly difficult for my parents. I never asked about whether they had considered options around the circumstances of my birth and whether adoption had been considered. Simply, there are two reasons for that: that is their choice and it is none of my business. I would like to highlight that message today.

Women's fertility is deeply personal. I am very fortunate to have many friends who have large families, many of whom with more than four children. I am also friends with people who suffer the devastating effects of infertility and are not able to have children or try very, very hard for 10 or more years to have children and are finally gifted with their life's achievement, which is to have a child. There are also women like me who have suffered from devastating miscarriages. I am the mum of two very healthy children, but I also suffered three devastating miscarriages and I am here today only through the interventions of the wonderful staff at Collie Hospital, nurse Sharon Varis and Dr Gill Cowen, who saved my life. I also have friends who made the decision to have an abortion. It is not an easy decision for these people. It may not be my choice, but it is their choice and it is none of my business.

When deciding whether to have a child or not, women agonise over the decision. They weigh up their options. They have to consider things such as whether they have stable housing. Are they in a stable relationship? Are they able to support a child? Are they in stable employment? Are they subject to domestic violence? How old are they? They may be teenagers or very young women. They may be women who are of child-bearing age but do not feel that having a child at that point in their life suits their circumstances. Whatever the case, for a woman who decides to have an abortion, it is not an easy decision and it is not taken lightly. But once that decision is made, we have to understand that that is probably one of the most difficult decisions that a woman and their partner or family has ever had to make. They do not deserve to be persecuted once they have made that decision. I would like members in the house to imagine a couple entering a reproductive health clinic. Given these clinics offer a range of services—abortion, STD screenings, contraception information, vasectomies, dilation and curettages following miscarriages and cervical

cancer treatment—people may attend the clinics for any one of those reasons. We hear stories of people being harassed and abused when they approach those clinics and people making judgements about what a couple is there for. Again, I say it is not our business.

Finally, traditionally lawmakers were predominantly men. Thank you to Cheryl Davenport for changing that. For too long, men have set the agenda around women's health. Which laws exist around the choices men have to make in accessing health care? Imagine if men were heckled and abused if and when people knew they needed treatment for sexual health issues such as prostate cancer, vasectomies and erectile dysfunction. These are all very serious men's health issues, but we do not persecute men who access these services. We do what we should do with women: we support them. Those services should be accessed in privacy.

We have a record number of women in Parliament, and I am honoured to be a woman standing here today who can help reset and reframe the agenda for women's health. I support the Public Health Amendment (Safe Access Zones) Bill 2021, and I urge the support of everyone in this house and the other house for women to be free to choose the health care they need and to ensure that they are safe in doing so.

MR D.A.E. SCAIFE (Cockburn) [11.40 am]: I rise as a member of this place who quite obviously will never know the deeply personal experience of deciding whether to terminate a pregnancy. It has nonetheless always been plain to me that women should be able to exercise choices about pregnancy and their bodies freely, safely and without fear of intimidation or harassment. Parliament—as a body, historically dominated by men—should not stand in the way of that objective.

This bill continues the important work of the Labor Party in facilitating access to abortion services and in giving women autonomy over their own bodies and lives. It will minimise the risk that women exercising a deeply personal choice will be traumatised by the harassment of misguided protesters. It is a good and necessary bill. It should not be the subject of extensive criticism by male members of either this place or the other place, none of whom will ever know the lived experience of the women this bill seeks to protect.

I will support this bill because men should support women in making these personal choices, and because it is the right thing to do. I commend the bill to the house.

MR M.J. FOLKARD (Burns Beach) [11.41 am]: I rise in support of the Public Health Amendment (Safe Access Zones) Bill 2021. I was disappointed that this bill did not go through during the last Parliament. I rose last time in support of the legislation and spoke to it. I am aware that the bill went to the upper house but was not progressed, and I find absolute anger in that space. After hearing the fine words of the member for Kwinana and some of the other fine words that have been spoken here this morning, I believe this bill should have been in place many, many years ago.

It worried me to hear the member for Cottesloe's contribution to this legislation in the last Parliament, and I listened to his words again in this Parliament. I am disappointed, to say the least, that his views have not changed. I suggest the member for Cottesloe read the discussion paper put out by the New South Wales Parliament on coercive control. I believe that if he had read that paper, his views may have changed. As I said, I feel very angry that this bill has not been progressed.

I come from probably a different experience in this space than that of most members who have spoken on this legislation this morning and in the past. Members will be aware that I am an ex-police officer. I will reiterate the following story because there are so many new members in this place who have not heard it. I used to work in the city as a plain-clothes officer, and on this occasion I was given the task of watching one of these protests outside a family planning clinic. I was tasked with just keeping an eye on the protests. The protesters included mums and males, young and old, but their self-portrayal as an innocent prayer group is a deadset misconception. There is nothing innocent about them.

In amongst the group was a male individual—a fairly big lad. As workers arrived at the clinic, he would start taking photos. I remember him having this huge camera, and he took photos of individuals as they walked past into the clinic. He was yelling at them, "I've got your image, and I'm gonna show the world!" This individual went on for days doing this stuff, intimidating anyone who went near the clinic. I watched, and as a diligent police officer, I made notes. I watched and continued to watch.

Later in the week, a young girl approached the clinic. She was about 16 or 17 at most. She could see the protest so she crossed over to the other side. This bugger with his camera started taking photos of her, and as she got to the clinic, he started yelling, "I've got your image; I'm gonna tell the world!" It was arguably one of the most intimidating things I have ever seen.

The young girl went into the clinic and about 10 or 15 minutes later we heard a siren coming from afar. It was an ambulance and it was driving, bells and whistles, to get to the clinic. Something was not right, and as a diligent police officer, I went over to the clinic to find out what had happened. What had happened was that the young girl had gone into the clinic and approached the counter to find out about having a termination. She went and sat down, but about 10 or 15 minutes later she made her way into the toilets and used a pair of toenail clippers to carve her wrists apart.

I do not know how, but I ended up in the back of the ambulance with her. I can remember her saying, over and again, “He’s got my image; he’ll tell my father.” I was angry. When we got to the hospital, I went outside, jumped on the radio to the local divvy van and said, “Come to where we are.” When the van arrived, I went out and grabbed this bastard—pardon my language—who had the camera and arrested him. I can remember grabbing him by the throat and the back of his belt and, as good policemen do, taking him to the van. We had a bit of a—what is the word?—minor tussle, I would suggest, and into the back of the van he went. In that process his camera was destroyed and the film in his camera was overexposed for some mysterious reason. We took him to the lock-up and bailed him, and he pleaded not guilty.

That is not the end of the story. He had a quite prominent lawyer representing him, and I remember sitting in the Central Law Courts and him screaming at the bench, “Tell me her name! The world needs to know who she is!” The magistrate at the time was an old magistrate by the name of Con Zempilas; a good old feller, he was. He looked at me and said, “Constable, can I see your notes?” I handed up my notes and Con read them. He said, “Fine, thank you, officer.” He then turned to the perpetrator and said to him, “You are an evil man.”

At the time, the only thing we could charge that individual with was disorderly conduct, and the maximum fine at the time was, I think, \$1 000. Con, in his wisdom—because you can never give the maximum fine—gave him a fine of \$978. But the other thing he did was that he gave him no time to pay it, so he had to come up with the money or he was going inside, which I thought was just brilliant.

I come back to the Public Health Amendment (Safe Access Zones) Bill 2021 before the house, which provides for a safe access zone of 150 metres from particular practices. I went to the briefing and learnt that, unfortunately, the High Court set that distance. I think it is too small. I think it should be at least 300 metres, if not 500 metres, to protect individuals and workers and the privacy of women and families who use these clinics. However, the High Court set the zone at 150 metres. The other thing this bill will do is stop the capture of images and further portraying of any images, which, again, is good from my perspective, having dealt with the horrendous behaviour of these religious zealots in that space.

I am all for religious freedom; I am absolutely in that space, but when it comes to religious extremist views I will defend everyone to make sure women have proper access to family planning. A church does not have the right to interfere in that space. We have seen the rise of extremism throughout the modern world, particularly in America where individuals armed with firearms have stormed clinics. We have seen it here in Victoria recently when an individual attacked those heading to one of the clinics with a machete. I suggest that this bill will, hopefully, protect and deradicalise some of the extremist views out there.

To me, no-one should interfere with that process. Women have a right to see their doctor and no person or state should ever interfere in that process. As I said with a zone of 150 metres, people can still be seen. I believe the distance should be further. I say that because unlike anyone else in this chamber, I have had to enforce these distances and deal with these extremist views. It is nonsense for people standing around to say that they are there for prayer vigils. They are wolves in sheep’s clothing. They intimidate, they lie, they bully and they badger. The information they give people who go to clinics is based on absolute fallacy. As a Parliament and a state, we must protect individuals who go to use these premises. I thank you and I commend the bill to the house.

MS C.M. TONKIN (Churchlands) [11.52 am]: I rise in support of this bill, which seeks to protect the safety and dignity of women and staff accessing premises at which abortions are provided. It saddens me deeply that this legislation is even necessary, because it should not be that women in our community are harassed and have their privacy infringed when seeking these types of medical services. The type of oppressive behaviour exhibited by those gathering outside premises that provide abortions has been very eloquently described by the member for Nedlands. She spoke also of the trauma and grief experienced by women who choose a termination. The further anxiety inflicted on women by the actions of protesters outside these premises is tragic.

Our good colleague the member for Burns Beach provided a devastating description of the impact of the sorts of protesters on a vulnerable young woman who attempted to take her own life. The need for this legislation arises because there are people in our community who believe that they should be free to publicly and often forcefully express their political or religious views at the cost of the freedom and dignity of women to privately and safely obtain an abortion. For this reason, this bill has been modelled on the equivalent legislation in Victoria. That legislation withstood a challenge in the High Court in the case of *Clubb v Edwards* in which it was held that the safe access zones do not impermissibly infringe the implied freedom of political communication.

It appals me that it is often people purporting to express and impose a moral stance on others that themselves hold inconsistent moral positions. For example, during the pre-poll in advance of the last state election, I was harangued by people who were handing out how-to-vote cards for the No Mandatory Vaccination Party. Their catchcry was, “Your body, your choice”. One volunteer was intent on explaining to me how important it is to claim and defend individual freedom of choice, particularly when it comes to choice about medical intervention. It therefore came as a surprise to me that this same person did not seem to accept that women should exercise freedom over their body in the form of choosing a medical termination of pregnancy. The views expressed by that volunteer were common

among others supporting that party that I encountered, and colleagues who attended other pre-polls encountered the same thing. It is a strange thing to me that people can hold such inconsistent views and purport to do so in the context of a fairly well developed religious philosophy.

I take no issue with people holding particular religious views. Our community is enriched by diversity of religions and philosophies. What I object to is the disrespecting of others and, in this case, endangering the wellbeing of women exercising a deeply personal and difficult choice. I therefore commend this bill to the house and I am proud that this government has prioritised the early passage of this bill through this Parliament.

MS K.E. GIDDENS (Bateman) [11.57 am]: I am pleased to rise today to add my voice to the conversation and debate about the Public Health Amendment (Safe Access Zones) Bill 2021. I want to recap what this legislation seeks to achieve. The legislation will provide for safe access zones around premises at which abortions are provided to protect the safety and wellbeing and the privacy and dignity of persons accessing the services provided at those premises. It is also to protect the employees and other persons who need to access those premises in the course of their duties and responsibilities. It will also prohibit the publication and distribution of certain recordings. We heard very powerful testimony this morning from the member for Burns Beach around why that is such an important part of this legislation.

When I was invited to speak on this bill, my first reaction was: what could I possibly talk about for the 20 minutes we are allocated to speak to this? It is not because I do not fully support this bill; I stand here in 100 per cent support of it. It was because to me, it is so self-evident, so absolutely clear that women have the right to access the services that are legally available to them in Western Australia. Obviously, though, this bill is being introduced to meet the need to protect women's rights to do just that. We have seen evidence of protesters and we have heard evidence today of protesters who stand at these sites in their firmly held belief that women should not have the right to access these services in safety and in dignity. I do not dispute or argue against the beliefs that those protesters hold. I do not agree with them, but they absolutely have the right to hold them. They also have the right to express those views. In fact, only a couple of weeks ago, a vigil and prayer session were held out the front of this place on this issue. What I do not support is the right of those people to impose their view on women at a place at which they are seeking a legally available service. The point was very rightly made that if men were accessing legal services of a personal nature, I really doubt that the type of behaviour that these protesters have exhibited would have been tolerated for as long as it has been. This is not about freedom of speech. That argument was upheld by the High Court; all seven judges agreed that safe access zones do not breach the constitutional right of implied freedom of political communication.

As has been done often in this debate, I will refer to some comments made by the member for Cottesloe. He said in the debate on the 2020 bill —

A concern has been expressed to me by a Christian organisation that the very broad scope of this bill will unfairly impede the work that it does to assist women who may be accessing an abortion service but who are doing so because they are suffering from undue pressure or financial distress. One such group is 40 Weeks to Life.

He went on to say —

Members of this group conduct prayer vigils outside the clinics and also hand out brochures to women attending the clinics, offering help and support.

For the member for Cottesloe —

The key question is: does that mean that there can be no interaction with a woman accessing the service?

The key question for the member for Cottesloe was not the wellbeing, safety, dignity or legal right of women to access these services, but rather the rights of the Christian organisation to express its views at the point of that service. The answer to the question is no, there cannot be an interaction with a woman who is accessing the service or their family or their support person.

To be clear on the point of support and counselling, members of a Christian group, no matter how well-meaning they may be and no matter how firmly they hold a belief, are not counsellors. They are not trained providers or medical professionals who are equipped to deal with the needs of women and their partners and families at this point of their lives. We have heard quotes, stories and testimony from women who have accessed these services and who have not found a helpful Christian organisation that is politely offering support, but if we accept that to be the case, it is not necessary. Any GP, when discussing a woman's request to access a service like this, would provide care and due diligence and go through a process with their patient, that woman, around what is in their interests and offer appropriate services available to that woman.

I want to talk about the issue that was raised around coercion, because for one woman I spoke to this morning on this very topic, it was an issue. She was coerced into an abortion. She shared her story with me and gave me permission to share it here today. She was in an abusive relationship—a marriage. She had already had children in the marriage and the husband had declared that if she ever fell pregnant again, the pregnancy would be terminated. There was another pregnancy, and the husband insisted that the pregnancy be terminated. The coercion and abuse this woman

had suffered within this relationship for many years led her to succumb to that coercion, and she did attend a clinic. She described to me, in tears, the feeling that she had as she approached the clinic about to do something that was against her wishes, and then saw the protesters. She described the horrendous feeling she had as she left the clinic following that procedure as she was screamed at and had abuse hurled at her. She described to me how the trauma of that event was not so much from the procedure that she was coerced into having, but from stepping out of that clinic and being surrounded by hostile, angry people who yelled at her and judged her for the situation that she was in. To somehow purport that having protesters at that site would have protected her from the coercion she was under or was somehow helpful or useful to this vulnerable woman is a complete furphy. It added to her trauma, and it adds to the trauma of other women who access these services.

I will conclude by saying that I stand in support of this bill. The professionals who work in these clinics and the women and their families who access them have every right to attend them with safety, dignity and their privacy intact.

MS A. SANDERSON (Morley — Minister for Environment) [12.07 pm]: Thank you, Acting Speaker, for the opportunity to speak on this important bill, the Public Health Amendment (Safe Access Zones) Bill 2021. I spoke on the bill that was introduced in the former Parliament last year, but I thought that as the 2021 bill is likely to pass, it will be the speeches that occur now that will be referred to, so it is important to reiterate some of the comments I made in the previous iteration of the Parliament.

I first congratulate the minister for introducing this bill as a priority bill so early in this term. The bill took some development in the previous term and the government was required, very sensibly, to wait for the High Court decision on the Victorian laws before drafting and introducing our own bill in Western Australia. This bill essentially seeks to put in place what is already in place in many areas around the country, and that is a 150-metre exclusion zone 24 hours a day and seven days a week around any premises that provide pregnancy terminations. The bill is modelled on the Victorian law, which has withstood a High Court challenge. This is robust, important protection for the women of Western Australia.

When we speak about these issues in our communities, people often say that abortion protests do not happen here and that we do not need this protection in WA. That is because they do not see it in their streets or in their lives every day. As many people have already outlined, it does happen in WA. Not only does it happen in WA, but also it was made worse by the decision of the previous Barnett Liberal–National government to not provide family planning services at the privatised Midland hospital. Women wanted access to family planning services—not just pregnancy services, but also such things as contraceptives and tubal ligations, which are standard procedures that are legally available—but they were not available in a public hospital. That government had to spend over \$1 million to beef up the Marie Stopes clinic so that it could provide those services. A termination is a relatively simply surgical service, but it needed to improve the surgical facility at that clinic so that it could provide those other services. That was an absolute insult to women in the East Metropolitan Region and the wheatbelt who use Midland Public Hospital. The former Liberal–National government locked that contract in for 20 years. That guaranteed an audience for those protesters who harass women accessing those legal healthcare services. I do not subscribe to the more generous terms in which others have described them, which is as good Christian people counselling people on their way into the clinic. They are serial pests and they are a blight on our health system. They simply harass women who are accessing legal healthcare services that were hard-fought for over many, many decades. We are continuing to fight for access to those healthcare services.

I think people are shocked when we explain that not only are those protesters there regularly, but also around 40 permits a year are issued so that they can be outside the Marie Stopes clinic. The Marie Stopes clinic provides these services only one day a week, so they are there almost every single week on the day that Marie Stopes is operating. They are particularly pestilent during Lent, when they spend 40 days camping outside the clinic and harassing people as they walk in and the staff who work in that clinic.

A relatively new term has emerged from the anti-choice lobby—that is, “kerbside counsellors”. That term is used by people who support this protest. I have heard members in the other place use that term too. It is mind-boggling to consider the mental gymnastics that were required to link that phrase with what these people are doing. Firstly, “kerbside counsellors” implies that these people are somehow qualified to provide advice on this issue, and, secondly, that it is voluntary and that these women are seeking counselling. They are not. They have made their decision and they are not seeking any kind of counselling at this point. They will have been through the process that they needed to go through to land where they have landed. I find the term “kerbside counsellors” deeply offensive.

The bill does not limit people’s right to protest at all. I have heard some members on the other side of the house and in the previous debate say that this bill is anti-protest. Nothing in this bill is anything like the extreme anti-protest laws that the previous Barnett government tried to introduce into Parliament that would have shut down any kind of protest, especially when we have seen people using certain strategies and tactics to bring that movement to the fore. That legislation would have shut protesters down completely. All this bill does is to put in place protections so that women and people who access or work in these facilities can do so without harassment.

People are free to protest, and they should continue to protest if they feel strongly about something, but the place to protest is outside the Parliament, government buildings and the offices of members of Parliament. They should not protest outside a clinic where women are seeking treatment. There was a protest last week, I think, of religious

groups, right-to-life groups, outside this place, and that is absolutely the appropriate place for them to protest. People find such protests challenging. I do not mind them. I am always happy to give them a reason to protest. In my view, if the right-to-life lobby are not protesting and everything in their world is right, that is a problem for women. I am happy for them to continue to protest and I am happy to continue to give them a reason to protest.

Conditions are attached to these permits, but there is no recourse for police to bring people to account when they breach those conditions, and it happens regularly. They take pictures of women entering clinics, they show disturbing imagery, they shout at people, they tap on car windows, they shove brochures in people's faces and they provide bags containing baby items and rosary beads, all in a futile attempt to defer women from making a decision that has already been made.

In the second reading speech, the Minister for Health outlined some examples of women who had met with protesters. I will run through that in detail later. Many of those women used words like “traumatic”, “stressful” and “overwhelming”. A woman's decision to terminate a pregnancy will be made for many and varied reasons. For some women, it is a difficult decision; for some women, it is the only decision, and that is perfectly okay. Whether it is a hard decision or not, it is their right to make that decision. There are a range of reasons for making this decision, whether it is from early pregnancy or through to late-term abortion. There has been a constant push to rewind those protections. An article, published I think last week, referred to the federal member for Stirling, Vince Connelly, introducing a private member's bill to provide medical assistance to babies born during a late-term abortion. That is offensive and dishonest. Hon Nick Goiran in the other place also has bleated on at length about this—about how we have to provide medical assistance to babies terminated in late pregnancy. That is dishonest in so many ways. The women and couples who make the very difficult decision to terminate what is often a wanted but unviable pregnancy go through a huge process, trauma and grief to get to that point and to birth that baby. For them to be told that these babies somehow need to be given medical assistance and that, if they are provided with that, the baby will survive is so dishonest. I hope that at the next federal election, the women of wherever Vince Connelly decides to land—wherever he decides to run—tell him exactly what they think about his private member's bill in the commonwealth Parliament. It is deeply offensive.

An organisation called Labor for Choice was formed a few years ago to promote a strong reproductive platform within the Labor Party. It worked very hard to encourage Labor ministers around the country to introduce safe access zones. In the development of their lobbying, they surveyed a number of Western Australian women about their abortion experiences. Most people are surprised when they learn that there are only two private clinics in WA that do 98 per cent of pregnancy terminations, which gives protesters a very focused target. There are only two abortion clinics in WA and a very small number of terminations are carried out in a hospital. The process for accessing this procedure is incredibly arduous—it is more arduous than accessing other medical procedures. By the time a woman gets to a clinic, she has been through quite the process, spent a lot of money and has probably already been told by a general practitioner that they will not refer her, so she will have had to find another GP and paid another fee to get a referral. By that stage she is probably a few weeks further on in her pregnancy, so she will have been living with that pregnancy for a number of weeks knowing that she is going to seek a termination. To then be greeted by these people outside a clinic is a complete insult to the women who make this choice.

There were 440 responses to the Labor for Choice survey and they reveal a bit about the abortion journey for women. The survey found that 64 per cent of women had contacted a GP as an initial point of contact and that 22 per cent had reported that their GP had refused to provide a referral for a legal healthcare option. Seventy per cent of respondents had not been informed that the GP did not refer abortion services before their appointment and, just to add to the insult, 43 per cent still had to pay for the appointment. Of the women who went to GPs, 26 per cent did not feel supported, and 88 per cent of women who followed through with the termination reported a significant strain on their finances in order to have the procedure. A very high number of women—91 per cent—agreed that Medicare should cover some of the costs. Unsurprisingly, 100 per cent of the women surveyed supported the safe access zone legislation because most of them had encountered protesters. The survey also asked women to relate some of their experiences with protesters and some of them were pretty harrowing. According to my notes, the first one stated —

On a day where I was already feeling highly emotional being called a baby killer really made me feel worse.

Another stated —

It was awful. A friend who came along to support and drive me told me to ignore them. After I worried about the situation if I ran into these people in public, and if so, would they publicly shame me.

Another woman stated —

A woman from a religious group approached me at the front of Nanyara and tried to talk me out of the procedure, she gave me pamphlets and tried to convince my partner to take me home and to this day, that experience with her still gives me a lingering feeling of guilt although I had already made my decision final before I arrived. It should be illegal for people to do that to others in an already vulnerable, difficult state of mind and body.

Shorter responses included: “It made me angry”, and, “It made me more upset.” Overall, the women all declared that it was incredibly traumatising. This in itself demonstrates the importance of the need for these laws.

Abortion has been legal in Western Australia now for over 20 years. We have seen a slight decline in the overall rate of abortion over the past few years, particularly in younger cohorts. Sadly, I do not think that is because of improved access to medical abortion. It would be interesting to understand why figures are declining. A lot of scaremongering says that once we introduce abortion laws, women will be out left, right and centre having abortions. That is completely ridiculous. The figures certainly do not support those silly statements. The reality is that evidence shows the majority of abortions are for women aged 25 and over and that the pregnancy has been the result of contraceptive failure. That is very telling and is certainly not in keeping with some of the nonsense that is spouted by the pro-life sector. It is often asserted that women make these decisions lightly, and that is insulting to women. It tells us a lot about what the pro-life lobby thinks about women.

I want to talk a little about RU-486 because it is also a legal option for an abortion and it is a good alternative to a surgical abortion. Unfortunately, it is also incredibly difficult to get hold of. We know that when Tony Abbott was health minister, he tried to take it off the pharmaceutical benefits scheme list and ban it completely. Even women in his own party railed against that. Although it is currently a legal option, it is still incredibly difficult to get hold of. Part of the reason for that is that doctors are not made aware of it and they are not trained in the use of it. There is a fear around using it. The feedback I get from some doctors is that they worry about insurance implications; insurance is an issue. There are not many providers and that makes it incredibly expensive. It still costs several hundred dollars to access RU-486, which is quite shocking. There is a range of limitations and policy levers that, although legal, have worked to restrict access. That is why it is important that we open up these pathways.

The medical community and medical schools have a responsibility to better train doctors in this area, including those in general practice and obstetrics, and encourage doctors to go into this important area of health care. It is hard to find doctors who want to do that. One of the challenges for Marie Stopes was that it had to fly a doctor from the east every Friday to perform surgeries. We need to encourage doctors to make this available to women, because it is legal and it should not be so restricted.

There are reports that many women have gone to GPs for a referral for an abortion and they have ended up 17 or 18 weeks pregnant because they have not been able to find a GP to refer them earlier.

[Member's time extended.]

Ms A. SANDERSON: A termination at a handful of weeks, under 10 weeks, is a very different proposition from a surgical termination at 17 or 18 weeks, or even access to RU-486 in the first few weeks. They are very different impacts and very different propositions for those women. Although we do not want to put dollar terms on things, if we are talking about barriers, cost is certainly a significant barrier. If a woman is seeking an earlier termination, she is looking at \$800 or \$900 and up to \$4 500 at 17 or 18 weeks. There is a lot of evidence that over the past few years, women from Western Australia have travelled to South Australia to seek that service because it is provided under Medicare. They are quite advanced in their pregnancy and then have to fly to South Australia for that service because the cost is completely prohibitive.

I have touched on the terrible decision by the previous Liberal–National government to privatise the Midland Health Campus and what that has done. It has not only restricted services in that public hospital, but also created an uneven service provision across the state. If people live in a certain postcode, they can access the Marie Stopes services for no out-of-pocket cost, but if they live outside of a certain postcode, they cannot. It is a complete contradiction to the principle of universal health care on which the public health system is founded. In an attempt to retro-fix an issue it needed to fix by awarding St John of God Health Care, a Catholic healthcare provider, a contract for a public hospital, it ended up creating an incredibly uneven system for women.

A lot of that access to services is critical for women in regional areas as well. Access to family planning services and termination services is critical for regional Western Australians. It is a responsibility of the public system to provide those services. I know that some public hospitals do that on a case-by-case basis but, essentially, that 98 per cent of services are provided by the private health care sector is quite telling and restricts access in and of itself. This bill will go a very long way towards helping rectify some of the damage done by that decision, particularly at the Marie Stopes clinic and the Nanyara Medical Group and where doctors and clients are genuinely harassed and intimidated into providing those services.

I commend the minister for bringing this in. It has taken a long time to get here and we have to continue to be vigilant about our rights and the protections of our reproductive health, particularly in Western Australia, but in Australia, because there is a strong and powerful lobby that is driven on this issue. That strong and powerful lobby is currently in full control of the WA Liberal Party. We saw that with the candidates it threw up at the last election. It is of grave concern that Hon Nick Goiran, who spearheads in the Parliament a reduction in the options and choices for women, should ever end up around the cabinet table. That genuinely frightens me and it should frighten every woman in Western Australia about what rights will remain for women in Western Australia if he is ever in charge of those rights. We have to be vigilant and we will continue to be ever vigilant. We have waited 24 years for this bill. It is very welcome for the community and I thank the minister for his support.

DR J. KRISHNAN (Riverton) [12.29 pm]: I rise today in support of the Public Health Amendment (Safe Access Zones) Bill 2021. The clinics that provide legal medical terminations do not exclusively provide abortion services. Contraception is also an important service provided by these clinics. When people access these services for an abortion, it is unfair for someone to be prejudgemental and intimidating.

When I got married, I was a doctor, my wife was a doctor and my father-in-law was a doctor; he is still a doctor today. I spoke about him in my inaugural speech. The next day after my wedding, my father-in-law was at my house when he made a personal request. He said, “You’re a doctor. Yaamini is a doctor. You know all about contraception, but we would love to be grandparents so please do not implement contraception. Give us an opportunity to be grandparents.” That was counselling. I was fortunate to be counselled in my house by my father-in-law, unlike others who have to access legal clinics or legal medical services to access such advice. For someone to be prejudgemental and intimidate them as they walk into a clinic is not fair. As a good son-in-law and a good daughter, we followed my father-in-law’s advice; my wife fell pregnant three months after we got married. Everything was going well. During the 20-week scan, we realised that the child was not going to survive. I was not willing to accept the report that we had been given; I wanted a second opinion. As a doctor, I searched for the best sonologist in the state. I was fortunate to get an appointment within 24 hours. He did a repeat scan and confirmed that the baby would not survive if we continued with the pregnancy. I am very glad that my wife was given the choice to end the pregnancy, but she did so with a heavy heart. We named our unborn boy Yadish, and we still spend time together on his birthday every 16 November. It is not easy to go through that process. The point that I am making is that when a woman is already struggling with those emotions, how fair is it for someone to be prejudgemental and intimidating and to protest the woman’s choice to access a termination? Shame on those people. We have a responsibility to pass this bill. We need to provide protection and accessibility for the women who need these services.

It is not easy to cope with a termination. As a GP, I can empathise with my patients who go through this. I have been through this scenario many, many times. There are certain patients whom I will never forget in my life. I remember seeing a 17-year-old girl who did not have a job, who was a school dropout and who had serious mental health issues to the extent of self-harm. On top of that, she was homeless. During the consultation and investigation process, I, as her GP, diagnosed her to be pregnant. She was devastated. After thinking about what she would do, the girl came back and said that she wanted to access a legal medical service. She wanted to get on with her life. As a GP with certain knowledge, I gave her a referral for a suitable service. For someone to stand there and protest and intimidate this person as she walked into a legal medical service was not fair; it definitely was not fair.

I turn to religious beliefs. I have served on the Perth Hindu Temple management committee for 10 years. I have finished as president of that temple. I am a religious person, but denying a woman’s right to access legal medical services is not a religious decision. There is no pardon for intimidation by heartless people.

The minister spoke about the workforce that is required. Today, I undertake to speak to as many colleagues as possible. After being through her own personal experience and difficult times, and with her passion for women’s health, my wife has decided to provide medical termination services as a GP. Not many GPs are accredited; I accept that there is a shortage of doctors who provide that service. A doctor needs to coordinate with an accredited pharmacist to supply the medication before they can provide that service. I will talk to as many colleagues as possible to ensure that such services are easily accessible and affordable for those who really need them.

It is our duty as elected members of this chamber to pass an important bill like this to protect women when they access a most essential legal health service. I repeat: it is inhuman to intimidate, interrupt and be prejudgemental of someone who is accessing essential legal medical services. When a woman accesses contraception, that does not necessarily mean that she does not want to have a baby. There may be medical reasons to postpone being pregnant. A woman may have been given medical advice to prepare for a pregnancy. Sometimes women take medication that has side effects for an unborn child and, until they recover from their condition, they have to be on contraception. When these circumstances occur and women access essential legal medical services, it is pathetic for someone to be prejudgemental and intimidating.

For all the reasons stated above, I commend the bill to both houses, and I hope we have full support in passing this bill. Thank you for the opportunity, Mr Acting Speaker.

MR R.H. COOK (Kwinana — Minister for Health) [12.38 pm] — in reply: I thank all members for their contributions to the debate on the Public Health Amendment (Safe Access Zones) Bill 2021, particularly those members who acknowledged the efforts of the government to bring this bill to this place as expeditiously as possible. As the Minister for Environment observed, it was necessary for us to await the outcome of the High Court challenge to the Victorian legislation to be sure about the approach we needed to take. The consultation, drafting and governmental processes that subsequently followed were best practice in how we form these pieces of legislation, so we were only able to bring this bill in towards the end of the last term. It is very good to have it before us once again to make sure that we can advance this really important legislation, which enshrines really important rights.

In particular, I would like to commend those members who brought such passion and personal experience to this debate. I hope that those in the other place who will, no doubt, oppose, try to obstruct or misrepresent this

debate take notice of the contributions made by some of the members here. I wish to thank the members for Vasse, Central Wheatbelt, Collie–Preston, Burns Beach, Nedlands, Fremantle, Hillarys, Bassendean, Churchlands, Bateman, Morley and Riverton for their contributions to this debate.

The Department of Health, as part of an extensive consultation process that was undertaken in 2019, received extraordinarily strong feedback from women and their family members about their experiences visiting the main abortion clinics in Western Australia. I acknowledge the comments made by the member for Morley that just two clinics provide 98 per cent of the services. We can see how the lack of different outlets, of itself, provides a limitation to access for these women. It is clear and evident that the new regulatory framework is required to deal with the unique behaviours experienced by these people outside those clinics. No other health service experiences this type of regular, organised protest. I think the member for Collie–Preston made the observation that we could imagine if it was a male accessing legal healthcare services and the outrage that would follow anyone trying to stop a male member of the community from accessing legal services. It is something we should not tolerate. Indeed, it is no longer tolerated throughout the rest of Australia. We are the last jurisdiction to consider this legislation. I remember in 2019 when we passed the voluntary assisted dying legislation in this place, I made the observation that we were the second jurisdiction in Australia to do so. I thought that was a commendable second for a state that is otherwise not known for its progressive laws. However, in this case we are last—lucky last—and it is time we got our act together.

On that note, I hope members will forgive me a segue for just a moment to acknowledge that the South Australian Parliament has today passed voluntary assisted dying legislation to become the third jurisdiction to do so. We welcome that Parliament and congratulate it on the passage of that bill.

The member for Central Wheatbelt acknowledged the contribution of National Party member of Parliament Trevor Khan, who co-sponsored alongside Penny Sharpe from the Labor Party, the passage of safe access zone legislation in New South Wales. I acknowledge the Nationals who supported the government in the voluntary assisted dying legislation as well. It demonstrates the capacity for progressive change to be achieved across party lines. I would like to quote Penny Sharpe. On 24 May 2018, in closing the second reading debate on safe access zone legislation in New South Wales, she said —

Women should be able to go to the doctor and not have to explain themselves to strangers on the street. They should not have to be photographed. Their boyfriends should not have to be jostled. They should not be filmed. They should not be assaulted. They should not be called “baby murderers”. They should not be told they are going to hell. They should not be told that they should be repenting their sins. They should just be able to go to the doctor.

I think that really sums up the sentiment of a lot of the speeches that were made here today. This is a legal medical procedure. I thank the member for Collie–Preston for acknowledging the efforts of Hon Cheryl Davenport in bringing pre-eminent legislation to this place today. This is a legal medical procedure and no-one should stand in judgement of those who wish to access it. They access it for a range of reasons, none of which would be known to those who seek to harass, shame and judge those who access it. I think the member for Riverton summed up just how complex many of the reasons are that people access these services. It is not our role here today to pass judgement on those people and it is not the role of those who seek to protest against and intimidate those who access it.

To go to two features of the legislation, the member for Central Wheatbelt asked how the size of the exclusion zone was arrived at. As a number of members observed, the bill is modelled very closely on the Victorian legislation, which defines 150 metres as the boundary for the premises at which abortions are provided. That specific zone was tested by the High Court in *Clubb v Edwards* and was considered a critical factor in the High Court upholding its constitutional validity. Also, it is a size that was strongly supported by the community and health services in Western Australia during the course of the consultation. In total, 75.3 per cent of the respondents who were in favour of safe access zones supported a minimum of 150 metres. Experience from other jurisdictions in Australia supports a minimum distance of 150 metres from the premises at which abortion services are provided. Beyond 150 metres, it would be harder for demonstrators to distinguish patients and staff from a passer-by. In light of this, the government took the view that a 150-metre zone is the appropriate size for a safe access zone. We are of the view that a safe access zone of less than 150 metres would not adequately protect patients and staff who access or leave premises at which abortions are provided.

The member for Central Wheatbelt also asked about the penalties and how they will be set for these laws. I am advised that the following new offences are included in the bill: it will be an offence for a person to engage in prohibited behaviour within a safe access zone; and it will be an offence for a person to publish or distribute any recording of a person in a safe access zone who is accessing or leaving, or attempting to access or leave, a premises at which abortions are provided if that recording contains information that identifies, or could likely lead to the identification of, that person without the person’s consent. The penalty for these offences will be a maximum fine of \$12 000 and a maximum of 12 months’ imprisonment. The proposed penalties reflect the potentially serious nature of offences such as intimidating and harassing or recording people who access abortion services, for the purposes of shaming and humiliating them. The penalties recognise the impact that such behaviour can have on women and staff who

wish to access premises at which abortions are performed. The penalties are broadly consistent with safe access zone laws introduced around the country. The proposed fine is in the mid-range of penalties applicable to safe access zone offences in other jurisdictions. The imprisonment penalty is consistent with that in the majority of other jurisdictions.

It is important to note that the penalties attached to the offences prescribed in the bill are maximum penalties and that the judiciary will have discretion about which sentence to impose in each case, as is appropriate. The court will be able to take into account the objective seriousness of the offence, the offender's circumstances and the impact of the offence on the victim. Police will not be obliged to proceed with these penalties on the first instance that something occurs. They will have the ability to caution or give a move-on notice, and we are confident that guidance will be given about where people can relocate to place them outside the 150-metre safe access zone.

That is as we expect the law to be applied. The police will form a view about whether someone is undertaking a prohibited behaviour and, in the context of that, decide whether to lay charges.

I thank the member for Vasse, as the lead speaker for the other side, for her support for the legislation and acknowledge that we also received her support when this bill was first before this place. I acknowledge the member for Central Wheatbelt for her rather unique way of summing up her speech by waving around the previous speech she gave on 10 November 2020. I acknowledge her support both then and now.

I think the member for Nedlands gave an extraordinarily good summation of the sorts of experiences that people have. She raised a number of case studies and personal testimony from people who have experienced being intimidated while trying to access these sorts of services. I acknowledge the member for Riverton who spoke about his own personal experiences. I thank the member for Riverton for sharing those with us. It gave great power and forcefulness to what we are doing here today with this very important legislation. I acknowledge the contributions from the member for Hillarys and the Minister for Water. The Minister for Water drew upon the history behind some of the dimensions of this debate, in particular the privatisation of Swan District Hospital when it transitioned to Midland Health Campus.

Debate interrupted, pursuant to standing orders.

[Continued on page 2130.]

KATANNING MEN'S SHED

Statement by Member for Roe

MR P.J. RUNDLE (Roe) [12.52 pm]: This is not a story about just a building, but a community who supports each other when times are tough. It brings to mind the old saying "what goes around comes around". The Katanning Men's Shed has about a dozen members and is the go-to place in town for community projects and restorations jobs. We all know the benefits of men's health and wellbeing, but the benefits to our community from having these groups around are invaluable. Therefore, when the men's shed was ready for the move to its new premises, it was a chance for some to return the favour. I congratulate not only the men's shed guys, but the quiet achievers and the unsung heroes who helped make the move to the premises in April this year. I extend my thanks to Merv McDougall for the deal on the last premises, which was rent-free for four years; shed secretary Peter Jolly, whose steep learning curve in grant applications and business case writing helped fund the move; president Ross Thomas for continually promoting the men's shed and raising awareness on mental health issues; Arthur Todd for graphic design help; Western Power for minimising costs for a line to the new shed; the Public Transport Authority for its lease of \$1 a year for a 10-year period; all the shed's members for their great projects around the town; and the Shire of Katanning, Australian Men's Sheds Association and Co-operative Bulk Handling Ltd for grants and donations to help make this happen. The official opening was held earlier this year and I was pleased to officiate.

SCHOOLS — P&C COMMITTEES — WANNEROO ELECTORATE

Statement by Member for Wanneroo

MS S.E. WINTON (Wanneroo — Parliamentary Secretary) [12.53 pm]: This morning it was my great pleasure to host a morning tea in Parliament House for the wonderful volunteers who serve on P&C committees in my local schools. I thank Samantha Hutton and Jessica Daniels from Banksia Grove Primary School; Simone West and Louise Graham from Carramar Primary School; Catherine McCracken, Bron Mills, Sarah Woods and Aurelia Kolecki from East Wanneroo Primary School; Kylie Birch and Jemma Davis from Grandis Primary School; Adene Rikert, Jane Tempest, Lisa Castellias and Jennine Woodman from Joseph Banks Secondary College; Katie Chinnery, Sarah Brandis, Tracey Maas, Theresa Foppoli and Alison Forde from St Anthony's Catholic Primary School; Michelle Schneeberger, Tanja Lukatelich, Danielle Poppas and Kelly Williams from Tapping Primary School; and Jaylene Palmer, Kelly Carew, Sue Cowpe, Tarryn Smyth and Alison Grose from Wanneroo Primary School. I thank you and all the serving members of our school P&Cs. It is my great honour to acknowledge you here in this place and thank you for your incredible energy and enthusiasm in the many hours you give freely and generously to support our schools. Our schools are the heart of Wanneroo and on behalf of all the parents, teachers, staff and, of course, our students, I sincerely thank you, and I look forward to continuing to support you. Members, it is P&C Day WA on 23 July and I look forward to joining and celebrating with them.

SAM McGOVERN*Statement by Member for Cottesloe*

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [12.54 pm]: I would like to take this opportunity to congratulate Sam McGovern, one of the rising stars in Western Australian music, for the well-deserved nomination of his song *Grow* for WA Music Song of the Year. The WAM Awards are an opportunity to recognise the excellent work of WA's best musicians across a range of categories. Sam's song *Grow* was nominated under the WAM Awards' Act–Belong–Commit song category, a category of songs that explore the relationship between mental wellbeing and the resources for achieving positive mental health provided by Act–Belong–Commit, an initiative funded by Healthway. Sam is a 21-year-old Cottesloe-based musician whose passion for expressive music from a young age is equalled only by his love of surfing. *Grow* explores Sam's journey of self-discovery, engaging with ideas of positive mental health that provides an outlet for the listener to reflect on their own mental health and personal wellbeing. This message is a powerful one and vitally important for everyone in our community, especially our young people. *Grow* is also an absolutely fantastic song, and if members have not heard it, I encourage them to listen to it. A special acknowledgement also must go to the Act–Belong–Commit initiative and the work it does in not only supporting local musicians but also providing all Western Australians with the resources to keep mentally healthy. Once again, congratulations to Sam on a well-deserved nomination for an excellent song. I look forward to seeing what the future holds for him.

VOLUNTEERS — ALBANY ELECTORATE*Statement by Member for Albany*

MS R.S. STEPHENS (Albany) [12.56 pm]: I rise to acknowledge the contribution that various volunteers make, with more than 25 per cent of the Albany community volunteering, many in more than one role. I acknowledge the incredible work that the Albany and Regional Volunteer Service provides.

The 2021 WA Volunteer Service Awards were presented to five exceptional volunteers by the Minister for Seniors and Ageing at a function in Albany. They are: Pat Bracknell and Melba Bembridge, for 44 years with Albany Meals on Wheels, stalwarts delivering hot meals to locals; Rosalind Sawyer, for 28 years of service with Soroptimist International Albany; Jenny Treeby, for 28 years with the Great Southern Scouts; and Margaret Oostdam, for 27 years with the St Vincent de Paul Society.

Congratulations to my fellow clubbies from the Albany Surf Life Saving Club, both award winners at the Surf Life Saving WA Awards of Excellence: Jeff Medcalf, Assessor of the Year; and Byron Bird, Support Operations Volunteer of the Year. They dedicate many hours to keeping our coastline safe.

Finally, thank you from the Albany community to the people in the Albany Volunteer State Emergency Service and support agencies who have been working around the clock, cleaning up and reconstructing roads following the destructive storm in the great southern earlier this week.

KOOBABBIE PRECINCT — COOROW*Statement by Member for Moore*

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [12.57 pm]: Today I would like to highlight the work of the Coorow Heritage group in establishing the Koobabbie Precinct in the main street of Coorow. The group have assembled a magnificent collection of farm buildings and machinery, donated by the late Alison Doley and her sister, whose family farmed the Koobabbie property for 115 years. President of the heritage group, Jan Muller, and vice-president, Guy Simms, oversaw the project with financial help provided from local businesses and federal drought funding, as well as numerous donations. Three beautifully preserved buildings—the maid's quarters, Leo's camp, and the oat bin—were moved in their entirety by truck, surviving the 23-kilometre trip to town on gravel roads. The group would dearly like to move the original horse stables, with its tea-tree-thatched roof and walls, but there is not the room to house them. Numerous pieces of machinery have been set up to showcase the transition from horse-drawn to steam-driven and then motorised machinery, and the buildings contain a treasure trove of items typically used at that time. This is a thoughtfully presented walk-through museum that includes a history wall. Without volunteers on hand, the heritage group has put good signage in place and set up the precinct so that visitors can take themselves through the buildings and displays. I commend its work in preserving and presenting for the benefit of future generations these buildings, machinery and everyday items that were vital to the lives of early farming pioneers. Thank you, Coorow Heritage group.

PLATING UP WA — WARREN–BLACKWOOD ELECTORATE*Statement by Member for Warren–Blackwood*

MS E.J. KELSBIE (Warren–Blackwood) [12.58 pm]: My region is well known for our incredible produce, our producers, our award-winning wines and, of course, our hospitality. Farmers and producers are the backbone of Warren–Blackwood. Plating Up WA is an initiative of Buy West Eat Best this month that celebrates WA produce, of which my region is second to none. At the Northcliffe Hotel, people can dig into a local steak and chips featuring rib eye steak from Fox Brothers Butchers in Pemberton, Pemberton chips, Bannister Downs cream and locally

grown vegies and salad. Up the road in Manjimup, at Tall Timbers, people can dive into a deluxe truffle burger, featuring black truffles from Manjimup's Truffle and Wine Co. In my home town of Denmark, my good friend and outstanding chef Silas Masih from Pepper and Salt is serving up rankin cod, marron and chaat masala, featuring Denmark-grown nabbawarra marron. Our produce takes pride of place amongst many other dishes on offer across the state. In Perth, people might like to try the Mt Barker free-range chicken and cheese toastie at Bobby's BBQ Truck, or in Fremantle, the lobster and Manjimup truffle dumplings at Emily Taylor Bar and Restaurant. I am proud to support the producers and hospitality sector in my region through this great initiative, and I encourage everyone in the chamber to do the same.

Sitting suspended from 1.00 to 2.00 pm

DISTINGUISHED VISITORS — JANN McFARLANE AND PERTH MODERN SCHOOL

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.00 pm]: Members, I would like to acknowledge, in the Speaker's gallery, the presence of Jann McFarlane, former federal member for Stirling. Welcome to the Western Australian Parliament today, Jann.

I am not sure whether I see the students from Poseidon Primary School up in the public gallery yet, but welcome to the students from Perth Modern School.

QUESTIONS WITHOUT NOTICE

SOUTH FREMANTLE POWER STATION — EXPRESSIONS OF INTEREST

295. Dr D.J. HONEY to the Minister for Energy:

I refer to the proposed sale of the South Fremantle power station site that the minister announced yesterday.

- (1) Can the minister confirm that proponents have only eight business days to develop their expressions of interest for a complex development site, which includes significant contamination remediation?
- (2) How can the minister expect a competitive process with such a short time frame?

Mr W.J. JOHNSTON replied:

I thank the member for the question, and I want to let everybody know that I am no longer a virgin; this is the first question from the shadow Minister for Energy!

Dr D.J. Honey: No, it's not; it's the second one.

Mr W.J. JOHNSTON: It is the first one the member has asked me!

Several members interjected.

The SPEAKER: Members! Minister, I will ask you not to overshare.

Mr W.J. JOHNSTON: The answer is as follows.

- (1)–(2) When I became Minister for Energy, I had a discussion with the CEO of Synergy about the South Fremantle power station. I encouraged him to find an alternative use because it costs a lot of money to maintain that power station. It has been empty for 36 years. It is a magnificent building. It was completed in 1951, and even though it is postwar, it has an elegant, art deco–industrial look to it. It is a magnificent building. There has been a range of proposals over a long period of time from all governments about its future use. In fact, on DevelopmentWA's website, there is a detailed presentation of what DevelopmentWA would like to do with the site.

There has been an unsolicited bid for that property. The bidder asked me, as minister, whether I thought they should buy it. I actually pointed out to them the problems with the site, because it is a heritage-listed building and the site has some contamination issues. They asked to meet with me, which I did. When that meeting was held, I asked for Synergy executives to attend. The meeting was held during a period of lockdown here in Perth; therefore, the meeting was done over Zoom. At that meeting, I told the proponent that they should deal directly with Synergy, and I told the executives of Synergy, and I repeated this to the chief executive officer, that I should have nothing to do with any part of the proposal. The proposal was considered by the management of Synergy, which put it to the board. When the proposal went to the board, the board decided that it should go out for expressions of interest, which was advertised in *The West Australian* yesterday.

As members can imagine, the only people who will be bidding for this proposal are sophisticated investors, many of whom have had their sights on that building for a long period of time and have advanced ideas on how they would utilise that facility if they were to take possession of it. That is why it is not a surprise that I was informed today by Synergy that so far there have been 12 expressions of interest for that site.

Ms R. Saffioti: In 24 hours?

Mr W.J. JOHNSTON: Within 24 hours of the proposal going to market. Synergy already has the unsolicited bid, which is not a market-level proposal—it is an unsolicited bid to a government trading enterprise—and it has now had an additional 12 people express their interest.

As I say, the only people who will be able to purchase this building are sophisticated investors who are familiar with the demands of developing constrained sites like this one. That is why I am not at all surprised that there has been such a quick and thorough response to this independent process that is being run entirely by Synergy.

SOUTH FREMANTLE POWER STATION — EXPRESSIONS OF INTEREST

296. Dr D.J. HONEY to the Minister for Energy:

I have a supplementary question. Given that it is such a short time frame for the expressions of interest process for such a complex site, does this mean that there will be other proponents who will be excluded?

Mr W.J. JOHNSTON replied:

I would suggest to the member that if any of his friends want to buy this property, he should get them to put a bid in. This is a well-known site. It has been vacant for 36 years. To the south is the Port Coogee development, which, of course, has been through a lot of controversy over the years. To the north is the South Beach development, which, again, had its own challenges in the development process. This is a well-known site. The City of Cockburn has frequently discussed the need to redevelop the site. As I say, go to the DevelopmentWA website; there is a rendering of a possible use for the site. A number of the television broadcasts last night had a series of renderings because other people have made proposals. This is a very well-known site. The sophisticated investors, who have the capacity to bid for this project, will be able to respond to the expressions of interest window—it is not a bid window; it is an EOI process—because they know what they are doing.

Visitors — Poseidon Primary School

The SPEAKER: I will now acknowledge the student leadership team from Poseidon Primary School, who I understand are guests of the member for Joondalup.

AGRICULTURE — INVESTMENT

297. Ms E.J. KELSBIE to the Premier:

I refer to the McGowan Labor government's commitment to supporting businesses and creating jobs throughout regional Western Australia. Can the Premier update the house on this government's investment in supporting Western Australia's agricultural industry, and can the Premier outline to the house how this investment in regional Western Australia compares with that of the previous Liberal–National government?

Mr M. McGOWAN replied:

I thank the member for Warren–Blackwood for the question and congratulate her on her victory at the recent state election.

Today I was at the Muresk Institute to address the WAFarmers' forum at the invitation of WAFarmers. It was great to be out in the wheatbelt for the second time in the past fortnight. It was also great to be at Muresk agricultural college, in which the government is investing \$8 million in upgrades to that important training facility. The agricultural sector in Western Australia has grown over our time in office, and is now worth \$12 billion to the Western Australian economy each year; it is the second largest export industry after the mining sector. I was able to assure the 200 or so farmers from around Western Australia who were there today that this government is putting in place important measures to support them. For instance, I was able to outline our investment in regional roads all over Western Australia, but in particular the program that the Minister for Transport put together to improve road safety around regional Western Australia, which has been picked up nationally and will save many lives, especially in the wheatbelt of Western Australia. I outlined the \$22 million we committed to for four priority grain rail projects in the state election campaign that were advocated for to us by Co-operative Bulk Handling Ltd, and that we will deliver, ensuring more grain on rail as a consequence. I was also able to assure them about our efforts to support our traditional trading markets, in particular China, and that we want to continue to have that access to the growing middle class of China—plus all the programs such as the regional agribusiness valuation fund, the food and beverage fund and the wine industry export growth partnership that we are investing many millions of dollars into to not only ensure more downstream processing in Western Australia, but also support exports of important products around the world. These are all projects that the Minister for Agriculture and Food, who has done an outstanding job, has advocated for.

Thirdly, I was able to outline some of the measures for dealing with climate change, in particular the carbon farming that this government has put in place—the \$15 million land restoration fund. All the pastoralists, particularly in the southern rangelands, who could not do it before this government put that in place are now able to take up the opportunities of carbon farming. Finally, I was able to outline our investments in technology across regional WA that allow farmers to access the latest in broadband, research and development initiatives, plus the backfilling

of the Department of Agriculture and Food that the last government gutted. It put in place huge cuts to the then Department of Agriculture and Food, and then cuts across the forward estimates as well. In the 2019–20 budget, we were able to reinstate \$131 million of funding and ensure the department was back on sustainable footing.

It was terrific to be there with all the farmers today, and I was so pleased that the President of the Western Australian Farmers Federation, John Hassell, was so glowing in his words following my speech about the government's performance. Also, the CEO of WAFarmers, Trevor Whittington, was very kind in his comments about the government's performance, in particular acknowledging the extra money that the Western Australian government put into the agriculture department, our roads program and all its investment in food, agriculture and rail, which he indicated were most welcome. I was very pleased to be there with the farmers of Western Australia demonstrating what a government that is committed to outcomes can achieve.

HOUSING AVAILABILITY — REGIONS

298. Ms M.J. DAVIES to the Premier:

I refer to the housing crisis resulting in regional towns facing near-zero per cent vacancy rates, and a Pit Crew Management Consulting Services report published by the Chamber of Minerals and Energy in May this year that says the resources sector will require an extra 40 000 people to support operations over the next two years. Does the Premier agree that the outcome of the government's failure to invest in land, housing and regional communities over the last four and a half years will leave industry with no option but to increase its fly-in fly-out workforce?

Mr M. McGOWAN replied:

It is an odd question. We put in place last year the Regional Land Booster program that the Leader of the Opposition might recall with \$117 million to ensure that more regional land was made available in particular for industry across regional WA. A whole range of projects have gone ahead as a consequence of that initiative that we took as part of our recovery plan. We are also about to hold a skills summit next week to work with industry about how to provide for more skilled labour, and labour more generally, in particular in regional WA but all over the state, because there are demands everywhere. Basically, the state now has the lowest unemployment rate in Australia and the highest participation rate. We are down to a 4.7 per cent unemployment rate. Our participation rate is about two per cent above the national average. When you put those two figures together, we have the strongest and most successful economy in Australia—by a long, long way. That puts pressure on a range of industries.

I today stopped at a business at Bakers Hill on the way to Muresk, and the lady running the business said to me that it is difficult to acquire skilled labour. I understand that is a problem around the state, and it is because of a couple of things. First, the state's economy, as I said, is so successful and strong. Second, we have closed borders, which means that some of those skills are not available, in particular some people who work in regional WA—for instance, backpackers, who often fill some of those retail roles in regional businesses. I cannot do anything about that; that is a function of COVID. The idea that somehow I could have predicted this or that this is my fault is frankly preposterous, and it is embarrassing that the Leader of the Opposition even alleged such a thing.

We understand it is an issue. We are holding a skills summit; we are looking for alternative solutions for the state of Western Australia. But the good thing is that we have a strong economy. As the Chamber of Commerce and Industry of Western Australia has indicated, it is because of the efforts of the state government. We have a strong economy, we have successful regional communities, we are investing wisely across the state, we have the best set of public finances of anywhere in Australia and we have the strongest and the most affordable training system. In fact, our training system and the cuts we put in place to the cost of getting trained have resulted in a boom in Western Australians undertaking training. As I outlined the other day, there is a 27 per cent increase in the number of Western Australians undergoing training since we put in place those measures. That is over the course of the last year. That is a remarkable increase in Western Australians taking advantage of the opportunities across the state. All those things are occurring. We understand that there are pressures out there, but the state government is doing its best to address them.

HOUSING AVAILABILITY — REGIONS

299. Ms M.J. DAVIES to the Premier:

I have a supplementary question. I go back to the question, which was: will the Premier's failure to invest in housing and land in regional communities leave industry with no option but to increase its fly-in fly-out workforce, and will the Premier commit to ruling out new FIFO camps for operational workforces within 60 kilometres of major regional towns?

Mr M. McGOWAN replied:

Bizarre! The Nationals WA has not moved on in any way from its election loss in 2017. I will just explain a couple of things. During COVID, we actually shut down most FIFO from the east. I would have thought that is the biggest issue—that people from New South Wales, Victoria or Tasmania come over here and occupy roles that should be occupied by Western Australians. Many of those people moved here. Major employers are now employing

Western Australians. Does the Leader of the Opposition know who opposed and criticised that? The Liberals and Nationals did. They criticised us over that. We stopped FIFO from the east and got attacked by the Liberals and Nationals. Around half of the mining workforce —

Ms M.J. Davies: It's remarkable—your rewriting of history.

Mr M. McGOWAN: I will go and find it. Next you will say Clive Palmer was not your friend! That is the next thing you will say.

Around half of the workforce in mining is FIFO and the other half works in regional towns. There are a range of reasons behind that. There are a number of people who want to live in regional communities, and we support that. A number of people want to live in the city and access their work via that technique, and they might have family who go to school here and might have spouses with jobs in the city. For me, that is a personal choice. If we can give the workforce a personal choice, that is a good thing. The National Party seems to object to personal choice. It seems to say that people should not have a right to have a personal choice in their lifestyle. I do not agree with the Leader of the Opposition there. We have vibrant, exciting, booming regional communities, yet she objects to that, and says that somehow people exercising personal choice is wrong. She has not moved on since 2017. She might have seen what happened to Brendon Grylls; he lost his seat. She might have seen what happened to Terry Redman; he lost his seat. I would hate to think that is going to happen to her.

VOLUNTARY ASSISTED DYING ACT — IMPLEMENTATION

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

I refer to the McGowan Labor government's landmark legislation that will give Western Australians who are terminally ill the right to end their suffering at a time of their choosing. Can the minister update the house on the process that has been underway for the past 18 months to implement voluntary assisted dying, ahead of its introduction next Thursday on 1 July?

Mr R.H. COOK replied:

I thank the member for the question. This is the last opportunity we have before the legislation is enacted and comes into play on 1 July. It is a very exciting moment in Western Australia's history. In December 2019, we passed the voluntary assisted dying legislation. Can I just take this moment to note that today, the South Australian Parliament has also passed voluntary assisted dying legislation. It is now the third jurisdiction to implement this important law reform and we welcome it to the fold. Early last week, the WA voluntary assisted dying implementation leadership team had its final meeting to finalise arrangements for this law to commence on 1 July. I want to thank everyone in the leadership team for the work that they have done to bring these laws into being. Through the engagement with stakeholders, the implementation leadership team has undertaken several projects to ensure a smooth transition process come 1 July.

I will outline the key areas. The voluntary assisted dying care navigator service will put in place the people who will be charged with the responsibility of assisting people to navigate the complex route that they will have to participate in. There are practitioner guidelines, and I want to thank the Victorian government for all the guidance it provided us with, as we used a lot of its base documents for providing information. The WA Voluntary Assisted Dying Board's ICT system will assist practitioners, regulators and everyone involved in the process to have the proper information technology support. The WA voluntary assisted dying statewide pharmacy service has been developed to ensure safe and appropriate access to the voluntary assisted dying substance. The implementation conference, which I have reported on before, was held on 22 and 23 May. Nearly 200 people attended the conference in person and online to get information about how they could participate in the process. Medical practitioners and nurse practitioners seeking to participate in the voluntary assisted dying process were able to check on their eligibility. I am pleased to say that we now have 78 practitioners who have applied to access the training. The first of those completed their training earlier this week, and 25 are currently involved in the course at the moment to be involved in the voluntary assisted dying process.

[Interruption.]

Mr R.H. COOK: This is the last time that we will have an opportunity to acknowledge the great work that has gone into putting these laws in place. On behalf of everyone in Parliament, I thank the implementation leadership group and everyone within the department who has worked to bring our laws into being. I wish everyone all the very best as they take these laws forward from 1 July.

The SPEAKER: Attorney General, I hope you have found the off button for your iPad.

SOUTH FREMANTLE POWER STATION — REGISTER OF HERITAGE PLACES

301. Mr R.S. LOVE to the Minister for Heritage:

I refer to the minister's announcement on 14 June that the South Fremantle power station has been added to the state Register of Heritage Places.

(1) Who sought that listing?

- (2) When did the Heritage Council of Western Australia commence consideration of this final listing and when was the minister made aware of it?
- (3) Has the minister been in any discussions regarding this listing with the unsolicited bidder mentioned by the Minister for Energy today?

Mr D.A. TEMPLEMAN replied:

- (1)–(3) The answer to the last question is no. The Heritage Council had a number of interim-listed sites, with some of them dating back to over 20 years ago. Under the new Heritage Act, which this government introduced and which reformed a Heritage Act that a former Labor government introduced, a series of heritage assets that —

Dr A.D. Buti: Did they put the Liberal Party on the list?

Mr D.A. TEMPLEMAN: There have to be criteria including relevance for heritage items and I am not sure whether the Liberal Party fits that criterion!

A series of assets would have actually come off the interim list and potentially not been protected, so the Heritage Council, as is appropriate, held an independent process that finalised the assessment of a range of heritage assets, including Victoria Quay, Fremantle port and a number of other sites, including those on Wadjemup (Rottnest Island). That is a normal process of the Heritage Council and, indeed, it is a process that I support. I was very happy to support the acquisition of those assets on the state register.

The member's conspiracy theories that he might have are very puzzling, and one needs to be reminded that, as we have seen with a number of heritage assets, the application of heritage value, be it on a municipal list or on the state register, is not an imposition to the protection and the enhancement of such an asset. We have seen this along St Georges Terrace with the former Treasury buildings, as one example, but there are a number. Adaptive re-use is now a very important principle in protecting heritage assets. I am looking forward to the interest, and it seems that there is deep interest, which is great, that may have been expressed because a high-value heritage outcome will be delivered, as well as an adaptive re-use proposal for the future of that very important state-registered heritage asset.

SOUTH FREMANTLE POWER STATION — REGISTER OF HERITAGE PLACES

302. Mr R.S. LOVE to the Minister for Heritage:

I have a supplementary question. Thank you, but I do not think that the minister directly answered whether he had had discussions with the particular unsolicited bidder. Can the minister explain whether this decision to sell the South Fremantle power station will mean that the state government may be asked to provide funding to the successful proponent in order to meet heritage requirements?

Mr D.A. TEMPLEMAN replied:

The member clearly does not understand the role of the Minister for Heritage or the Heritage Council of Western Australia in these matters. His question is related to an expression of interest process that is overseen by that agency. In any future proposal for that asset, heritage considerations will be a part of that process. That forms part of the obligations to the state heritage principles and, indeed, the Heritage Act. This is an important heritage asset. It is now out for expressions of interest by the owner of that site. When and if the expressions of interest process that is currently underway delivers an outcome that is ultimately approved, the heritage interests will be part of that process because we want to make sure that we protect the integrity of that heritage asset in whatever it may eventually be utilised for.

REGIONAL FLIGHTS — BROOME–DERBY

303. Ms D.G. D'ANNA to the Minister for Transport:

I refer to the McGowan Labor government's efforts in improving the affordability of flights across regional Western Australia, including throughout the Kimberley.

- (1) Can the minister outline to the house what the new flights between Broome and Derby will mean for those in my electorate?
- (2) Can the minister update the house on how this initiative builds on the McGowan Labor government's record of making it easier for Western Australians in regional and remote parts of the state to travel throughout their communities?

Ms R. SAFFIOTI replied:

- (1)–(2) I thank the member for Kimberley for the question. The recommencement of flights between Broome and Derby from 16 August is indeed welcome news for the people in the Kimberley, and in particular the people of Derby. We gave a commitment to the people of the Kimberley to get flights happening once again out of Derby. We went to the market—obviously, the Liberal Party does not like that much and will not go to the market—and tested interest and we got a successful tenderer that will commence these flights on 16 August. It will be \$119 each way from Derby to Broome and there will be three flights per week. Of

course, this is all about making sure that we can generate enough interest and activity that these flights can then stand on their own feet in the future. There will be a level of subsidy in the meantime, but this is all about restarting those flights. We know that accessible, affordable flights are fundamental to regional WA, in particular in areas where driving is sometimes too hard and prohibitive.

Let us go through some of the initiatives we have taken since this election. These are already the initiatives we have worked to introduce since March 2021, of course, with the respective companies out there. We have worked with Northern Star Resources and Alliance Airlines to launch a trial of a \$199 community airfare between Perth and Kalgoorlie, representing an additional 2 000 seats per annum into the market. We have worked with BHP and Alliance Airlines to launch reduced \$299 community fares into Port Hedland and Newman, representing over 15 000 affordable seats per annum. We have also doubled the number of flights from Onslow from three to six flights per week. We continue to work with all the airlines across Western Australia supporting accessible, affordable airfares.

Mr P. Papalia: I know a party that did nothing.

Ms R. SAFFIOTI: I know a party that did nothing, too, and that is the National Party, which did nothing on this issue. It is a pity that the member for North West Central is not here, yet again. He has obviously jumped onto a cheap airfare! This issue is often raised in this place, yet we are out there delivering. I am so proud to have landed this one.

Several members interjected.

Ms R. SAFFIOTI: I actually did not mean that!

Several members interjected.

Ms R. SAFFIOTI: I did not mean that pun!

I am proud to make sure that the people of the Kimberley, and particularly Derby, get the services that they have been wanting for so many years. It is great to be able to deliver that new service to the people of Derby.

ST JOHN AMBULANCE — SERVICE DELIVERY

304. Ms L. METTAM to the Minister for Health:

I refer to the decision by the Standing Committee on Public Administration, led by Hon Pierre Yang, MLC, to investigate the merits of a Labor government takeover of the St John Ambulance service —

Several members interjected.

The SPEAKER: Order, please, members!

Ms L. METTAM: I refer to the decision by the Standing Committee on Public Administration, led by Hon Pierre Yang, MLC, to investigate the merits of a Labor government takeover of the St John Ambulance service, as supported by —

Several members interjected.

The SPEAKER: Sorry; members, I do not think it is helpful for people to interrupt the member asking a question. The minister is more than capable of making an appropriate response.

Ms L. METTAM: I refer to the decision by the Standing Committee on Public Administration, led by Hon Pierre Yang, MLC, to investigate the merits of a Labor government takeover of the St John Ambulance service, as supported by the United Workers Union.

- (1) When was the minister first made aware that members of this committee were considering this?
- (2) Does the minister support the views of the United Workers Union, which has suggested that government-operated ambulance operations are more nimble than a not-for-profit organisation?

Mr R.H. COOK replied:

- (1)–(2) The grassy knoll is over there! I think Clive Palmer is setting up his tripod as we speak! The member's conspiracy theories around this absolutely astound me. If she has questions about the conduct of an upper house committee, I suggest she ask questions of it. I cannot help the member with those particular issues.

I made my attitude toward St John Ambulance very clear yesterday. I have no intention of undertaking wholesale policy responses in relation to St John Ambulance. As I said yesterday, it does an outstanding job. It has the fastest response time in Australia. As for the attitude of the United Workers Union, I suggest the member asks it, although I suspect I know what its response to her will be! The last time an inquiry into St John Ambulance was undertaken was under a Liberal government in October 2009.

ST JOHN AMBULANCE — SERVICE DELIVERY

305. Ms L. METTAM to the Minister for Health:

I have a supplementary question. Can the minister answer the question: When was he made aware that members of this committee were considering this? Given ramping for this month now exceeds over 3 500 hours —

Several members interjected.

Ms L. METTAM: Just clarify—just answer the question. When was the minister made aware?

The SPEAKER: The supplementary question is just the first part of what the member asked then. Minister for Health, do you want to respond?

Mr R.H. COOK replied:

I was made aware of this when somebody told me that the committee had tabled its terms of reference in the upper house. To be perfectly frank, I have not even read the terms of reference yet, but I am sure that committee will do a good job. That is the business of the committee. It has nothing to do with me.

I want to put on the record that I think there was a bit of chatter yesterday, potentially from the corner of the room, that was put out in the media that somehow this is some sort of smokescreen to distract from ambulance ramping. It is not. Ambulance ramping is not caused by ambulances; it is caused by emergency departments and the availability of beds behind them, which is why we are expanding our EDs with an extra 95 beds or chairs and expanding our hospital system by an extra 158 beds, backed up with the biggest recruitment drive of nurses in the state's history. That is what resolves the ramping issues. Whether a committee in the upper house that is independent of government wants to undertake an inquiry of its own making is a matter for that committee.

WATER CORPORATION — NON-PAYMENT

306. Ms S.E. WINTON to the Minister for Water:

I refer to the McGowan Labor government's commitment to supporting those in our community who may be struggling or facing hardship, particularly throughout the COVID-19 pandemic.

- (1) Can the minister outline to the house how the government is supporting Western Australian households and families in paying their water bills?
- (2) Can the minister advise the house whether he is aware of anyone who is opposed to this government taking a compassionate approach and who thinks the government should be tougher on Western Australia families?

Mr D.J. KELLY replied:

(1)–(2) I thank the member for Wanneroo for that very good question. I am very pleased to answer it. I have spoken before in the house about this government's new approach to assisting Western Australian families to pay their water bills. I have previously given figures such as the fact that under the previous government, 2 500 families a year were having their water cut off for non-payment issues. We have reduced that by almost 70 per cent because we have been much more proactive in the way we have dealt with these issues. I can also advise that in its last year, the previous government instituted 748 claims in the Magistrates Court against Water Corporation customers who were not able to pay their bills. That is when the current Leader of the Opposition was the Minister for Water. In the four years prior to the hitting of the pandemic, we had reduced that number to 19, so there was a very significant reduction in the use of court action against Western Australian families who were struggling to pay their bills. On this side of the house, we are very proud of that response. Members may well be aware that during the COVID-19 pandemic, we have stopped cutting off people's water for non-payment altogether. We have ceased taking court action—full stop—during the pandemic. We are proud of that response.

I was surprised that the shadow Minister for Water, Hon Dr Steve Thomas, in the other place has twice this month been on the radio criticising our approach to these issues.

Point of Order

Dr D.J. HONEY: Hon Dr Steve Thomas is not the shadow Minister for Water.

The SPEAKER: That is not a point of order. I ask the minister to continue.

Dr D.J. HONEY: He is verballing him.

The SPEAKER: You clearly disagree with him.

Questions without Notice Resumed

Mr D.J. KELLY: Hon Dr Steve Thomas spoke on water matters twice on radio in the last month, criticising our approach to managing families who are struggling to pay their bills. In effect, he was arguing that we should be tougher on those families. With respect to not taking action against Western Australian families, he said that it is "lazy politics", it sets "a terrible precedent" and "it's absolutely astounding". He also said —

... you know in my view ... trying to carry favour and buy support and not take any of the hard and tough decisions.

...

... not good financial management.

He went on to say that it was "absolutely outrageous" and that it "sets a terrible precedent". He then said —

I think that's a terrible way to manage any business.

He went further. With respect to our decision not to take any recovery action at all during COVID, he said —

... there's no way in the world that every ... defaulting payer is a family suffering in economic hardship that's just nonsense in my view.

...

... to simply have this blanket approach ... it's not just poor business management, it's not just poor economic management, it is an insult to those people who pay their bills ... It is a terrible outcome ...

We on this side of the house have worked really hard to assist those families who might be struggling to pay their water bills, particularly during the COVID pandemic. We are proud of that. One of the members opposite attacked us on radio, not once but twice, saying we should be tougher on those families and we should be cutting off more families and taking more families to court. I ask the Leader of the Opposition and the Leader of the Liberal Party: do they support a more compassionate response or is it their policy that when Western Australian families get into difficulties, we should be taking them to court?

The only bit of evidence Hon Dr Steve Thomas provided to support his claim was that at the beginning of each month, about \$60 million of outstanding debt is on the books. He did not say—he should have known this—that that includes every family that is one day overdue. If he had done his research, he should have known that in 90 days, about 89 per cent of that debt is paid and the rest of it is followed up. There is absolutely no justification for the comments he made. The question for the members in the corner is: do they support this government's more compassionate approach or do they think we should be tougher on struggling Western Australian families?

SCHOOL BUS SERVICES — REGIONS

307. Mr P.J. RUNDLE to the Minister for Transport:

I refer to the growing number of angry parents concerned about the diminishing access to school bus services in multiple regions in WA. They raised that issue with me in community forums held in both Munglinup and Darkan recently.

- (1) Will the minister refer the current student transport assistance policy and operational guidelines to the Economics and Industry Standing Committee for review?
- (2) Will the minister allocate additional funding in the state budget to school bus services to ensure the ongoing provision of services for these regional communities?

Ms R. SAFFIOTI replied:

I thank the member for Roe for that question.

- (1)–(2) The issue of school bus services, in particular those servicing regional communities, has been an issue for many, many years. In many instances, we have small numbers of children and the distances are great. I never underestimate some of the challenges for children, particularly young children, being on buses for long periods, travelling from their home to school. The school bus service team in the agency is always trying to manage it because it is very challenging. Of course, different families have different aspirations. A family may have two children in primary school, and then one will move from primary to high school. That high school may not be local. In some cases, students may go to a boarding school, but normally they attend a high school that is a greater distance away. Family circumstances change. As I said, when we are dealing with vast distances and families with young children, it is a challenge. The school bus team in my agency does a lot of work with communities and the individuals involved.

The member will be happy to hear that I have been thinking about this issue quite seriously for a while. I had a discussion with the Minister for Education and Training because we both agree that issues are raised constantly. The issues relate to the policy set by the department and the policy set by the Public Transport Authority and then how they marry and merge to deliver services. As I said, these issues change over time. In some instances, things might be going well, but all we need is two families to move and, potentially, the children grow up and change schools. For example, I have a friend in Moran Rock. Her kids use the school bus services. She tells me about the constant challenges she faces as the profile of that area changes over time. The number of kids in the area changes over time, along with the schools they attend.

There are a couple of other competing factors with the issue of school bus services in regional WA. One is the different contracts that are out there. We had the evergreen contracts, which were signed up by the previous government. I know there was a bit of disquiet about those at the time—the expectation it gives the contractors not only during their lifetime, but also that they could be handed down and so forth. Those contracts are an interesting development that occurred under the previous government. There are other issues, such as the other contracts that have been tendered out, the quality of the buses and the maintenance issues. I agree that it is a very complex area. As I said, I have been very interested in this for a long time.

The member suggested that the matter be referred to a committee. That is something that I will consider, whether it be the Economics and Industry Standing Committee or another committee of the Parliament.

Given the member's deep interest in this issue, I expect that he may want to be co-opted onto that committee. I am very keen to discuss this. Unfortunately, this is the last day of this sitting period, but when we come back, we can discuss this and identify the exact terms of reference of the committee.

I also want to say that this is not going to be a budget ask. There are issues in public services across the state. I want to make sure that we use the budget allocation effectively and efficiently to deliver services throughout regional WA, noting the constant and changing demands for individual families and communities because, as I said, we are dealing with individual families. Of course, it also depends on the parents and where they are working, if they are working. There are hundreds of different factors. Trying to get a system that is responsive and flexible enough to suit every family is difficult, but I am happy to engage to see whether the system can be improved to better manage these issues so that the member, the Minister for Education and Training and I do not get as many queries and questions about this issue every day.

CYCLONE SEROJA — IMPACTED COMMUNITIES — GOVERNMENT SUPPORT

308. Ms D.G. D'ANNA to the Minister for Emergency Services:

I refer to the ongoing efforts to help communities across the midwest recover from the devastating impacts of cyclone Seroja.

- (1) Can the minister update the house on the measures being implemented by the McGowan Labor government to support residents and businesses impacted by cyclone Seroja?
- (2) Can the minister advise the house how the state government will continue to provide support to these residents and businesses as the recovery efforts continue?

Mr R.R. WHITBY replied:

- (1)–(2) I thank the member for Kimberley for that question and for her advocacy for her constituents, who are always concerned about natural events impacting on her part of the world. This question gives me the opportunity in my response to outline some of the many things that the government is undertaking to allow communities in that part of the world to recover. Today, I proudly wear a beautiful green-and-gold tie.

Mr R.S. Love: It is a good colour.

Mr R.R. WHITBY: It is a beautiful colour, member, but it is not a Nationals WA tie; I am not joining up with the National Party!

Several members interjected.

Mr R.R. WHITBY: In fact, members, this tie represents a far more respected and relevant institution! It represents the mighty Northampton Rams Football Club. On the weekend, I was at the Rams' game against Towns at Northampton Oval. There were many people there. The result was very interesting. Northampton scored 30–21 (201) to defeat Towns 4–2 (26). Watching that game was almost like being in the Legislative Assembly! Of course, it was obviously aided and abetted by the wonderful Harry Taylor, the Geelong great, who scored no fewer than 10 goals. It was a great occasion. The member for Geraldton and Hon Sandra Carr were there. Hon Steve Martin, a Liberal upper house member, was also there. The only party not represented was the Nationals WA! It had no-one there.

Several members interjected.

Mr R.R. WHITBY: I am not going to hold that against the Nationals. I am going to give its members a leave pass because we know the CAT bus does not go that far!

Several members interjected.

Mr R.R. WHITBY: Maybe you can cover that in your committee inquiry!

The state government has approved more than \$10 million of funding for the cyclone Seroja recovery. It includes \$2.5 million for small business and individual grants of \$4 000; \$2.3 million through the Department of Communities' emergency assistance program; \$2.2 million in Water Corporation service waivers; \$3.1 million in state government electricity relief grants; and \$220 000 in tourism marketing support to attract travellers back to the Coral Coast. The state government is doing everything it can to get assistance to those who need it most. I encourage those affected to apply for the help that is available.

Applications for both the individual and business grants of \$4 000 are open until 30 June. People who have been impacted are urged to take advantage of the program. So far, 672 applications have been received for residential grants, with more than \$1.9 million approved for payment of the cyclone Seroja small business relief grant; 230 applications have been received with 133 payments made so far, totalling \$532 000. The Department of Communities has handed out more than \$2.3 million in payments and provided accommodation support for those who have requested it. So far, more than \$3.1 million in electricity relief funding has been distributed, including Synergy's \$363 credit, Western Power's \$1 000 generator fuel grants and the \$160 extended outage payment, which I understand was doubled for cyclone Seroja.

The state and federal governments are also currently finalising a multimillion-dollar package to support the next stage of the recovery and rebuild. I would like to thank the commonwealth for its support. These communities have not been forgotten. We know how difficult this is, but this huge recovery package is going to make sure we rebuild and support the future of Northampton, Kalbarri and the entire midwest. This will provide support for temporary accommodation for workers to ensure that the rebuilding effort can be undertaken as quickly as possible. It will help clean up the disaster area. Under the joint program with the federal government, there will be additional welfare and health services, the restoration of community infrastructure, mental health support, and assistance for farmers and small businesses.

I would like to finish by once again extending my gratitude to all emergency services personnel who have put their lives on hold to help communities in need. We have seen that again, members, just this week with the State Emergency Service down in the great southern responding to more than 170 requests for assistance during that very severe rainfall and storm event. This year has been a very difficult time for Western Australians. I urge all members in this house to encourage their communities to prepare their properties for the coming storm season.

CYCLONE SEROJA — HERITAGE BUILDINGS

309. Mr R.S. LOVE to the Minister for Heritage:

I refer to the \$5 million royalties for regions goldfields earthquake restoration fund put in place in 2010, which funded repairs to heritage buildings in earthquake-ravaged Boulder, and note the damage caused by cyclone Seroja to heritage buildings.

- (1) When the minister visited Northampton and Kalbarri earlier this month, did he discuss potential funding models for heritage buildings in Northampton and other local government areas within the declared disaster zone?
- (2) Has work been done to establish an emergency heritage fund and mechanisms to expedite repairs to prevent further damage to these historic buildings?

Mr D.A. TEMPLEMAN replied:

I thank the member for the question.

- (1)–(2) As the member is aware, I visited the town of Kalbarri a few weeks back. I met with a significant number of people, including business owners affected by the disaster. Of course, businesses are associated with delivering tourism product and tourism services to the region. There were some wideranging discussions. The shire president was there, along with representatives from the broader community. One of the concerns that was raised, from memory, was the damage that had been done to some of the heritage assets. Most, if not all, are on what is now called the surveys but which was the old municipal heritage register. Some information would need to be provided regarding the extent of damage and, of course, on what options would be available. I understand that the heritage office has done some work on assessing some of those. We have been relying on local governments to provide information on that.

The Minister for Emergency Services has reminded me that there is some provision for heritage assets to be assessed and supported through the recovery funding process that he is leading. As we continue to gather information on those assets and the damage to them, they can be assessed. But in terms of the heritage portfolio, as the member would be aware, neither the heritage office nor the Heritage Council has an emergency fund; we have a grant funding program that supports the preservation of privately owned interests that have a heritage value. Any above and beyond support of that would normally be an over and above ask of government. As we know, in the recent past there have been appeals for significant heritage buildings that were damaged during storms. I recall that the Bunbury cathedral, I think—the member for Bunbury is not here with us this afternoon—was subject to a broader appeal to fix damage to that structure.

I am very interested in assessing them, but there is no pot of money in the event of an emergency as such that we can go to directly. I am interested in having ongoing conversations with the Minister for Emergency Services. As he has highlighted, we are very serious about making sure that the needs of the people of the Shire of Northampton and other shires are addressed. He has outlined a very extensive support program in the tourism area. He highlighted that we have already delivered a \$220 000 marketing campaign to support tourism in that area. Included in that is a package that will be available to visitors to that area to access tourism experiences in the region, under a subsidy program overseen by the visitors' centre. It is something they asked for at that meeting and we are delivering.

CYCLONE SEROJA — HERITAGE BUILDINGS

310. Mr R.S. LOVE to the Minister for Heritage:

I have a supplementary question. Could the minister clarify whether, apart from in the last five minutes, he has discussed this matter with the Minister for Emergency Services, and whether an application is with the federal government as part of the category C arrangements to provide some of this funding for heritage buildings in the affected area?

Mr D.A. TEMPLEMAN replied:

I am sure that the member could direct that specific aspect of the question to the minister responsible who is leading this, and leading this very well, I might say. The Minister for Emergency Services has been in that region on numerous occasions, the most recent on the weekend, and I certainly note that he has been there probably more times than the member has been in the last few months. The reality is that there is a comprehensive recovery program being overseen by the Minister for Emergency Services, including responding to a number of the challenges that have been demonstrated by the disaster that occurred earlier this year, and we are very confident that both the state and federal governments working closely with local government can deliver the outcomes that are required to support those people living and running businesses in that area.

The SPEAKER: Members, that concludes question time.

INDUSTRY AND TECHNOLOGY DEVELOPMENT AMENDMENT BILL 2021*Appropriations*

Message from the Governor received and read recommending appropriations for the bill.

**YMCA YOUTH PARLIAMENT
STATEWIDE STUDENT PARLIAMENT***Statement by Speaker*

THE SPEAKER (Mrs M.H. Roberts) [3.00 pm]: Members will have recently received information packs from the YMCA WA Youth Parliament program. This event is now in its twenty-sixth year. I urge you to support these leaders of tomorrow.

I remind members that following the winter recess, the Parliamentary Education Office will contact you about the Statewide Student Parliament, which will run from 24 to 26 October. The Statewide Student Parliament engages with 97 high school students from across Western Australia. Once again, I urge you to support this important program.

SOUTH FREMANTLE POWER STATION — EXPRESSIONS OF INTEREST*Standing Orders Suspension — Motion*

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.01 pm] — without notice: I move —

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

That this house expresses concern over the handling of the proposed sale of the South Fremantle power station, including an unrealistic and uncommercial time frame of eight business days for prospective proponents to submit an expression of interest.

Standing Orders Suspension — Amendment to Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

To add to the motion —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Standing Orders Suspension — Motion, as Amended

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

Question put and passed with an absolute majority.

Motion

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.02 pm]: I move the motion. As the minister pointed out in his answer to the question earlier today, members on this side and I certainly recognise the considerable heritage of that South Fremantle power station site. I drove past that site every day for 20 years of my working career on my way to work, when I was working for Alcoa south of Perth. It is a magnificent site. Members will have seen pictures from inside that site. It has a fantastic stairwell inside. I might say that it has some fantastic graffiti inside as well; we do not know whether that is going to be preserved. Certainly, as a building, it has been languishing for some time.

The opposition has brought on this suspension of standing orders to debate this motion because we have concerns about what appears to be a considerable truncation of this process. It is obviously an urgent matter because the expressions of interest will close by 2 July, which is in a matter of a few days. Once that is done, a proponent will be chosen by Synergy. We believe that completing that entire expressions of interest process within a week will exclude some proponents from making submissions.

The minister said that, in fact, a dozen proponents have already expressed an interest. I am not sure whether the minister means that a dozen proponents have submitted an expression of interest. I imagine that it would require some time for any proponent to submit an expression of interest. I am assuming there is some formality to that process that requires some documentation. But, more particularly, if proponents are going to submit an expression of interest for redeveloping that site—I heard what the minister said about the fact that proponents may have been interested in that site for some time—the reality is that there will be proponents who have not considered that site before and have not considered putting in an expression of interest. Now that someone has come forward, I do not see that this requires any urgency. As the minister pointed out, this site has been sitting idle for 38 years, I think it is. It is difficult to understand why, suddenly, because someone has come forward, we now have to truncate this process into eight business days.

It is an extremely complex site. As the minister well knows, the site has considerable contamination issues. I have here the contaminated site report, which shows that the site has hydrocarbons in the shallow soil and metals such as copper, nickel and zinc present in the groundwater under the site. I would be highly surprised if there were no issues. Given the age of the site, all the transformers operating on that site would have contained PCBs. Every power station site that I know has PCB contamination in the soil and, indeed, in the groundwater under those sites. This is a difficult site in terms of potential groundwater contamination but, of course, the building itself was riddled with asbestos. There was some asbestos removal. It is highly likely there is asbestos in that building as well, and, in any case, the building has been exposed to the environment for some considerable time and is likely to be degraded in parts. I believe that many proponents would require some degree of due diligence before they put in an expression of interest on this location, and, as I say, my concern is that, given the short time that has been allowed for this, those proponents will be excluded from that location. That is a concern, because we want to get the best value for this site.

We saw what happened with the East Perth power station site. As I understand from the public information that was made available, that site was given to proponents for a dollar. The justification was that it was a highly contaminated site, it needed a substation removed and remediation on the site. I went through the last budget and totalled it up. In that budget, \$65 million of taxpayers' money was committed to that site. Once the site had been given to a proponent, \$65 million was subsequently allocated to it. I understand that \$20 million of that was to remove a substation. We know that there is a substantial substation and switching yard associated with the South Fremantle location and I am assuming that that is going to have to be removed from that site. You are saying not, minister?

Mr W.J. Johnston: No, as I keep saying, this is Synergy selling the site. You're talking about Western Power land. The Western Power land is not included in the deal.

Dr D.J. HONEY: This is all government money, minister. In any form that it takes, this is all government money. It is all money. If Synergy is spending money on that site and if Synergy is going to invest money in that site to enhance its sale, that money will come out of the dividend that is paid to government. Any way you cut that cake —

Mr W.J. Johnston interjected.

Dr D.J. HONEY: The minister can tell me about it later. I am intrigued to hear when the minister speaks. He has 10 minutes; I have two left.

Mr W.J. Johnston interjected.

Point of Order

Ms M.J. DAVIES: I am finding it very difficult to hear.

The DEPUTY SPEAKER: Yes; me, too. Carry on, Leader of the Liberal Party.

Debate Resumed

Dr D.J. HONEY: Thank you very much, Deputy Speaker.

We are concerned that there may be some hidden costs in this deal that will affect taxpayers. We need to know up-front. What we need most of all is transparency. We need to know up-front whether there have been discussions about the government putting in additional money and whether that money is through Synergy or directly from the government, because we saw that with the East Perth power station site. As I said to the minister, any way he cuts the cake, whether part of the deal would be Synergy putting money into that development or not, we need to know. We particularly need to know whether that information is transparent to all the developers.

Also, Synergy has a direct commercial responsibility in this. Synergy, under its own act, has to do what is in the best commercial interests of the state. If it is not doing what is in the best commercial interests of the state, the Minister for Energy has to provide ministerial direction. We have heard here that the minister had discussion, but I assume from what the minister said that he has not given Synergy any direction in this matter. Has the Synergy board done what it needs to do to ensure that this will give the best outcome to the state? My contention is that such a short period of time for expressions of interest may well militate against the state getting the best outcome that it can for this site.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.10 pm]: It is hard to imagine that a deal has not already been done here. We know that an unsolicited bid was made to government, but because this apparently is an asset held by Synergy, some other form of transaction has had to be entered into by the government to allow this deal to go ahead. I think it would be good for the Minister for Energy to come clean and say who the unsolicited bid was from so that we will know up-front who this has been set up to assist.

This site has sat idle since 1997, which is when I think the first heritage assessment review process began. It is beyond belief that in all that time, it did not make it to the state heritage list but made it to that particular list on 14 June. Therefore, to say that there is not some process at play here, working to a plan and working to an outcome for a particular developer, I think would absolutely be stretching any sort of credible consideration.

I think we can understand why Synergy itself as a board is making this decision rather than government. It is a way of making sure that a party that can be said to be at arm's length from the government is making the decision, when in fact that is not the case. The minister will be, I am sure, integral to the decision of the Synergy board. A decision will not be made that is not in line with government expectations. I wonder whether the Synergy board is actually, as the Leader of the Liberal Party has said, acting with all the due diligence that it should be to ensure that it is getting the very best outcome for this site.

To have only eight days in which to find a buyer for a site of this magnitude is an incredibly short time frame. No credible reason has been put forward for why it is such a short time frame. Why on earth would it be advertised for eight days? Obviously, when people put in an expression of interest, a lot of them are just having a bit of a look to see what is going on. This, to me, seems to be a very half-baked way to sell an asset that has sat idle since 1986, I think it was, or thereabouts—a very, very long time. In all that time, it has not been given serious consideration. Why all of a sudden is it being sold in eight days through an obscure process that actually is not very productive for the Western Australian government itself?

MR W.J. JOHNSTON (Cannington — Minister for Energy) [3.12 pm]: I am very pleased to speak on this issue. I am shocked at the lack of understanding of commercial issues demonstrated by the Leader of the Liberal Party. People should actually read what the advert says. It was in yesterday's *The West Australian*; I have it here. It is a request for expressions of interest. It is not a request for a bid. I do not get that. The only people who will be involved in the expressions of interest are sophisticated investors. What does the advert ask people to do? It asks people to provide, firstly, their contact details, including details of their organisation; and, secondly, a capability statement, including their financial capacity and experience in developing sites of heritage value and potential remediation issues. It does not ask for a bid for the site.

Dr D.J. Honey: They don't know what's on the site.

Mr W.J. JOHNSTON: How stupid are the people opposite?

Dr D.J. Honey: That's just insulting.

Mr W.J. JOHNSTON: How stupid is the member for Cottesloe? That is a real question. What the advert asks for is not a bid. It does not even ask people to tell us what they would do with the site. It asks for a capability statement. The one thing that every developer knows is their own capacities. The one thing Synergy does not know is the capacity of the proponents. That is why it is asking for a capability statement. It is not asking for a bid. It is asking for a capability statement. Once it gets the EOIs, it will go and do whatever else it wants to do in terms of selecting a partner. I assume it will have some form of limited option process. I do not know that, because that is up to Synergy. The whole point here is that the government of Western Australia, as in the ministers, is not involved in any step of this process. The proponent made an unsolicited offer. I make it clear. In the other house, there has been a question of the Minister for Finance about a market-led proposal. This is not a market-led proposal. In fact, when I met with the proponents at that Zoom meeting in April, I said that there were two pathways for them. The first pathway is they could deal with Synergy, and Synergy would make its own decision about its own commercial interests and come to a conclusion about that, or they could put in a market-led proposal, which would get a whole-of-government response. For example, there are no undertakings as to road access issues. There are no undertakings as to planning procedures. None of those things has been given by government. This is a straight sale of the property, as is, and where is, subject to the conditions that are imposed on the site.

Do you know what? It is a difficult site. I do not expect that there will be much value available to Synergy from the sale of this site. That is because it has a heritage-listed building that has some level of degradation because it has not been used for 36 years. As the member for Cottesloe points out, there is almost certainly contamination on the site. What is worse for a new developer is there is a switchyard from Western Power immediately to the northern boundary, which separates this site from the South Beach development, and there is no proposal to move the switchyard. All that is being asked is that people make an expression of interest about whether they have the capability to make a bid. People are not being asked to make a bid. They are being asked to express their interest. No wonder sophisticated investors have fallen over themselves to talk to Synergy through its corporate advisers.

That is the problem with Liberal Party members. They always think they know business, but they know diddly squat.

Dr D.J. Honey: Where was it advertised?

Mr W.J. JOHNSTON: It was advertised in *The West Australian*. Didn't you read it?

Dr D.J. Honey: Only *The West*?

Mr W.J. JOHNSTON: Oh, my God! How silly are you! How dopey are you! You must be the dopiest person in this chamber.

Withdrawal of Remark

Mr P.J. RUNDLE: Mr Deputy Speaker, that is inappropriate language.

The DEPUTY SPEAKER: Minister, can you please withdraw that?

Mr W.J. JOHNSTON: I withdraw.

The DEPUTY SPEAKER: Thank you.

Debate Resumed

Mr W.J. JOHNSTON: This process is being run separately from government. It is being run by the management of Synergy. I have made that clear at every step of the way. I told the proponent that it would not be a matter for government. I told the proponent and Synergy that they should not refer a decision to me. They should make the decision for themselves, in accordance with their corporate governance processes, and approve it at the board level.

As I explained in my answer before, when Synergy got the unsolicited bid, management dealt with the matter, came to an option and put the option to the board; and, exactly as I said in question time, the board decided it wanted to put it out to an expressions of interest process. The government has had no visibility and does not seek any visibility on any aspect of Synergy's process in this area, because it would not be appropriate for that.

This is what really strikes me about the Liberal opposition and the National Party. They think that this is what ministers do. They think that ministers go out and buddy up to developers and do deals. That is just like what happened in Karratha with the corruption from the National Party in the Pelago development. That was corruption writ large. Remember what happened. There was an apartment building that the proponents owned. The then Liberal–National government rented the apartments in that building and then bought apartments in the second building, which were then empty. So, it was paying rent to the private developer while having empty apartments next door. It was corrupt then—it was corruption writ large!

We have kept government out of it. This is a commercial decision for Synergy. Do members know what is in the interests of Synergy? Getting the maximum price! If it can get more money for this proposal from one bidder over another, it should go for it, because that is what this is about. It is a very difficult site and this is going to be a difficult process for whoever wins it. There will only be sophisticated investors. People have been watching this site. I heard that a former Minister for Energy went on the radio this morning and complained about it. He had four years to do something with this site. Why was he too lazy to do anything about it?

Ms R. Saffioti: Was it Nahan?

Mr W.J. JOHNSTON: It is Mike Nahan. How ridiculous!

The reason this process is underway is that there was an unsolicited bid and the board of Synergy wants to test the market. I congratulate Synergy on that.

MS R. SAFFIOTI (West Swan — Minister for Transport) [3.20 pm]: This is as bizarre a suspension as we can get. Let us go through it. The Minister for Energy announces that the Synergy board has opened up an expression of interest process. The expression of interest has gone out to the market—I do not know why the Liberal Party is so “anti-market” nowadays, but it does not seem to like the market—to test interest in developing this site. That is it! It is about the capability of a developer.

We have heard from the Minister for Energy about the level of interest that has already been shown. No deal has been done. The member for Cottesloe; Leader of the Liberal Party said, “There's no transparency about the deal.” There is no deal! It is an expression of interest. But now he is debating which newspaper we should advertise it in. I do not know what newspaper people have on the coffee table in The Weld Club, but *The West Australian* is actually widely read and it is on the internet.

We have gone out and asked the market to give us an indication of the level of interest in the development of this site. That is what we have done. But somehow, the member for Cottesloe refers to a deal and a lack of transparency—it is there in the advertisement! I had the opportunity to see this wonderful building as I was on a high rail on the rail line from Fremantle to Forrestfield. I looked at it and actually said, “This is an incredible building.” It is an incredible building that I suspect is costing the state, through Synergy, hundreds of thousands of dollars to maintain each year. Anyone who has seen it will know that something needs to be done, because it is falling apart and has graffiti and so forth. What an incredible position we are in. But now we are arguing over the number of days to submit an expression of interest and what newspaper the ad is in. I am surprised that the member did not have a go at the font of the advertisement! That is the level of stupidity of this motion.

Once again, the Leader of the Liberal Party comes in and argues against the market and against a decision of the Synergy board. The member asked questions about contamination and all these other issues, which we would then deal with further through the process.

Division

Question put and a division taken, the Deputy Speaker casting his vote with the noes, with the following result —

Ayes (5)

Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle (<i>Teller</i>)
Dr D.J. Honey	Ms L. Mettam	

Noes (42)

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

Pair

Mr V.A. Catania

Ms C.M. Rowe

Question thus negatived.

TICKET SCALPING BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Ms A. Sanderson (Minister for Commerce)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS A. SANDERSON (Morley — Minister for Commerce) [3.30 pm]: I move —

That the bill be now read a second time.

The Ticket Scalping Bill 2021 follows on from the Ticket Scalping Bill 2018, which was passed by the Legislative Assembly, endorsed by the Standing Committee on Legislation and awaiting debate in the Legislative Council when Parliament was prorogued for the March 2021 general election. The purpose of the bill is to introduce new legislation prohibiting ticket scalping practices that adversely impact consumers in Western Australia. The legislation will sit within the portfolio of the Department of Mines, Industry Regulation and Safety, specifically within the Consumer Protection division. The 2018 bill received bipartisan support for its passage through the Legislative Assembly and is strongly supported by consumer advocates, artists and event promoters.

Most states and territories now have legislation to prevent ticket scalping. This bill is consistent with the most contemporary legislation, being that of New South Wales and South Australia. Ticket scalping practices have a negative impact on artists and event organisers, who carry the financial risk of preparing and hosting events, and can threaten the commercial viability of events. Revenue, including secondary revenue from activities such as the sale of merchandise, is directly related to attendance levels, and may be threatened by the impact of scalping on ticket affordability.

Consumers can suffer detriment as a result of ticket scalping in a number of ways. The resale of tickets at inflated prices can make popular events increasingly unaffordable for fans. In some cases, they may be tricked into paying grossly inflated prices because they are not aware that they are dealing with a reseller when they purchase tickets from an online provider. The use of software bots by commercial resellers to buy tickets in bulk quantities immediately after release can make it difficult for consumers to access tickets from the event organiser or authorised seller. Purchasers of resold tickets may be refused entry to events because the ticket is invalidated as a result of its unauthorised resale.

The Ticket Scalping Bill 2021 is identical to the 2018 bill, except for some minor amendments to incorporate recommendations made by the Standing Committee on Legislation and supported by the government. These will be explained in due course. The bill will provide strong mechanisms to address the consumer detriment that occurs

as a result of ticket scalping for popular public entertainment events hosted in WA. It delivers on longstanding commitments by the government to address serious and growing consumer concerns in this area. The provisions of this bill will apply to all tickets for events held in WA for which a resale restriction is imposed by the event organiser as a condition of purchase.

The provisions will prohibit the resale of tickets at a price that is higher than the original ticket price plus 10 per cent; prohibit the advertising of tickets for resale at a price that is higher than the original ticket price plus 10 per cent; require resale advertisements to provide consumers with details of the original ticket price and the location from which the ticket purchaser will view the event, such as row and seat numbers; provide that any resale restriction invalidating the ticket will be void if the ticket is purchased from a reseller in accordance with the requirements of the regulations; prohibit the use of software that enables or assists a person to circumvent the security measures of a website in order to purchase tickets in contravention of the terms and conditions of the organiser; provide education, investigation and enforcement powers for the Commissioner for Consumer Protection; and provide for maximum penalties of \$20 000 for a breach of the legislation by an individual and \$100 000 for a breach by a body corporate for most offences. Offences relating to the use of software will, however, incur a much larger maximum penalty of \$100 000 for an individual and \$1 million for a corporation.

The growing need for this legislation was demonstrated prior to the introduction of the bill at major events held in WA. At music concerts by Ed Sheeran and Adele in 2017 and 2018, and sporting fixtures such as the third Ashes test and AFL finals matches, tickets were advertised by private sellers and resale platforms shortly after release for as much as 10 times their face value. Restrictions on public gatherings due to the COVID-19 pandemic have driven concerns about ticket scalping from the headlines in recent times. However, as the event industry resumes its normal operations, it will be more important than ever to provide support for the industry in WA, to ensure that promoters are encouraged to stage live productions and sports events in the state and to get fans back to public events.

I mentioned earlier that this bill is identical to the 2018 bill, except for some minor amendments to incorporate some of the recommendations of the Standing Committee on Legislation. Those amendments are as follows. Clause 3 has been amended by the addition of a definition of “ticket scalping”, which is required as a result of the use of this term in the amended version of clause 16. In clause 3, the definition of “event organiser” has been amended by replacing the term “declared” with the term “prescribed” when referring to regulations, in accordance with usual drafting practices. Clause 4 has been inserted to provide that the act binds the Crown. This has been inserted on the advice of parliamentary counsel to accord with the practice of including such provisions in all new principal acts unless there is good reason not to do so. Clause 14 has been amended by the addition of a note explaining the way investigative powers under the Fair Trading Act 2010 have been incorporated. This is to provide additional information and does not make a substantive change to how the provision will operate. Clause 17 has been redrafted to make it clear that the statutory review of the legislation will specifically be required to consider whether the operative provisions have been effective in reducing the practice of ticket scalping.

I thank the Minister for Tourism for his assistance in the development of this bill, which will help to facilitate the staging of major events in Western Australia in the future. This bill unashamedly places the fans first. It reflects a commitment by the government to provide strong protection for consumers and delivers on a longstanding election promise. It will ensure that those with unwanted tickets to events can sell those tickets without breaching conditions of purchase, and at the same time will promote openness, transparency and reasonable access to the market for WA families to enjoy major events at a fair price. I commend the bill to the house.

Debate adjourned, on motion by **Mr P.J. Rundle**.

PUBLIC HEALTH AMENDMENT (SAFE ACCESS ZONES) BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

MR R.H. COOK (Kwinana — Minister for Health) [3.36 pm] — in reply: Before the lunchbreak I was thanking members for sharing their personal stories, in particular the member for Fremantle for sharing her personal experiences, the member for Riverton, and, of course, the member for Nedlands, who provided some great testimony from women who have experienced the unspeakable and horrible activities associated with people harassing those trying to access legal health services. The member for Nedlands’ speech really shone a light on how women who have made an already difficult decision have found that decision made almost unbearable by the fact that people undertake these horrible activities. I spoke about the contribution from the member for Bassendean, who provided us with historical perspective around the privatisation of Swan District Hospital at the new Midland site; it was privatised and given over to an operator that would not provide the full range of services. Let us set that debate aside; suffice to say that that series of events led to a particular focus around Marie Stopes Midland for much intimidating and harassing of people as they go to that centre. As I said before, both Marie Stopes and the other clinic are responsible for around 80 per cent of these legal health services that are provided in Western Australia. That, of itself, means that there is limited access to these services at any rate. The situation is made all the more reprehensible by virtue of people focusing their efforts on these two facilities.

I thank the member for Bassendean for acknowledging the staff who work in these facilities, providing great care for people who come to them and who have felt the brunt of the harassing behaviour. It was appropriate that he acknowledged the great work they do and the fact that they, too, are subject to a lot of this unacceptable behaviour.

The member for Burns Beach provided a telling recollection of his time as a police officer working with people who use these tactics. We should take the opportunity to note that for many police officers, these are very difficult circumstances. They want to provide peace and safety in the community, but, at the same time, they are limited by the fact that the laws do not facilitate their great work. I hope that these laws will go a long way to provide police with the powers that they need to ensure that they can provide safe access to these legal services.

The member for Bateman made an important contribution that acknowledged the rights that individuals have, as part of a free and democratic community, to protest and express their political or religious views. However, those rights cannot trample over the rights of others—that is, the right to access safe and legal medical services. From that perspective, it is important that we acknowledge that this is a balance between the rights of those who wish to protest and those who wish to access these services. The member for Bateman acknowledged that people protested just last week around Parliament House; that is appropriate. It is not appropriate to do that in the face of an individual who is trying to access these services and who, in many cases, has faced a complex and difficult journey, made all the more difficult by these activities.

I would like to thank all members for their contributions. I hope that I have managed to clarify their concerns in the questions raised. This is important legislation. I regret that Western Australia is the last of the states and territories to undertake this important piece of lawmaking, but we are here at last and passing the Public Health Amendment (Safe Access Zones) Bill 2021 for the second time now. I hope that it has a speedy passage through the other place where it will be considered in an appropriate fashion and receive the consent of those members as well.

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 will be the level of communication to clinics and their staff and personnel by the time this legislation is implemented?

Mr R.H. COOK: If the bill passes through the Parliament, the Department of Health will work with WA police and the premises at which abortion services are provided to implement the new legislation. WA police will be responsible for enforcing the new provisions. It has already started to make some preliminary preparations for the implementation of the legislation in anticipation of its potential passage. The Department of Health will assist by informing all health services in WA that provide abortion services, as well as any relevant stakeholders and groups affected by this legislation, about the new prohibitions. In preparation for the passage of the legislation, the department has already started to develop a communication strategy, which will provide guidance and additional information in the event that the bill passes through the Parliament.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Part 12C inserted —

Ms L. METTAM: I am not sure whether this is the best place to ask this question. This bill provides for a safe access zone, which is a 150-metre buffer zone around an abortion clinic. I would like some clarification on how members of the public and the abortion clinics will be made aware of this zone.

Mr R.H. COOK: While we are retrieving that information, does the member mean in terms of signage or is her question about communication with the organisation in the area and things of that nature?

Ms L. METTAM: Will any signage or demarcation be used? Will there be a way for the public to easily identify where that 150-metre zone sits?

Mr R.H. COOK: As part of the implementation process, all health services in WA that provide abortion services will be notified and provided with information to assist them in preparing their premises if they wish to. Specific decisions about potential signage that could be added outside an abortion clinic is to be left to the discretion of the service being protected. Depending on the location of the clinic, the area around it that would fall within a safe access zone might be public land managed by the relevant local government. If any signage or demarcation is needed, it will be something for the clinic to discuss with the relevant local government and WA police.

I would like to stress that we are not aware of any official demarcation or signs used around abortion clinics in other jurisdictions. That type of signage could potentially attract more attention, which might work against the purposes of the bill to protect the privacy and dignity of those who need to access those clinics. Therefore, those types of measures will need to be considered carefully in the implementation phase of the legislation. I imagine, member, that we will not be going around painting lines on roads and things of that nature. It would be more a matter of working with the local community to improve awareness about those things. One particular clinic has a church within 150 metres of it. Those sorts of organisations, for instance, would probably be liaised with on an as-needed basis.

Ms L. METTAM: This next question came up in other jurisdictions and I am sure that there may be some interest in the answer. What does this bill mean for silent prayer to be held within the safe access zone? I saw that questions were raised in South Australia about what the legislation would mean when the approach by protesters is not direct, but obviously the person is within that 150-metre zone.

Mr R.H. COOK: That is a good question to raise. The bill does not expressly prohibit silent vigils in a safe access zone. The provision has been framed to prohibit communication about abortions within the safe access zone if that communication is able to be seen or heard by a person entering or leaving premises providing abortions and is reasonably likely to cause distress or anxiety. The last element of the offence is an objective test that would ultimately be determined by a court, depending on the circumstances of the case. For instance, if someone is within the safe access zone area or boundary, undertaking prayer, but doing so behind closed doors or in a way that does not give rise to drawing the attention to the activity of people going to the clinic, it obviously would not be considered a prohibited behaviour. In this case, we have those two hurdles that have to be triggered in order for a behaviour to become prohibited.

Ms L. METTAM: I have another question about reasonable excuse. I refer to the proposed section that states that it would be an offence to engage in prohibited behaviour within the safe access zone without reasonable excuse. Proposed section 202P(2)(c) states —

without reasonable excuse, interferes with or impedes a footpath, road or vehicle in relation to abortion ...

For the benefit of putting some clarification on the record, could the minister please explain what he considers a reasonable excuse would be in such a circumstance?

Mr R.H. COOK: I can provide the member with some guidance. Obviously, what is considered a reasonable excuse would depend upon the police officers in attendance on the day. They would form a view based on the growing case law in this particular instance. Examples of a reasonable excuse are when a behaviour is engaged in by a law enforcement officer acting reasonably in the performance of his or her duties; when a behaviour is engaged in by a person employed or contracted to provide services at or near the premises, such as security or construction services; or when behaviour such as impeding a footpath outside a hospital is engaged in by persons involved in lawful industrial action. I will make some comment about the observations made in a High Court ruling about silent prayers, where the majority stated —

... ‘silent but reproachful observance of persons accessing a clinic for the purpose of terminating a pregnancy may be as effective, as a means of deterring them from doing so, as more boisterous demonstrations.’

This goes back to the last point the member was making. It is not simply enough for a person to say they were simply praying if, in the opinion of the police officers present, it was being undertaken in a way that provided that level of intimidation or obstruction of the person involved. From that perspective, it will be about the impact of the conduct of that behaviour.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR R.H. COOK (Kwinana — Minister for Health) [3.54 pm]: I move —

That the bill be now read a third time.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [3.54 pm]: I rise just to make a few very brief comments on the third reading in support of the Public Health Amendment (Safe Access Zones) Bill 2021. In particular, I would like to thank the advisers for their flexibility and availability to the opposition. I understand that this legislation is the last of its kind to be passed in the country. It is a conscience vote. I support this bill, given it will provide a freedom for an individual to conduct a lawful activity that is now recognised in Western Australia and has been for some time. I leave my comments there and I commend the bill to the house.

MR R.H. COOK (Kwinana — Minister for Health) [3.55 pm] — in reply: I would like to thank all members for their contributions to this debate. I think it has been a very respectful debate and we greatly acknowledge the advocacy of the members for Vasse and Central Wheatbelt, understanding that it is a conscience vote for those on the other side, and from that perspective we thank them as individuals for their support. I also join the member for Vasse in thanking the staff, in particular Elli and Teresa, for their great work. I also thank my ministerial staff, in particular Julie Armstrong. I am pleased to see this legislation pass this place once again, and I very much look forward to its expedient passage in the other place.

Question put and passed.

Bill read a third time and transmitted to the Council.

ADJOURNMENT OF THE HOUSE

Special

MR D.R. MICHAEL (Balcatta — Parliamentary Secretary) [3.55 pm] — without notice: I move —

That the house at its rising adjourn until 2.00 pm on Tuesday, 3 August.

In moving this motion, I would like to wish all members the best for a safe winter break, whether they are taking the opportunity to take some leave or returning to their electorates.

Question put and passed.

House adjourned at 3.55 pm
