Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2020

LEGISLATIVE ASSEMBLY

Thursday, 18 June 2020

Legislative Assembly

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

LESMURDIE PRIMARY SCHOOL

Petition

MR M. HUGHES (Kalamunda) [9.02 am]: I present a petition signed by 1 207 petitioners. It has been certified by the clerks and is couched in the following terms —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned say:
>
> Lesmurdie Primary School needs to be rebuilt. The school was built for a 30 year life-span, and will soon celebrate its 60 year anniversary. The rooms are not big enough for intensive learning, the school is in a category 1 bushfire area, and the buildings are not compliant.
>
> Now we ask that the Legislative Assembly call upon the State Government to reconsider and provide Lesmurdie Primary School with infrastructure necessary to achieve positive learning outcomes for students, so it can remain a school of choice for parents and students within the Southern region of the Kalamunda electorate.

[See petition 181.]

PAPERS TABLED

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

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Inquiry into the Magistrates Court of Western Australia's Management of Matters Involving Family and Domestic Violence — Extension of Reporting Date — Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [9.04 am]: The Community Development and Justice Standing Committee has resolved to extend to 13 August 2020 its inquiry into the Magistrates Court of Western Australia's management of matters involving family and domestic violence.

VOLUNTARY ASSISTED DYING ACT

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [9.04 am]: The Voluntary Assisted Dying Act 2019 was passed by Parliament in December 2019. Part 1, other than divisions 2 to 4, commenced on royal assent on 19 December 2019, and the rest of the act will commence on proclamation, which is expected in mid-June 2021. The Department of Health has commenced the Voluntary Assisted Dying Act implementation project and set up the VAD implementation leadership team. Dr Scott Blackwell is the chair and Ms Noreen Fynn is the deputy chair of the implementation leadership team. The other team members include Dr Elissa Campbell, Ms Amanda Collins-Clinch, Ms Margaret Denton, Associate Professor Chris Etherton-Beer, Dr Andrew Miller, Mrs Chris Kane, Hon Dr Sally Talbot and Dr Peter Wallace. The team has been established to provide expert advice to the department, as well as overseeing, coordinating and facilitating the work required to prepare for voluntary assisted dying in Western Australia. Members of the team will lead work groups tasked with a number of these elements, including establishing the Voluntary Assisted Dying Board; developing clinical guidelines and a service delivery framework; recommending the approval of a suitable voluntary assisted dying substance or substances; developing pharmacy and care navigator services; participating in practitioner training; developing consumer, community and health provider information; and establishing secure data and reporting mechanisms. The team will be working closely with key stakeholders throughout the next 12 months to ensure that voluntary assisted dying is implemented safely and appropriately within the context of existing care options available to people at the end of life. The passage of the VAD act was a watershed moment for this Parliament. The government listened to the community and is now getting on with the work of making voluntary assisted dying a lawful option for eligible people with intolerable suffering at the end of life.

CORONAVIRUS — QUARANTINE ARRANGEMENTS

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [9.07 am]: The Western Australian government has worked tirelessly with its state and federal counterparts to develop a collaborative approach to the COVID-19 pandemic

that was based on the best public health advice. The quarantine arrangements adopted across Australia have been a vital part of the response to ensure the protection of all Australians from the unprecedented challenges posed by the virus. In the early stages of our response to the COVID-19 pandemic, it became apparent that nearly all the confirmed cases of COVID-19 were linked to overseas travel. Of the state's 602 cases, 255 people acquired the infection at sea and 261 via overseas travel, which made up 86 per cent of the state's confirmed COVID-19 cases. As agreed by national cabinet, from 29 March 2020, all international travellers arriving in Australia by air or sea have been required to undertake a 14-day mandatory quarantine period in a state-designated quarantine facility. Further to this, the WA State Emergency Coordinator issued the "Quarantine (Closing the Border) Directions", which established that from 6 April 2020 all interstate travellers arriving in WA were also required to complete a 14-day period of self-isolation. To date, 5 291 mostly international travellers have quarantined at a hotel facility under the responsibility of the State Health Incident Coordination Centre. In addition, 198 passengers from the *Vasco da Gama* cruise ship and 211 returned travellers on a South African flight were accommodated at Rottnest Island. Currently, 841 travellers are residing in a hotel—706 are in quarantine and 135 have completed quarantine and are awaiting transport to their next destination. A total of 128 passengers have tested positive for COVID-19 while in hotel quarantine.

Having these people in quarantine and isolated from the Western Australian community has significantly increased our ability to contain and prevent the transmission of COVID-19. The establishment of state-designated quarantine facilities and the system and processes required to support travellers in quarantine has not come without cost. Up until 15 June 2020, the state government has invested $14 781 555 into these facilities to limit the spread of COVID-19.

The following is a breakdown of the quarantine payments made up to 15 June 2020, noting that there is a lag in invoices coming through and therefore costs paid to date cannot be related to the number of passengers who have been through quarantine facilities. The total for quarantining people in Perth's hotels is $14 071 186. The total so far for quarantining people at Rottnest Island is $710 369. The investment in these measures is money very well spent, considering Western Australia has become one of the safest places in the world for preventing the spread of COVID-19. We are charging the federal government for its 50 per cent share of these costs under the COVID-19 national partnership agreement.

FIRE AND EMERGENCY SERVICES — QUEEN'S BIRTHDAY HONOURS LIST

Statement by Minister for Emergency Services

MR F.M. LOGAN (Cockburn — Minister for Emergency Services) [9.10 am]: I would like to inform the house about the deserving Western Australians acknowledged in fire and emergency services in this year's Queen's Birthday honours list. In no particular order, I would like to congratulate the following recipients of the Australian Fire Service Medal.

Mr James Armanasco, AFSM, of Kalamunda Volunteer Fire and Rescue Service, has dedicated 35 years of outstanding frontline service to the brigade. He has attended more than 3 000 callouts, averaging more than 100 a year, and was the officer in charge at 1 100 of those incidents. Mr Armanasco has also set up a local fire hydrant database to give firefighting personnel critical information in a fire emergency.

Mr Peter Crosby Sutton, AFSM, of the Department of Fire and Emergency Services, has had a distinguished career. He has developed innovative training programs for career firefighters and was instrumental in the adoption of thermal imaging cameras across DFES appliances. Mr Sutton has also worked closely with ABC emergency broadcasting to improve the emergency information provided during an emergency to keep communities safer.

Mr Warren John Day, AFSM, from Busselton Volunteer Fire and Rescue Service, is a beloved member of the brigade who has dedicated 36 years to serving the community as a firefighter. He is also a respected mentor, and implemented the Busselton International Firefighters Day Memorial Service. Mr Day also played a key role in the establishment of the nearby Dunsborough VFRS.

I turn to the recipients of the Emergency Services Medal.

State Emergency Services volunteer Mr David Jason Price, ESM, whom you would remember, Mr Speaker, was also an employee of Parliament House.

The SPEAKER: Yes.

Mr F.M. LOGAN: He is also a respected leader of his local State Emergency Service unit and has an unwavering commitment to SES volunteers. Mr Price's dedication to helping keep communities safe has seen him deployed to tropical cyclones in the Kimberley and Pilbara regions, through to helping in severe storm clean-up for his local communities of Mandurah, Rockingham and Kwinana.

Mr Danny Goodlad, ESM, volunteer from Marine Rescue Rockingham and former employee of the Department of Fire and Emergency Services, has made an outstanding contribution to Marine Rescue WA and DFES marine services in his career and as a longstanding volunteer, including the introduction of a training package for marine rescue volunteers.

I am sure that everyone in this house will join me in acknowledging the recipients for their ongoing commitment to emergency services and to keeping the people of Western Australia safe.

KEYSTART LOANS — INCOME LIMITS

Statement by Minister for Housing

MR P.C. TINLEY (Willagee — Minister for Housing) [9.13 am]: I am pleased to inform the house that the McGowan government will extend increased income limits for homebuyers taking out Keystart loans until 30 June 2021, and promote the availability of a home renovation loan for existing Keystart customers. The campaign builds on the announcement earlier this month of a $444 million housing stimulus package designed to encourage homebuyers, and to protect and support jobs in the residential construction sector.

In July 2019, as part of the McGowan government's policy to help more Western Australians achieve the dream of home ownership, Keystart increased maximum income limits for applicants eligible for its low deposit home loans. The new income limits rose by $15 000 for singles and couples, and $20 000 for families, and, dependent on metropolitan or regional location, applied to homes valued up to $650 000. Those eligibility arrangements were due to revert on 1 July this year, but will now continue for at least 12 months.

In addition, existing Keystart customers can now access home renovation loans from $1 000 up to $100 000 to undertake property improvements and renovations. The promotion of the existing loan, now known as a renovation loan, aims to create opportunities for eligible Keystart customers to undertake home improvement projects and invest in their properties, while supporting the local housing and construction industry. The home renovation loan campaign could see up to $12.4 million injected into the Western Australian economy through products and construction services. The McGowan government understands the importance of people owning their own home and has worked hard to make that dream accessible for more and more Western Australians.

HEATHER BRAYFORD — PUBLIC SERVICE MEDAL

Statement by Minister for Fisheries

MR P.C. TINLEY (Willagee — Minister for Fisheries) [9.15 am]: I would like to inform the house of some very welcome news. Over the years, I am sure that many members would have had dealings with Heather Brayford, the current deputy director general, sustainability and biosecurity, of the Department of Primary Industries and Regional Development. I am pleased to advise that Ms Brayford's unstinting contribution to Western Australia's civil service was recognised in the recent Queen's Birthday honours when she was awarded the Public Service Medal. She was one of only four Western Australians acknowledged in this year's honours list and will be presented with her medal by the Governor later this year.

This medal is well deserved. Heather began her public service career in 1986 as a trainee graduate at the then Department of Fisheries. Through hard work and diligence, she ascended the ranks and held various senior policy positions, culminating in her 2014 appointment as director general of the Department of Fisheries—the first woman appointed to that role. Heather's achievements are many and varied, and listing them would take longer than I have to speak at this time, but it is in the area of innovative policy leadership that she excels. Her Public Service Medal award recognises her significant, lasting and tangible contributions to the management of our state's fisheries, especially through her exemplary leadership in the areas of legislative reform and policy. Her careful stewardship of WA's fisheries and aquatic resources have helped to ensure their sustainability for our generation and future generations.

As the Minister for Fisheries, I can unequivocally attest to Ms Brayford's professionalism and experienced advice and I take this opportunity to express my sincere appreciation for both. She has exemplified the core values of honesty, trust building and collaborative engagement that are so essential to achieving balanced and fair outcomes. I am sure there are members opposite who would support my opinion. I look forward to continue working with Heather and commend her achievements to the house.

CORONAVIRUS — EVENTS INDUSTRY

Grievance

MRS A.K. HAYDEN (Darling Range) [9.17 am]: My grievance today is to the Minister for Tourism, and I thank him for taking my grievance on behalf of the thousands of businesses in the Western Australian events industry that have been left without work, with no financial assistance and no pathway forward.

The first announcement on 13 March 2020 that restricted crowd numbers due to COVID-19 saw the shutdown of the events industry and Western Australia's iconic events. Without a plan for revival, many of those businesses and events may never come back, taking thousands of local jobs with them. As the minister knows, we need our large events to attract interstate and international visitors to WA. Those events inject billions of dollars into our economy, while small and regional events support our towns, local businesses and local jobs. Nationally, the events industry contributes $150 billion to the economy and employs more than 170 000 workers. Here in Western Australia, major events, such as the annual Fringe World Festival, make more than $100 million for the state. According to the Fringe World Festival 2019 impact report, for every dollar invested by the WA state government into Fringe World, $80 was stimulated and spent in the local economy, with 2 205 full-time equivalent jobs being created. Minister for Culture and the Arts, the jobs created were not just for actors, comedians, musicians and dancers; they were also

for lighting technicians, caterers, animal handlers, electricians, event coordinators, booking agents, travel agents and promotional campaigners. They have all lost their incomes as a result of COVID-19 restrictions and they cannot get back to work. If this industry is not saved, Western Australia risks losing the highly specialised skills that these workers bring to the table.

According to the Events Industry Association, nine out of 10 businesses reported that at least 80 per cent of their bookings were cancelled in the first week of restrictions, and half of them reported 100 per cent loss of income during March and April. Sadly, 66 per cent of event businesses had closed their doors by the end of March and only 38.5 per cent expect to reopen at the same size, with half of them not expecting to re-employ the same number of staff that they had employed prior to the COVID-19 pandemic. When the first restrictions were announced, we were at the height of the pandemic and it made sense to do whatever it took to limit the spread of COVID-19. It was devastating to see beloved community events like the Mandurah Crab Fest and the Perth Caravan and Camping Show cancelled, but it was a price we all had to pay. Now, with continued low numbers and no community spread of the virus, there is no reason to keep upcoming events on hold, provided, of course, they can go ahead with health and safety plans in place and under medical advice. Plans are already underway in New South Wales, where the state government has granted the National Rugby League permission to allow limited numbers of fans to attend live games, obviously subject to the rule of one person per four square metres. The details have not yet been finalised but it is understood that the first fans are expected to return from 1 July and will be confined to catering areas within the venue. It may not be perfect or a return to normal, but they have to start somewhere. We have to begin establishing a process for events to go ahead. Would it not be great to see the western derby at Perth Stadium on 18 July? The Minister for Tourism can make that happen, and if he does, on behalf of all the mums, dads and kids who will be in the stadium happily cheering for their favourite football player, I will be the first person to put out a media release to thank the minister for making this very important and wise decision.

As members know, events take time to organise and promote. If a plan is not already in place when the government announces the lifting of numbers at events, we risk repeating the same mistake that happened in opening the Kimberley border. After weeks of refusing to provide tourism operators in the Kimberley any idea of when they may be able to reopen and expect visitors, the state government made the announcement that border restrictions would be removed at midnight the same day, giving everyone less than 24 hours to prepare. My fear is that we will make the same mistake if we do not give the events industry warning and time to prepare. I would hate the minister to repeat this mistake and not allow the events industry time to prepare to make sure that we have these events on track. The clock is ticking on our major events and organisers need to know whether they are able to go ahead as soon as possible so that they can deliver, with all the necessary health and safety measures in place. A decision on the Perth Royal Show is expected shortly—maybe as soon as next week. Many regional shows and fairs, from the Gidgegannup show to the Wagin Woolorama, are waiting on this decision, because exhibits, performers and rides come directly from our Perth Royal Show to our regional shows around WA. One of the biggest annual events in my electorate of Darling Range is the Jarrahdale Log Chop run by the Serpentine Jarrahdale Lions Country Fair, and the axeman comes straight from the Royal Show to compete in Jarrahdale at that log chop event. It is so popular down there that people come from all around to watch. If the Royal Show does not go ahead, it will have a huge roll-on effect across our region. It will have a roll-on effect on our small businesses and on jobs. They need certainty now from the minister and the Premier on when they are going to increase the numbers for mass gatherings so that these events can be planned.

Additional to these regional affairs, we also have large-scale events that require time to be coordinated, such as the Margaret River Gourmet Escape, the Albany Classic Motor Event, CinefestOz, and art exhibitions that go on around the state. Western Australia has world-class events that can take anywhere up to three years to secure and organise. Those events are needed to fill our stadium, hotels and VenuesWest venues. We need to ensure that tourists come here in the years to come. That does not happen overnight. If we are not preparing to secure these small and large events in the industry now, we could be losing events to other states and countries that will be vying to attract the best events for their economy.

I understand that the minister has already started some discussions with the industry and I hope that he continues to move this forward and give it the certainty it needs. Organisers need to know in advance a date that large events can reopen so that they can start planning ahead. They need to know whether there will be any financial assistance to help them through the times ahead, and they also need to know when the state border will be reopened so they can plan ahead and make sure we get the world-class events that this state so deserves. We need to fill our stadium and VenuesWest venues, we need to fill the Perth Convention and Exhibition Centre, we need to fill our hotels, and we need to support our small businesses and the local jobs that these events support.

MR P. PAPALIA (Warnbro — Minister for Tourism) [9.24 am]: I thank the member for her grievance. I think the member just confirmed for the people of Western Australia why they should be thankful that the current government, rather than the opposition, is having to deal with this COVID crisis and threat. That was a list of all the things that everyone understands. Obviously, it would be nice if events were able to happen. Obviously, it would be nice if we could reopen the borders because there had been no community spread on the eastern seaboard and there was no threat to Western Australians. Obviously, it would be nice if there was no COVID pandemic in the world and

we did not have to deal with a threat the likes of which we have witnessed in other parts of the world where people have not been able to deal with the COVID threat. That would all be wonderful. That would be really nice; it would be great. Yes, as someone has said, staff from my office met with the events industry, as they have done with every sector that I am responsible for, and are leading the consultation to ensure that its interests and proposals are fed into the recovery process and the decision-making process in dealing with the COVID threat. Well done—the member has talked to one person! Obviously, nothing the member raised shone any light on the situation.

Mrs A.K. Hayden interjected.

The ACTING SPEAKER: Member for Darling Range!

Mr P. PAPALIA: Nothing that the member said offers any insight into a new approach or a reason for doing something that the government has not already done. Everyone in Western Australia understands that we are confronting a threat the likes of which no-one alive on the planet has gone through before.

Mrs A.K. Hayden interjected.

The ACTING SPEAKER: Member for Darling Range, grievances are meant to be heard in silence.

Mr P. PAPALIA: There is no playbook for dealing with COVID-19 and the resultant economic crisis, which could be the equivalent of the Great Depression. Nobody alive on the planet has gone through that and had to deal with it before, so we are writing the playbook. Yes, we have a plan. Western Australians know that and are very confident that the government has a plan. What is dangerous and disappointing is the member's response. The manner in which the opposition in Western Australia has responded is a threat to the confidence of the community in measures that are taken to counter the threat of COVID. That is a dangerous thing.

Several members interjected.

The ACTING SPEAKER: Members!

Mr P. PAPALIA: That is an immature and irresponsible thing.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, grievances will be heard in silence, and the response; thank you.

Mr P. PAPALIA: The member for Carine is going to advise us on the community spread of coronavirus!

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr P. PAPALIA: That would be a frightening event!

Mr A. Krsticevic interjected.

The ACTING SPEAKER (Mr S.J. Price): Member for Carine, I call you to order for the first time.

Mr P. PAPALIA: Everyone in Western Australia knows that the McGowan government pushed tourism to greater levels. Western Australian tourism was at its absolute pinnacle in December last year, when the last lot of data was released by Tourism Research Australia. The numbers for out-of-state tourism in 2018 and 2019 were the highest in history.

Mr D.C. Nalder interjected.

The ACTING SPEAKER: Member for Bateman!

Mr P. PAPALIA: The December 2019 data from Tourism Research Australia showed that 995 700 international visitors came to WA. That is the highest number of international visitors on record. The number of international holiday visitors to WA also reached a record high of 536 400. That was the strongest growth rate in international holiday visitors and spend of all the states and territories in Australia.

Mr D.C. Nalder interjected.

The ACTING SPEAKER: Member for Bateman!

Mr P. PAPALIA: I am not asking for an interjection.

Mrs A.K. Hayden interjected.

The ACTING SPEAKER: Member for Darling Range!

Mr P. PAPALIA: I am not accepting it.

Mr D.C. Nalder interjected.

The ACTING SPEAKER: Member for Bateman!

Mr P. PAPALIA: For two years in a row, in 2018 and 2019, we had the largest number of international visitors and holiday-makers in history.

Mrs A.K. Hayden interjected.

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

Mr P. PAPALIA: We inherited a disaster from the Barnett government. We inherited a false impression that visitors during the boom were all business related. That collapsed, and nothing was done to prepare for the post-boom. The previous government operated off a strategy that was demonstrated to have failed. The member herself was Parliamentary Secretary to the Minister for Tourism. I do not know what she did, other than fail to focus on her —

Mrs A.K. Hayden interjected.

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

Point of Order

Mr D.A. TEMPLEMAN: The member for Darling Range was heard without interruption; she should give the same courtesy to the minister.

The ACTING SPEAKER (Mr S.J. Price): She was, I agree, and she will. Thank you.

Mr P. PAPALIA: I think she spent a lot more time organising cocktail parties at Parliament than she ever did on her portfolio.

The ACTING SPEAKER: Minister, there is no point of order.

Mr Z.R.F. KIRKUP: I am curious whether the minister is responding to the point of order or continuing with the grievance.

The ACTING SPEAKER: He is continuing with his response. Please be seated, member for Dawesville.

Grievance Resumed

Mr P. PAPALIA: Fortunately, we came into office. We boosted tourism to its biggest numbers, with the biggest contribution ever made to the state. We were growing interstate tourism numbers in every single sector at the fastest rate in the country. Then COVID-19 occurred—a pandemic! Of course that has had an impact on tourism. Everyone knows that we have responded, and I believe Western Australia has had the best response in the country to the COVID-19 threat. We are also recovering at the fastest rate.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr P. PAPALIA: Our hospitality and tourism sectors enjoy the most liberal operating environment in the nation, with the exception of Darwin, which is not in a state. Every other state is still suffering under the four-square-metre rule, and Victoria is still telling people to work from home. We are light years ahead of those other states in terms of liberalising the business environment, and we will continue to do that. Of course we will do our best to ensure that our events industry can get back on its feet here faster than everywhere else, in the same way that we have done with the rest of the tourism sector.

Several members interjected.

The ACTING SPEAKER: Thank you, members for Balcatta and Dawesville—not across the chamber!

CITY OF WANNEROO — RATES

Grievance

MS S.E. WINTON (Wanneroo) [9.32 am]: I rise today to grieve to the Minister for Lands on the issue of proposed rate increases by the City of Wanneroo, and I thank the minister for taking my grievance at such short notice. The proposed 16 per cent rate increase by the council has outraged residents in Wanneroo, and I share their frustration and disappointment. We all know that one of the biggest and most crippling bills that comes through our letterboxes each year is our council rates. I want to make it clear that council rates are set independently of the state government. Some people confuse their local state members of Parliament with their council members. That is particularly the experience for me. I am the member for Wanneroo. The rates are set by the City of Wanneroo. I am the member for Wanneroo and I represent residents in this place, in Parliament, as a member of the McGowan government. Although council rates are determined by councils that act independently of the state government, I have decided to make a stand this morning and highlight to the minister the plight faced by my residents, who are facing the prospect of a 16 per cent increase in rates. I cannot stay quiet. I am prepared to stand up for and represent my residents in this place, and be their voice to the minister.

The COVID-19 pandemic has had catastrophic consequences for many residents and businesses in my electorate. People are really doing it tough. People in my community are hurting, and we need to do everything we can to support them through these very real and difficult financial times. I have spoken to thousands of my residents over the last three months and have heard their heartbreaking stories. They are continuing to hurt, as the full economic consequences are impacting their household budgets every single day, and will be well into the future. It is young people in Wanneroo who have lost their part-time jobs, mums and dads who have had their hours reduced and are struggling to make ends meet, and small business owners who have worked their guts out for years but have now

seen their businesses destroyed. It is the gym above my office that has closed down, the local dance studio that operated for over 20 years that has stopped, and seniors who are watching their retirement funds being decimated. Everyone has had an extraordinary hit to their financial circumstances and people are tightening their belts. People are forced to make difficult financial decisions every day.

It is no surprise that there was great relief in my community when the City of Wanneroo announced on 7 April that it had resolved to have a zero per cent increase in rates. This was great news from the council, which had responded to the Premier's call for councils to freeze their rates. However, my residents' relief was short-lived and their reaction turned to anger. Why? It is because the devil is in the detail. The small detail of "subject to no change in valuation" is critical. The calculation of council rates is not the easiest thing to understand. Council rates are determined by multiplying a property's gross rental value, determined by the independent Valuer-General, by the rate in the dollar set by council. The GRV is hard for many people to understand, but I can tell the minister that we all know what has happened to the property sector for the last few years. People know that the value of their homes has decreased. People who own rental properties know that the rent they can get for their properties has declined over the last few years. In fact, the City of Wanneroo has experienced an overall 14 per cent reduction in GRV, with 95.28 per cent of all properties receiving a reduction in their GRV. This reduction is not a surprise to residents, the property sector or the local government sector. It is understandable that people would think that this substantial decrease in GRV should and would be reflected in the rates notices that they are bracing themselves for. But what the city is proposing does not reflect that.

The part of the rates calculation that people are outraged about is the rate in the dollar set by council. The City of Wanneroo is required to advertise its proposed differential rates, and that is where the detail lies. This is how residents have cottoned on to what is really going on. It is proposed that the rate in the dollar—the part the council decides—increase by 16 per cent. The City of Wanneroo is proposing a 16 per cent increase in the rate in the dollar for improved residential properties, from about 6.6¢ to 7.7¢ in the dollar. If the council endorses that proposal, it will let the residents of Wanneroo down, and more than 36 per cent of residents will cop an increase to their rates this year. The minister can understand the urgency of my grievance today. The council is due to adopt its budget and its rates schedule in the next two weeks. How can it contemplate a 16 per cent rise in rates in the middle of a global pandemic? How can it do that in the middle of the worst financial crisis that our country and state is facing? How can it do that in the middle of the toughest of times for the residents of Wanneroo? How can that be happening, when residents would normally cop rate increases when the property market is up and their GRV goes up? Why are my residents staring down the barrel of increases to their rates bills, which are difficult to manage as part of household expenses in normal circumstances, let alone during the COVID-19 pandemic, when they are experiencing real and declining house values that should impact on the rates they expect to pay?

Minister, I have been inundated with calls and emails to my office. Some people have contacted me because they are confused about who has to take responsibility for these rate rises. Some have contacted me because they think the member for Wanneroo sets the rates, and some have done so because they are confused about how the rates are determined. Some of them also want to highlight to me that the City of Wanneroo's approach does not match what the Premier asked local governments to do, and that was to freeze rates.

In summary, the City of Wanneroo is a fantastic local government. It does a brilliant job in this growth sector. I want to stress that this is only a proposal that is being put forward by the council. I have urged all my residents to take up their concerns with the council and participate in the consultation process that is now underway, which will hopefully influence the city's final determination on the proposal. The federal government has spent billions of dollars to support residents and businesses. The state government has spent billions of dollars to support residents and businesses. I want our local government sector, and in particular the City of Wanneroo, to do its fair share of the heavy lifting that is required to help residents get through this. It is not clear to me, or City of Wanneroo residents, whether that is the case. I thank the minister very much for allowing me to give this grievance at such short notice.

MR B.S. WYATT (Victoria Park — Minister for Lands) [9.39 am]: I thank the member for Wanneroo for her grievance today. I am not surprised that the member for Wanneroo has taken this issue up as she is a very active local member for her constituency. She raised a very important issue that all Western Australians in metropolitan Perth no doubt have a very keen interest in at the moment—that is, rates for 2020–21.

By way of background, as members will know, we debated this issue not that long ago. The new gross rental values that underpin rates are set to take effect from 1 July 2020. The GRVs are calculated by the Valuer-General, an independent person. Even as Minister for Lands, I do not have the capacity to direct the Valuer-General. This is not unusual; this has been the process since 1978. Every three years, the GRVs are updated. Local governments know this; they have known this since the late 1970s. They act accordingly and set the cents in the dollar to therefore calculate the rates that are applied to ratepayers in the local government areas. It is different this time of course because for the first time in 20 years we have seen a significant general reduction, unsurprisingly, as the member for Wanneroo pointed out, as a result of the sustained property market downturn. No-one is surprised by this, in particular, local governments. Indeed, the Valuer-General provided all those metropolitan local governments,

including the City of Wanneroo, with an indication of the anticipated reduction in rates back in February, so well before commitments were being made by some councillors at the City of Wanneroo that they would freeze rates. They knew what was coming. The final roll was finalised on 28 April 2020. Overall, the City of Wanneroo has experienced a 14 per cent reduction in GRV values, which is a significant but not unusual reduction—it is fairly consistent across the metropolitan area—and the GRV of 95.3 per cent of all properties in the City of Wanneroo will reduce. I want to emphasise that ultimately it is up to the councillors of the City of Wanneroo or any other local government to make the decision. Do they pass that reduction on to their ratepayers? That is not a role for the state government; that is solely the domain of local governments.

I was requested by and I have had a number of letters from mayors to defer GRVs. They blame that on COVID. I think everybody knows that the reduction in property values was very much not a COVID issue; it has been happening for a number of years. I made the decision as Minister for Lands that we would not do that; local governments know exactly what has been going on in respect of property values. They know the GRV process. I am really being asked to deny ratepayers the opportunity to see their rates reduced. I was not going to do that, particularly in the current environment. The Mayor of the City of Wanneroo is a very effective mayor, as the member for Wanneroo is aware. The mayor listens very closely to her ratepayers. In her other role as president of the Western Australian Local Government Association, she wrote to me about the potential for deferring those GRVs. I explained to her that, no, I would not do that and, ultimately, it would be unfair for me to do so. The reality is that GRVs impact the state budget as well. We have had to deal with our own pressures around what GRVs impact on the state government as well.

I understand that this is no doubt a difficult point for councillors. It would effectively mean a reduction in revenue for some councils if they do not change. As the member for Wanneroo pointed out, all levels of government—state and commonwealth—have seen a hit to their revenues. We have to absorb that at the same time as we increase our spend to try to keep Western Australians in jobs. Local governments will have to do their bit, too. That is only fair and that is why, as Treasurer, I provided the opportunity—it is still there—for local governments to take on a special loan through the Western Australian Treasury Corporation, when I will not be applying the guarantee fee. That means that local governments can borrow from the state government the cheapest money they can borrow, not only for capital works, which is usually what we lend to local governments, but also to cover off on operating pressures. If there is a revenue issue for some local governments, they can use the state government's credit rating and very low interest rates to borrow to get them through that period. I think that is only fair. I note that the City of Wanneroo has very significant reserves—it clearly has been well run over the last period of time—so it does have the capacity to absorb what are likely to be short-term impacts as a result of these GRVs.

Local government across metropolitan Perth has had a range of reactions to these updated GRVs. Interestingly, I have received a range of letters from mayors asking me to defer the GRV cycle this time. Indeed, I have been quite surprised. Some mayors want me to take their rating power off them at this time. I pose the question hypothetically: would I be receiving those letters from mayors if property prices were increasing? I suspect that I would not be and that those councils would happily increase rates. I make the point that we have not changed the rate in the dollar; the GRVs have simply been reduced, and that is all calculated by the Valuer-General.

The City of Wanneroo will have to make this hard call. As the member for Wanneroo said, this is just a proposal at this point. I know the mayor. No doubt she will be listening very intently to her ratepayers and responding accordingly to what they are saying. My message more broadly to metropolitan mayors and councils is that rates are their revenue source. It is a revenue source from the state government that they control and defend quite vigorously. I note that some councils may not like the fact that property values have decreased. That impacts my budget, too. It is their rates and their decision and whether those councillors pass the cuts on to ratepayers is solely in the hands of local governments.

ABORIGINAL HERITAGE — ARCHAEOLOGICAL SITE PROTECTION

Grievance

MR K.J.J. MICHEL (Pilbara) [9.46 am]: My grievance today is to the Minister for Aboriginal Affairs. On 24 May, Rio Tinto destroyed two ancient rock shelters in Juukan Gorge to expand its Brockman 4 mine. Three weeks ago, very few people had ever heard of Juukan Gorge. This once archeologically rich site is now on the radar of a global audience. The destruction of these sites should not have been allowed to happen. I feel personally anguished that these caves were destroyed. I feel sad for the traditional owners, the Puutu Kunti Kurrama and Pinikura people, who have lost an irreplaceable monument to their ancient history. I feel very unhappy that what I thought was a great relationship between PKKP and Rio Tinto has been damaged by these explosions. I feel acutely embarrassed and somewhat ashamed that the destruction of these rock shelters has reflected badly on the great Pilbara region.

Since the destruction of the sites, there has been extensive media coverage about how we as a state in the modern era should have adequate and workable laws and administrative arrangements to protect significant places of cultural value to Aboriginal people as well as scientific and heritage value to the wider community. It has been widely reported that the company was operating within the law because it had approval from the then minister in 2013 under section 18 of the Aboriginal Heritage Act 1972 to destroy the site, with the condition that a major salvage

operation take place. But that does not make it right. From the overwhelming community condemnation of Rio Tinto, we have seen that the company's actions in blowing up the site is an affront to the wider community's values. The damage to Rio Tinto's reputation at a global level has been severe. That particularly saddens me because I know that the company has invested heavily in the quality of its relationship with a number of native title groups in the Pilbara region where Rio Tinto operates 11 iron ore mines and conducts extensive exploration activities.

I feel confident that Rio Tinto and the Puutu Kunti Kurrama and Pinikura people will rebuild their relationship—it is in the interests of both to do so. My question to the minister is: how will the McGowan government's reform of the Aboriginal Heritage Act 1972 change the situation so that this sort of destruction of significant Aboriginal sites does not happen again? I repeat: does not happen again. What is it about the Aboriginal Heritage Act that is so flawed that this destruction was allowed to occur? How can we ensure that the evolving system of agreement, which recognises native title, is reflected in the proposed new Western Australian Aboriginal heritage regime? How can Western Australia ensure that wealth creation through resource development, much of which comes from the Pilbara, respectfully coexists with the fundamental imperative of protecting Aboriginal culture and archaeological heritage? Thank you, minister, for taking my grievance.

MR B.S. WYATT (Victoria Park — Minister for Aboriginal Affairs) [9.50 am]: I thank the member for Pilbara for his grievance today. It is a very important topic in an area that I have been working on for a long time; indeed, since well before coming into government. The Aboriginal heritage process is worth reflecting on for a minute by way of background, member for Pilbara.

The Aboriginal Heritage Act went through Parliament in 1972, which was before I was born; and looking around this place, it was before many of us were born, which highlights the fact that it is an old regime. Over the years, it has broadly remained unchanged. From 1972 until 1993, with the passage of the Native Title Act 1993, the heritage act was really the only legislative point that Aboriginal people had to defend what was happening to their country. Up until 1993—actually, a bit beyond 1993—the heritage process in Western Australia was incredibly fractious. I refer, for example, to the Noonkanbah and Argyle disputes and the Aboriginal Heritage (Marandoo) Act 1992, which was passed during the Carmen Lawrence government and provided that the heritage act would not apply to the whole mine area that was operated by Conzinc Riotinto of Australia in the bad old CRA days. It was a fractious area because the act comprised the only rights that Aboriginal people had.

With the Native Title Act, the passage of time and the most recent mining boom, agreements between miners and Aboriginal groups have created other heritage processes and those heritage processes are generally much better than exist under the act. Over time, the section 18 process under the heritage act has gone from the fractious government versus traditional owner groups to a process whereby, generally, by consent or with no objection, a section 18 will come to the desk of the minister of the day that is usually consistent with agreements being reached. By way of an aside, it is worth noting that it is not just miners who apply for section 18s; almost the same number are applied for by local governments, utilities and state government agencies, unsurprisingly. The fractious nature has been dealt with in those heritage agreements. We have one with the Noongar people and hopefully the court process will finish. The Yamatji agreement was announced recently and there is one with the Miriuwung and Gajerrong people. We create these processes separate from the act but, of course, the act is still there and the section 18 process still applies.

In respect of the Puutu Kunti Kurrama and Pinikura people, the member is quite right: it has been particularly tragic for the range of reasons that the member pointed out, with one being that clearly we have lost a very significant site. The section 18 process does not discriminate on the basis of significance. If a local government wants to repair a retaining wall on the Swan River, bearing in mind that the Swan River itself is a site, it has to apply for a section 18 notice. That is not contentious and the South West Aboriginal Land and Sea Council, through the Whadjuk working party, would agree to that. But it is the identical process to destroy a site of extreme significance. This is one of the things we need to fix. We have been consulting over the last number of years. I accept that it has taken a long time, but it has necessarily taken a long time to come up with a new act. When I went into this process originally, I thought maybe we could amend the act, but clearly we cannot. We need to abolish the act and replace it with a new regime, which will do a range of things. It will provide a broader definition of "site" because the definition of "site" under section 5 of the act is no longer adequate. Similarly, we will also be able to discriminate against "significance". We will prioritise the agreements that are made. We need to ensure that traditional owners are backed by legislation in the agreements that they reach, not just with miners. I make the point that miners are a big player but so are governments, private landowners et cetera in how they deal with Aboriginal heritage sites. Importantly, something that has really stuck in the core of Aboriginal groups for a long time is that under the act, the land user is entitled to a right of appeal but the Aboriginal group is not entitled to the same right. The land user is the company in a mining lease and it can appeal. We will correct that, member for Pilbara.

We have been in consultation for a long period, not just with traditional owner groups but broadly with Aboriginal groups and industry because, ultimately, I do not want an act that is subject to election to election, which creates uncertainty around the approvals processes. I think we are at a point now at which, broadly, people agree. There is broad agreement with the draft principles around what the new heritage regime will look like. We are drafting the bill now. I hope that when we come back after the winter recess, we will be able to introduce that bill into Parliament.

What has been interesting about the recent debate, member for Pilbara—the debate has been incredibly emotional because of what has happened to the PKKP in particular—is that it has awakened people to the section 18 process about which they did not have a lot of knowledge. Importantly, it has elevated the importance of Aboriginal sites in our broader identity. I am really quite pleased by that. I have noted with some interest the response from shareholders, particularly from Rio Tinto, BHP and other large publicly listed companies, who clearly want to understand what happens and how they can engage with Aboriginal people and protect cultural sites as part of how they invest their money.

Suffice it to say, no-one in this Parliament supports the current regime. We are going to amend the act, which is a platform that the Labor Party took to the election. When we come back after the winter recess, I hope the introduced legislation will receive broad support. I listened in part to the debate on this issue yesterday in the other place and there seems to be a broad appetite for a new regime, very much on the principles that we have taken to industry and Aboriginal groups, and one that will elevate traditional owners and bring them to the core. In the end, it is their heritage; they own that heritage and we need to protect it on their behalf.

NO-FAULT ACCIDENT COMPENSATION SCHEME

Grievance

MR V.A. CATANIA (North West Central) [9.58 am]: My grievance today is to the Minister for Tourism; Small Business. I refer to New Zealand's universal no-fault accident compensation scheme. I will read what that is all about —

> In November 2016, I was careless enough to fall, head first, and suffered mild concussion. Still on my feet, I made two visits to a private accident and emergency clinic. There was no charge. On the second visit, I was advised to go to the emergency room at the local public hospital, where I stayed for three nights. I received three CT scans and was seen by a neurosurgeon, who decided on conservative management—meaning no surgery. On discharge, there was no bill. A few days later, I was called by a case manager from the Accident Compensation Corporation (ACC), who informed me that my claim (lodged already on my behalf by the accident and emergency clinic) had been accepted, asked how I was doing and advised that I could apply for weekly compensation if I was unable to work. She arranged home visits by an occupational therapist and a physiotherapist, at no charge. There was also a visit to a head injury specialist, at no charge, taxi fares included. I recovered and was back at work in time for the new semester. The accident did not happen at work; nor was it covered by private health insurance. But the whole incident cost me almost nothing, other than some serious headaches and inconvenience.

There we have it, members and minister. The 1967 Royal Commission of Inquiry on Compensation for Personal Injury in New Zealand—the Woodhouse report—laid out a blueprint for a scheme based on five founding principles.

The ACTING SPEAKER (Mr S.J. Price): Excuse me, member. Members, if you want to carry on a conversation, can you take it outside, please.

Mr V.A. CATANIA: The report proposed affordable, universal no-fault personal injury insurance for rehabilitation in return for relinquishing the right to sue. This covers all personal injuries caused by accident at work or not, occupational disease and medical misadventure. That is what has happened in New Zealand since 1967.

Yesterday, the member for Geraldton highlighted to the minister the dire situation the tourism industry is facing, including the show-stopping issue of insurance, particularly for those in adventure tourism. This issue affects regional commercial and residential properties in the north west, and all over regional Western Australia, with many businesses facing enormous increases to premiums and struggling to either absorb the significant cost to their business and remain viable or secure cover. This has left many businesses in regional Western Australia exposed and vulnerable. Some commercial pubs in the regions confirm that it has been difficult to secure building insurance for a raft of reasons, including climate change, cyclone risk and flooding, and being located in a low socioeconomic area. Many businesses either cannot obtain insurance or the premium for the level of cover required is cost prohibitive, making their tourism business no longer viable. Some businesses across the regions that have been successfully operating for many years are now closed, with business owners unable to trade or sell their business.

I will read an extract from an email sent to me. I believe it was also sent to the Minister for Tourism. The email is from a quad bike business in Coral Bay that had to close after 23 years because it could not secure insurance. I refer to my notes; the email reads —

- I write to you today with a heavy heart. We are having to close our business down due to the fact that we cannot secure Public Liability Insurance for our guided quad bike tours 'Quad Treks' that we have owned and operated for past 23 years (without any liability claims).
- After spending a very stressful three months, exhausting absolutely every possible avenue, only to find there is no longer any underwriting company that will cover this activity.
- Not only is a sad day for me but also to the thousands of tourists that visit Coral Bay each year to join us on our tour. *We have taken over 70,000 people over the years*.

- I am probably one of the first that this has effected but I certainly won't be the last. There is the flow on effect to the remaining part of my business which, without these quad tours, very well may be financially unviable and we may be forced to close the lot!
- I know this issue has been brought to your attention but it really needs to be prioritised. It may be too late for me but something needs to be done, and done quickly, to save other small tourism operators from closing and to save our adventure tourism industry as a whole, not only state wide, but nationwide.

This is also the situation all over Western Australia. Eco Adventures in Margaret River in the south west has been severely affected. It delivers electric quad bike experiences in the great outdoors. Gary and Lee-Anne Ingram's Jet Adventures, in Dunsborough, also looks like it will close, as it will be unable to operate thrill rides in the marine park.

Many businesses and residents in regional WA are facing insurance issues that are quickly becoming insurmountable. We need the government of Western Australia to step in to protect our small businesses, tourism businesses and our adventure tourism tag for all Western Australians. When the interstate borders open, interstate tourists who come to Western Australia will want to experience our ecotourism and adventure tourism opportunities. Regional Western Australia has a lot to offer, but if we cannot offer the basics, such as quad bike and speedboat tours or the ability to hire a canoe, we will have a fundamental problem in our tourism industry. We need the government of Western Australia to step in where there is a market failure because insurance companies will not insure many of our adventure tourism businesses in regional Western Australia. We need to be able to offer a product that people can enjoy. We want people to see firsthand how wonderful our backyard is. The government is trying to promote the "Wander out Yonder" campaign, but if people cannot wander out yonder on a quad bike or get on a boat, it will be a failure, and the government and the Minister for Tourism need to step in.

MR P. PAPALIA (Warnbro — Minister for Tourism) [10.05 am]: At the outset, I have to say that I think most of the member's grievance was directed to the wrong minister; I am not responsible for insurance. Some of the matters raised about how insurance is applied or offered in Australia are legal matters and some may refer to federal legislation, not state legislation. The first port of call for an answer would be the Attorney General. I am not sure, but I assume that the Attorney General would be the right minister to grieve to about insurance legislation in Western Australia. Beyond that, I suspect what can be covered and the manner in which that cover is provided by insurance companies in Australia is a federal matter. This grievance is not really in the tourism portfolio.

However, I have good news for the member. The quad bike business in Coral Bay that the member referred to is not shut. As I indicated yesterday in answer to a question from the member's colleague, it got insurance through Motorcycling Western Australia. Is it Quad Treks in Coral Bay that the member was referring to?

Mr V.A. Catania: Yes.

Mr P. PAPALIA: It is open and it has insurance. All motorcycle-related tourism operators in Western Australia can get insurance from Motorcycling Western Australia. As I indicated to the member for Geraldton in question time yesterday, we determined that a couple of weeks ago. If all the operators have not been notified, I am sure they will be shortly, but that particular company is operating. I am informed that it has not shut.

I am aware that operators of different forms of adventure tourism are having difficulty with insurance. It is challenging, but I am not sure whether we can do much to assist. I am looking into whether we can assist, but the legislation governing insurance is not related to my portfolio. I am not sure whether the kind of insurance assistance in New Zealand that the member referred to is a state government responsibility.

Several members interjected.

The ACTING SPEAKER: Members!

Mr P. PAPALIA: I am not the minister. I would love to —

Mr V.A. Catania interjected.

The ACTING SPEAKER: Member for North West Central!

Mrs A.K. Hayden interjected.

The ACTING SPEAKER: Member for Darling Range!

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale!

Mr P. PAPALIA: The member has been a minister and he understands that I am the Minister for Tourism —

The ACTING SPEAKER: Members, none of this shouting across the chamber. Member for Armadale and member for North West Central, do not engage with each other.

Mr P. PAPALIA: I am the Minister for Tourism, so I care about tourism, and the things that I can change, I endeavour to change —

Mr V.A. Catania: So this is in the too-hard basket.

The ACTING SPEAKER: Member for North West Central, you have raised the issue through your grievance and you are getting a response.

Mr P. PAPALIA: It is in the same basket as the member for Darling Range's grievance. It demonstrates why it is a good thing that the opposition is not in government at this time.

We are doing what we can to counter the impact of the COVID-19 threat and to ensure that the state moves rapidly and effectively towards a new normal level of operation in the economy, and we are doing that faster than any other state. That is undeniable; every other state in the country is encumbered by the four-square-metre rule right now. That means that a boat operator in New South Wales or Victoria would not be able to have enough people on board their boat to pay for the fuel to make it viable. That is not the case in Western Australia.

With respect to insurance, we are looking at what we can do, and I am looking to see whether we can provide advice to those operators.

I am disappointed that the insurance underwriters—because the underwriters are responsible for this—have chosen this particular time to respond in this fashion. It is not related to COVID. They are not doing this because of the pandemic. They are doing it because of a range of other insurance-related matters that have played out in recent times and because of a change in policy with respect to their willingness to accommodate a degree of risk. I think it is pretty low that they have chosen this particular time to make that shift. As a consequence, all the other insurance providers have chosen to leave adventure tourism operators in the position of confronting either exorbitant increases in their costs, or an inability to get insurance. That is a terrible thing to do at this time. It is very disappointing that they have chosen to do that in the midst of a pandemic.

I am grateful that Motorcycling WA will be providing that particular cover. There may be other mechanisms by which insurance can be provided. However, it is certainly not within my portfolio and not my responsibility. A member would normally grieve to the minister who is responsible for a particular issue.

PUBLIC ACCOUNTS COMMITTEE

Fourteenth Report — "Building Slowly: Department of Mines, Industry Regulation and Safety's Regulation of Builders and Building Surveyors" — Tabling

DR A.D. BUTI (Armadale) [10.11 am]: I present for tabling the fourteenth report of the Public Accounts Committee, titled "Building Slowly: Department of Mines, Industry Regulation and Safety's Regulation of Builders and Building Surveyors".

[See paper 3448.]

Dr A.D. BUTI: I must say to my fellow committee member, the member for North West Central, that the issue he raised in his grievance is major tort law reform, so it should probably have been raised with the Attorney General, but anyway.

The ACTING SPEAKER: We are dealing with committee reports, member for Armadale.

Dr A.D. BUTI: This report concludes the Public Accounts Committee's follow-up of the Auditor General's twelfth report of 2016, "Regulation of Builders and Building Surveyors". The Auditor General found that there had been limited progress in implementing a regulatory reform program first developed back in 2011. He therefore made some key recommendations, which were agreed to in full by the Department of Commerce, which was then the responsible agency. This report is our committee's follow-up with the agency that is now responsible, the Department of Mines, Industry Regulation and Safety. Our report made nine findings and six recommendations. One could say that four of those nine findings were positive, four were negative, and one was probably neutral, so there is still some work to do. We found that some of the recommendations have been progressed and others have not. Progress has been made in seeking appropriate background checks for Western Australian applicants, even though there are still some gaps when it comes to interstate applicants, and that needs to be rectified.

The committee found also that the approach to auditing builders and surveyors has improved to meet the Auditor General's expectation. Although that gives the committee some comfort, a lot more needs to be done. The committee's major concern is that two of the most important recommendations identified by the Auditor General remain to be implemented. The Auditor General recommended an online licensing system. That system, which has been planned for several years and should have been finalised by December 2017, as was agreed by the Department of Commerce, remains outstanding. At the time of this report in June 2020, little material progress had been made in bringing licensing online. The department has recently sought industry and public feedback on its licensing system, but still relies on manual form-based systems. It is not surprising in this situation that the time to process applications has increased since the Auditor General tabled his report in 2016. To reiterate, this identification goes back to 2011. In 2017, the Department of Commerce agreed that it would be finalised, but it remains outstanding.

A broader reform program that was first identified in 2011 has also stalled. In part, this is a response to changing priorities and the need to deal with the risk of potentially life-threatening building materials, as evidenced by the disastrous Grenfell Tower fire in London. There has also been a major shift in responsibility for regulating domestic and other builders, and building surveyors. This responsibility has moved from the Building Commission, which at the time of the audit was within Commerce, to the building and energy division of the Department of Mines, Industry Regulation and Safety. That department informs us that it is focusing on streamlining its entire industry regulation process, and that is understandable. However, the fact remains that many important parts of the 2011 reform program remain incomplete.

The last major issue that I would like to address is the lack of transparency in how the reprioritisation of policies has impacted previously allocated funding. In 2015, Commerce secured what in 2016 had been estimated to amount to $14 million in funding. That was specifically to complete the 2011 reform program, although the department now contests that figure and how formally it was tied to completing the reforms. During the original phase of the committee's follow-up process, it became apparent that portions of that funding had been reallocated without appropriate approval by the relevant minister or even their clear knowledge. The decision to reallocate and reprioritise is one for government to make. However, Parliament and the public must be assured that funds allocated by Parliament for one purpose can be reassigned only with appropriate approvals. That is of some concern to our committee. I will read out finding 9 at page 14 of our report, which states —

> A significant portion of $14 million expected to finalise the 2011 reform program has been reallocated to emerging high priority activities with no clear approval from the Minister. The committee does not question the prioritising of emerging issues (including inspections and surveys to identify potentially dangerous cladding in response to the London Grenfell Tower fire). However, we are concerned that DMIRS had not followed the appropriate process for reallocating specified funds and had apparently neither sought nor obtained Cabinet or Ministerial approval to do so.

That is a significant finding. The committee also made recommendations 5 and 6, which state —

> The Minister should determine what funds allocated for the 2011 reform project have been applied to other activities, and what implication this has on DMIRS' ability to finalise the outstanding reforms.
>
> …
>
> DMIRS should ensure it has clear processes established for seeking ministerial or Cabinet approval for the reallocation of specified funds.

In concluding, I must apologise that I forgot to include in my foreword a thank you to our fantastic secretariat, the principal research officer, Dr Alan Charlton, and the research officer, Dr Sam Hutchinson. They are very learned men, because they both have doctorates. I also want to thank my fellow committee members, the deputy chair, the member for Bateman; and the members for Mount Lawley, Bicton and North West Central. The committee has now been operating for just over three years. We have worked very well; all our reports so far have been unanimous, and may that continue. Thank you very much.

MR S.A. MILLMAN (Mount Lawley) [10.18 am]: I also want to speak in support of the tabling of this very important report, the fourteenth report of the Public Accounts Committee, titled "Building Slowly: Department of Mines, Industry Regulation and Safety's Regulation of Builders and Building Surveyors". I echo the comments that have been made by the chair of the committee, particularly with regard to the work of our secretariat and the committee members.

Markets like certainty and predictability. This can be provided by a robust regulatory framework that holds industry participants to appropriate standards. That includes suppliers, manufacturers, principal contractors and subcontractors. It means a level playing field in which people are competing on innovation and productivity, not on lowest wages, lowest price or lowest common denominator. It is important that all industry players know that there is a strong industry regulator and that the cowboys and mavericks will be found out and excluded from the industry, because every industry wants to do away with fringe elements that undermine consumer confidence in the industry and the broader market. Every industry is afraid of those barbecue-stopper stories of mum-and-dad consumers getting ripped off by unscrupulous providers. It is fine fare for *60 Minutes* or *A Current Affair*, but it is not the stuff of an efficient and well-functioning market. It is the same for large infrastructure projects.

As the McGowan government takes steps to stimulate our economy, money will flow into large construction projects, hospitals, public transport, roads and targeted investment. We need to ensure that as we undertake this program of work, our regulators provide us with two sources of confidence. One source is that we get value for money, with good locally produced products that comply with relevant standards. We do not want to spend money on a recovery and end up with lead in the water or asbestos in the ceilings or flammable cladding, like the member for Armadale referred to. The second source is that the money gets to the people who do the work. We need principal contractors with sufficient liquidity to meet their expenses, particularly for paying their subbies in full and on time. Unscrupulous players have no place in an important part of the economy. The last thing we want is a race to the bottom.

Community confidence depends on having a tough cop on the beat. This report is a timely reminder that the regulation of the building industry remains a work in progress, and the hardworking members of the Public Accounts Committee, under the stewardship of our chair, will continue and, in turn, that will motivate ongoing improvements in the capacity, ability and effectiveness of this regulator, and that is why I commend this report to this Parliament.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Seventeenth Report — "Annual Report 2019" — Tabling

MRS R.M.J. CLARKE (Murray–Wellington) [10.21 am]: I present for tabling the seventeenth report of the Joint Standing Committee on Delegated Legislation titled "Annual Report 2019".

[See paper 3449.]

Mrs R.M.J. CLARKE: This report advises the house of the key activities of the committee for the 2019 calendar year. The committee scrutinises instruments made under statutory delegation and determines whether the instruments are beyond the scope of the delegated power or otherwise in breach of the committee's terms of reference. The committee continues to scrutinise a large volume of delegated legislation. In 2019, 338 instruments, including 160 regulations and 99 local laws were referred for scrutiny. The committee tabled two reports. In one of those reports, the Parliament was asked to consider whether an instrument should be disallowed. The instrument was disallowed by the Legislative Council. Motions for disallowance for delegated legislation usually do not proceed in the Parliament if satisfactory undertakings are given to the committee. The committee recommends disallowance only as a last resort.

During 2019, the committee received five departmental and 28 local government undertakings. The committee considered under its terms of reference 10.6(d) that one set of regulations contained a limitation period that should be contained within an act. An undertaking addressing the committee's concerns was received from the Minister for Environment and no further action was required. Another set of regulations contained a provision that included an unintended effect on a person's rights or interests, which the committee considered under its terms of reference 10.6(b). An undertaking was received from the Minister for Transport. The committee also encountered a 2019 amendment to section 3.12 of the Local Government Act 1995. Section 3.12 governs the procedure for making local laws and the result of the amendment is that local governments no longer need to give statewide notice of a proposed local law. Local public notice is still required by section 3.12(3)(a).

The committee trusts that the matters noted in this report will assist persons and bodies making delegated legislation to understand the committee's processes and the issues identified in previous instruments. I would like to thank the committee and staff for all the work they have done over the last three years. I commend the report to the house.

CRIMINAL LAW (UNLAWFUL CONSORTING) BILL 2020

Second Reading

Resumed from 17 June.

MR S.A. MILLMAN (Mount Lawley) [10.24 am]: I will conclude my remarks from yesterday. I spent most of my time earlier concentrating on the work of organised crime gangs in perpetuating the repugnant and pernicious practice of sexual slavery—a practice that counts the lives of women and girls disproportionately as its victims. I want members to remain focused on the importance of standing up for victims. In that vein, I am disappointed with the contribution from the member for Hillarys on the role of the unions. The poor old Liberal Party is not sure what it stands for, but it sure knows what it stands against. It stands against workers and the unions that represent them.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine! Carry on, member.

Mr S.A. MILLMAN: As I said, I spent the lion's share of my contribution yesterday going through, in detail, the consequences of the exploitation of vulnerable people. Do members know who stands shoulder to shoulder with the exploited? Do members know who stands shoulder to shoulder with the vulnerable? Trade unions. This bill has a defence for people engaged in legitimate union activity. This is a narrowly crafted exemption to permit lawful union activity in a bill that is otherwise designed to constrain freedom of movement and association. We had a vociferous attack on unions from the member for Hillarys; he gave us both barrels.

Mr P.A. Katsambanis interjected.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Hillarys! Member for Carine!

Mr A. Krsticevic: He's misleading the Parliament!

The ACTING SPEAKER: Actually, he is not. I was listening as well. Carry on, member.

Mr S.A. MILLMAN: But what a shocking misfire. He has shot himself in the foot through the sloppy advocacy of his case. Firstly, he says that he wants this legislation to succeed, but he is seeking to put freedom of association as an issue, which he knows was precisely the issue before the High Court in Tajjour's case. He wants to put that

as an issue. He wants to give the opponents of this legislation—none other than those outlaw motorcycle gangs—an opportunity to get together with their clever lawyers to see whether this act can be challenged in the High Court. I have news for the member. We will not have it. We will pass legislation that will survive a constitutional challenge, despite that member's best efforts to thwart us and support the criminals and their lawyers. We will do it because that member ran a weak argument about union malfeasance.

Member for Hillarys, evidence is important when we present a case, and here in WA we want to hear evidence that is relevant to WA. The member for Hillarys' tall tales from the trade union witch-hunt—sorry, royal commission—make for good copy, but they have nothing to do with WA. The member for Hillarys could not name a single serving union official implicated in the royal commission. The member for Hillarys could not name a single serving union official charged in relation to matters arising. The member for Hillarys could not name a single serving union official who was convicted. Does the member know why he could not? It is because the cases against the union officials were either lost by the prosecuting authorities or they were dismissed.

On 18 May 2018, Michael Inman wrote an article in the *Sydney Morning Herald* about Johnny Lomax titled "Canberra union official wins payout over TURC arrest". He was awarded compensation and legal costs. Other articles include "Prosecutors to drop charges against CFMEU official and former NRL star John Lomax"; "AFP ordered to pay bulk of CFMEU's court costs over illegal Canberra office raid"; and "Charges against CFMEU pair dropped in blackmail case". Of all these charges that were brought under the cover of the trade union royal commission, none went anywhere. None of these prosecutions succeeded, and that is why the member for Hillarys could not name one single official who was charged, convicted and sentenced.

I spoke about the exploitation of cleaners. I spoke about the exploitation of labourers. I spoke about the exploitation of fruit pickers. Do members know who steps in and stands up for cleaners? It is none other than the union United Voice. Do members know who steps in and stands up for fruit pickers? It is none other than the Australian Workers' Union. Do members know who steps in and stands up for building labourers? It is none other than the Construction, Forestry, Maritime, Mining and Energy Union. These unions have worked tirelessly to expose the evils of modern slavery, yet they stand condemned by the member for Hillarys. I disagree with the member for Hillarys. I will support the principle of freedom of association and I will continue to fight for justice for victims.

Although the member for Hillarys might stand shoulder to shoulder with wages thieves, exploiters and criminal gangs and their clever lawyers, I stand shoulder to shoulder with construction workers, fruit pickers and cleaners, and I stand shoulder to shoulder with the unions that represent them, and that is why I am proud to support this legislation.

MR K.M. O'DONNELL (Kalgoorlie) [10.29 am]: Greetings, Mr Acting Speaker. I was not ready for that! The member for Mount Lawley was on a roll!

The ACTING SPEAKER: I was ready to give him an extension!

Mr K.M. O'DONNELL: I will speak briefly and fairly quickly on the Criminal Law (Unlawful Consorting) Bill 2020, based on my experience as a police officer. I remember back when I first joined the police department in the 1980s. In the detectives we had the break squad, the motor squad, the dealer squad and the consorting squad all broken up into specialised units. I think the consorting squad looked forward to the race round in Kalgoorlie every year. That is how I first found out how various groups and gangs would converge on Kalgoorlie–Boulder at that time of year.

I agree with this bill because it will disrupt communication and networking between convicted offenders who engage in organised criminal activity. When I first started out, organised crime involved fraud, extortion, standover tactics, violence and drugs. From the 1990s onwards, it has involved cybercrime. The bill addresses deficiencies, amalgamates all consorting offences into a single offence and institutes a more detailed scheme that applies to a broader class of offenders, which is good. Sex offenders are coming to the fore now and have been highlighted in the modern day. Many of them like to group together to organise things, rather than being solo offenders. We do have the solo voyagers but, predominantly, a lot of them like to get into a group and interact with each other. This bill is on the way to preventing that.

It is good that a person must be at least 18 years of age and have consorted, be consorting or be likely to consort with another convicted offender. In my travels as a police officer, many times I saw offenders talking together. After 30-odd years in Kalgoorlie, I had arrested a shedload of people, so I knew whether they were conversing. But I would say that 90 per cent of the time it was not for criminal activity. It was just their way of life and they were just passing. But anything that can be done to stop these criminals from continuing to commit offences, planning to commit offences or being in the midst of committing offences, should be done.

I like the idea of including electronic or any other form of communication, especially in this modern age, such as using email and the web. That is fantastic. It includes social media outlets, such as Facebook, Twitter and SMS messaging, which is very good.

Clause 9 provides that it is a defence to a charge of unlawful consorting if it is proved that the consorting was between persons who were family members and it was reasonable in the circumstances. The question I have for the Attorney General is: would parties, whether it be family or friends attending, be classified as reasonable? I think it will come down to a magistrate or a judge to decide whether it is.

Another defence is for Aboriginal and Torres Strait Islander people fulfilling cultural practices and obligations. I think that is a no-brainer and a very good one to have. Who will decide whether a wedding, funeral or party attended by family or friends is included? I take it that it includes family members, but there is no mention in the legislation of friends at funerals or weddings. I know that the government cannot be picky and go through and identify every single thing, but I think that could be an issue.

I will call it stumps there, Mr Acting Speaker.

MR J.R. QUIGLEY (Butler — Attorney General) [10.34 am] — in reply: I shall address some of the issues raised by members in the second reading debate on the Criminal Law (Unlawful Consorting) Bill 2020, and most particularly those raised by the member for Hillarys, the representative in this chamber of the shadow Attorney General, Hon Michael Mischin.

The member for Hillarys first raised the question of the constitutionality of the bill. In raising that, he noted that the question of whether the New South Wales consorting legislation burdens the constitutional freedom of communication was considered by the High Court in Tajjour v New South Wales [2014] HCA 35. That case challenged the constitutionality of the New South Wales consorting laws contained in part 3A, division 7 of the NSW Crimes Act 1900. In that case, the High Court found that the New South Wales law was not invalid. I wish to reassure the member and the chamber that the Solicitor-General has confirmed to me that he is satisfied of the constitutionality of the bill as fitting within the four square corners of criteria laid out by the High Court of proportionality, reasonableness et cetera. On that basis, I am satisfied and the government is satisfied that this bill will meet any constitutional challenges.

The member for Hillarys also spoke about the defences in the bill. Let me start by explaining how the defences work. The defences will guide the police about when a consorting notice should be issued, but will not prevent a consorting notice being issued to people who may have access to a defence, provided that the criteria outlined in clause 10 of the bill are met. That is because a defence will apply only if the consorting was necessary or reasonable in the circumstances, depending upon the defence being utilised. If, for educational purposes, two people attended an educational lecture, that would fall within the defences; however, it would have to be demonstrated that it was necessary consorting in the circumstances. That would mean asking why a person sat next to another person in a lecture theatre that accommodates 300 people. They could have sat at the other end of the lecture theatre to take the lecture; they did not have to sit right next to the person who is the subject of the consorting notice. Therefore, the defence would fail on the grounds of not being necessary.

The member for Hillarys also spoke particularly about the defence that covers Aboriginal family members. He quite rightly pointed out that this is an important defence provision to prevent further entrenchment of Aboriginal people in the criminal justice system. Clause 9(1) of the bill provides that it is a defence to a charge of a crime of unlawful consorting with a convicted offender to prove the consorting was between people who are family members, and it was reasonable in the circumstances. There always has to be the test that it is reasonable in the circumstances. Clause 5(2) of the bill provides that —

> … a person is a ***family member*** of another person who is an Aboriginal person or a Torres Strait Islander … if, under the customary law and culture of the Indigenous person's community, the person is regarded as a member of the extended family or kinship group of the Indigenous person.

I will explain this as best I can, as best a wadjela or white person can explain it, after having received advice. As a wadjela, I note that a principle of Indigenous kinship system in traditional societies is the equivalence of same-sex siblings. According to this principle, people who are of the same sex and belong to the same sibling line are viewed as essentially the same; thus, two brothers are considered to be equivalent. If one has a child, that child not only views his biological father as his father, but also applies the same term to his father's brother. The same principle applies to two sisters, both being mothers to any child that the other sister bears. As a father's brother is also identified as the father, their children will be brothers and sisters rather than cousins. This system is known as the classificatory system of kinship, because all members of the larger group are classified under the relationship terms. There is no need to expand the range of classifications or relationship terms. Several people are identified by an individual within each classification; thus, a person has several fathers, several mothers and many brothers and sisters. A mother's brother being on the same sibling line but of the other sex is identified as an uncle. A father's sister is identified as an aunt. These types of relationships in the Aboriginal community will be recognised as family for the purposes of applying the family member defence provision under clause 9(1) of the bill.

As an example of the practical application of the family member defence provision as it relates to Aboriginal people, let us take a remote community such as Balgo, which is a small Aboriginal community located off the Tanami Road, approximately 240 kilometres from the nearest town, Halls Creek, in the East Kimberley region of Western Australia. Although Balgo has a wonderful arts centre, it has only a small community store. In order to purchase more substantial supplies, it would be necessary to travel to Halls Creek. We know the difficulties that Aboriginal people face, especially in remote areas, in obtaining a motor driver's licence. In a remote community such as Balgo, it may be the case that only one member of a family is in possession of a valid motor driver's licence. It may therefore be reasonable for persons who are members of the same family and who are convicted offenders and subject to an unlawful consorting notice to commute in a single motor vehicle in order to obtain essentials such as groceries

from the nearest town. If Halls Creek does not have the required essentials or supplies, the nearest regional centre is Kununurra, some 380 kilometres from Halls Creek. For a Balgo community member, that is a 620-kilometre one-way trip to Kununurra. This is one example in which the defence provision would be enlivened.

The member for Hillarys also expressed concern about trade unions and the relevant defence provision. Unions play an important role in fighting against the exploitation of workers and ensuring safe work practices in the workplace. We need look only as far as a report of the former Chief Commissioner of the Western Australian Industrial Relations Commission, His Honour Mr Tony Beech, following an inquiry into wage theft in Australia, to see the types of exploitation that some workers endure. I will agree with the member for Hillarys that criminal conduct by anyone, including a minority of union members and officials, is unacceptable, and perpetrators should be brought to justice. However, I reject the member for Hillarys' proposed amendment to delete the defence provision. I stress this point: the defence provision does not exempt a person from criminal liability for offences such as threats, threats with intent to extort, or assaults. The defence contained in clause 9(2)(viii) of the bill is limited in its scope. Firstly, it only applies if both the restricted person and the person named in the unlawful consorting notice are members of the same registered organisation under the state or federal industrial relations systems. Secondly, consorting must be for the purposes of the business of the organisation. That is the lawful business of the organisation—for example, industrial action. Thirdly, the consorting must be necessary in the circumstances. This test will be applied rigorously. As an example, two members of a union who are the subject of an unlawful consorting notice, and who want to take part in a WorkSafe rally, might be consorting in the sense of being in the same crowd. The test of whether their consorting was necessary or not might fall short if they are together in the same crowd. That is not for the purposes of advancing the lawful business of the registered organisation, which might be to hold a mass rally to highlight unsafe work practices.

The purpose of this defence is that if two offenders are jointly participating in protected industrial action, as provided under the commonwealth Fair Work Act 2009—perhaps because their employer is failing to pay the correct wages as specified in a registered award or agreement—they can be excused from the charge of unlawful consorting provided the consorting is necessary in the circumstances.

I draw the member for Hillarys' attention to other legislation that provides exemption on industrial grounds. I refer firstly to section 75A(3)(c) of the Criminal Code, which deals with an out-of-control gathering and provides an exception for "a gathering that is primarily for the purposes of political advocacy, protest or industrial action". In the Criminal Code, there is an exception for unionists gathering for industrial action. We have that already, member. Secondly, I refer to section 9 of the Emergency Management Act 2005, which states that the act does not authorise the taking of measures directed at ending industrial action. Thirdly, I refer to section 4(2) of the almost defunct Criminal Organisations Control Act 2012, which was introduced by the former Liberal government, which states —

> … it is not the intention of Parliament that the powers in this Act be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest, dissent or industrial action.

Member, there we have it in the former Liberal government's own legislation.

Mr P.A. Katsambanis: Which section are you referring to?

Mr J.R. QUIGLEY: Section 4(2).

The former conservative government's legislation, designed to break up criminal groups, is not to be used to diminish the freedom of persons in this state to participate in an advocacy protest, dissent or industrial action. By including unions, we are doing no more than the former Liberal government did in its almost defunct Criminal Organisations Control Act 2012. We did not want to make it any harder or tighter than the Liberal government had done. I return to the point that not only does it have to be a lawful industrial action, but also the attendance of people who are subject to a criminal consorting notice must be necessary in all the circumstances.

The member for Hillarys also spoke about the functions of the Ombudsman. It is important to remember that the New South Wales Ombudsman documented the misuse of the New South Wales law against Aboriginal and Torres Strait Islander people, people experiencing homelessness, children and other vulnerable members of the community. We want to prevent that from happening here, so we have included a number of safeguards in the bill. The overwhelming number of anti-consorting notices in New South Wales were issued against those classes of people—that is, Indigenous people, homeless people, vulnerable people and children—which was never the intent of the legislation. Rather, junior police officers were using this law to break up or move on vulnerable people. In Western Australia, we have what are called move-on notices. This bill is aimed at serious criminal activity that is being planned by people identified as having already committed serious indictable offences. We have stipulated that the notice should be signed off by a commander so that the notices are not misused, and the number of them will be far less than in New South Wales. They will be targeted at figures within organised criminal groups who are planning, or are believed to be planning, further criminal activity. Accordingly, oversight by the Ombudsman is one safeguard. That is to be found in clause 24(2) of the bill, which allows the Ombudsman to draw to the attention of the Commissioner of Police any unlawful consorting notice following inspection, if he is of the opinion that the requirements of clause 10(2) are not met. Once the recommendation is made, the Commissioner of Police must consider whether he is satisfied that the notice was validly issued and that there has not been a change in the circumstances such that the requirements in clause 10 are no longer met. A recommendation by the Ombudsman must be made in writing whilst the notice is in force and include the

reasons that the Ombudsman formed the opinion that the requirements for the issue of the notice were not met. This is a very important and robust safeguard, because the issuing of such a notice will curtail the freedom of some citizens to associate. It will be signed in circumstances in which those people have already been convicted of serious indictable offences and, on reasonable suspicion, are believed to be planning further criminal activity.

The member for Hillarys also questioned the resources of the Ombudsman to perform the monitoring and compliance functions under the bill. I note that the Ombudsman has received resources for the purposes of monitoring compliance functions outlined in the Criminal Organisations Control Act 2012. The Criminal Organisations Control Act was never utilised. In fact, both the statutory review of the act and the Ombudsman's report found the object of the act, to disrupt organised crime, remains valid, but the act is not achieving that purpose. Therefore, any gap in the resources already funded for the Ombudsman to carry out those functions and the functions under this bill will be considered as part of the budget process, because allocations were made so that the Ombudsman's office could have oversight of the Criminal Organisations Control Act. That capacity, which has been idle, should be there for the Ombudsman to utilise in his superintendence of this bill. But, if further resources are required, they will be supplied.

The member for Geraldton, in his contribution to the debate, queried the ability of the police to monitor and track encrypted electronic communication between convicted offenders, as electronic communication is becoming increasingly advanced. I am assured by the Western Australia Police Force—I do not want to reveal the details—that investigative practice will allow the monitoring of such communication. I am also mindful, given the sensitivity of this subject, that it is not appropriate for me to reveal to this chamber the investigative methods employed when investigating those electronic communications. I will say, however, that I am advised that, increasingly, some of the heads of criminal organisations are locating themselves in overseas jurisdictions such as Dubai, Thailand or other countries and are using electronic communications with associates in Australia. What has been very difficult and is not even contemplated by the Criminal Organisations Control Act is the interference with those associations, or those members of associations, when one of them is out of the jurisdiction. But it will be here with this bill. Consorting by electronic communication with, say, the head of a gang member in Dubai—last year, people were extradited from Dubai back to Australia, to New South Wales, because they were shown to have been involved in a conspiracy involving the importation of drugs—will now be able to be interdicted. The police can then hit the person in Australia with an anti-consorting notice. They can even send it to the person overseas and those people will not be able to consort. If whoever they have their hands on in Australia picks up further electronic communication, they can be arrested for breaking the anti-consorting notice.

Another question the member for Geraldton raised was about overseas convictions. The definition of "convicted offender" under clause 3 of the bill confirms that it is a person who has —

> (v) an offence against a law of another State, a Territory or another country that, if committed in this State, would constitute an indictable offence or child sex offence;

The conviction could have happened overseas; it will be an applicable conviction if the conduct would have constituted an offence in Western Australia, even though the conviction has happened in another jurisdiction. The construction of this definition is twofold. Firstly, for a person to be deemed to be a convicted offender for the purposes of this bill, that person must first have been convicted of an offence; in this context, in another country. Secondly, if the conduct that constituted the offence in the other country had been committed in Western Australia, that conduct must also be an offence in Western Australia.

The member for Geraldton raised concerns about political regimes of certain foreign countries. I point out that being a convicted person in and of itself is not sufficient for the unlawful consorting notice to be issued. In addition, under clause 10(2) of the bill, the person must have consorted or is consorting with another convicted offender, or the police officer who is or is acting as a commander of an officer or rank more senior than a commander must suspect on reasonable grounds that the person is likely to consort with another convicted offender, and the senior officer must consider it is appropriate to issue the notice in order to disrupt or restrict the capacity of the offender's name in the consorting notice to engage in conduct constituting an indictable offence. It is not just for the purposes of keeping convicted people apart; as part of the test, under clause 10(2), the senior officer must consider that it is appropriate to issue the notice in order to disrupt or restrict the capacity of offenders named in the consorting notice to engage in conduct constituting an indictable offence. We can easily see when this would apply to gang members, who are notorious for their distribution of narcotics.

I might conclude my comments by reflecting on some comments of those who spoke previously. The community expects laws passed by Parliament to keep the community safe and to address the scourge of organised crime groups that create misery for those affected by their criminal activities. We know the horrible effects of drugs in our community. This bill aims to target those who make their fortune from destroying the lives of others. All this must be done in a manner that prevents against its misuse, and is responsive, robust and strong enough to withstand challenge in the High Court. I am pleased to stand before Parliament today and say that this bill meets these objectives.

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 —

Mr P.A. KATSAMBANIS: Clause 2 is drafted rather unusually. Paragraph (a) says that part 1 will come into operation on the day on which the act receives royal assent. That is relatively common. Paragraph (c) is also relatively common, stating —

> the rest of the Act—on a day fixed by proclamation.

I understand that regulations and the like will need to be proclaimed. Paragraph (b) states —

> section 38—on the day after the period of 12 months beginning on the day fixed under paragraph (c).

Section 38 will come into force effectively one year after the rest of the act comes into force. I seek an explanation from the Attorney General of why that 12-month delay is required in these circumstances.

Mr J.R. QUIGLEY: There are existing consorting notices in the Criminal Code. We want those preserved while this system is getting up and running. We do not want those consorting notices to expire. This will allow the transition period, as set out in clause 39 of the bill, to take effect. The Western Australia Police Force has advised that the transition period of 12 months is required to deal with the approximately 620 consorting notices issued to child sex offenders under section 557K(4) of the Criminal Code, which are referred to as former notices. During this transition period, WA police will issue and serve new notices under the terms of this bill. When such notices are issued and served, the former notices cease to have effect, as outlined in the transition clause of this bill—clause 39. At the same time, the new notices cannot be given under section 557K(4) of the Criminal Code after the transition period. All former notices have no effect and the consorting provisions in relation to child sex offenders in the Criminal Code will then be repealed because they will be applicable by this legislation. The WA Police Force has advised that due to IT system requirements that need to be configured for the scheme to be operational from the commencement of the scheme, it cannot take place prior to 1 February 2021.

Mr P.A. KATSAMBANIS: That is quite important. More than 600 of these notices currently apply to child sex offenders. The IT upgrades cannot happen until February next year. That allows only a very small window. Let us say that proclamation of the rest of the act, not part 1, happens around August or September this year—hopefully; it only allows a small window of time for police to reissue new notices under this act to these child sex offenders. It might be a year; it might be only six months because we do not know when the operating provisions will be proclaimed. Do we run the risk that the police, using the best of intentions and endeavours, end up in a circumstance in which they have not reissued all the notices? Do we then run the risk that some child sex offenders who were under a consorting notice may end up slipping through simply because the police have not got around to reissuing a new notice, with all the thousands of things they have to do? That is my fear. Despite the best of intentions of the police, there may be a circumstance in which some offenders slip through the cracks and there may be a period in which they are not subject to any form of consorting notice either in the existing scheme or under the new scheme that is being introduced.

Mr J.R. QUIGLEY: I thank the member. It is a fair concern and a concern that my office certainly tested with WA police, and the Department of Justice did, too. Let us be clear: it will take until 1 February to get the whole scheme up and running. From proclamation, the transition period will run for 12 months, so the police will have 12 months to attend to that. The anti-consorting notices already issued to child sex offenders under the Criminal Code will still be running for that 12-month period after proclamation. The police assure us that that 12-month period is sufficient for them to deal with those 600-odd notices and issue new ones under the new act. That whole scheme under the new act—all the IT and everything—will be in place by 1 February.

Mr P.A. KATSAMBANIS: I accept those assurances and, as I said, I know they will be using their best endeavours, but it does open up a risk. I seek clarification from the Attorney General about why we would not use a longer period than 12 months just simply to avoid the potential that some of these notices have not been updated. It sounds as though there is an intention to simply update a lot of the notices from the existing scheme to the new scheme. It would be horrific if, despite the best of intentions, all of a sudden one of these terrible offenders, at the highest level of offending, slipped through and was not subject to a consorting notice for a period of time.

Mr J.R. QUIGLEY: That certainly will not happen, given the conscientious nature of the police, and especially the police child abuse squad. The police are firmly of the opinion that the child sex offender provisions currently before the Parliament are superior to the provisions contained in the Criminal Code, and they are anxious to issue new notices to those people. As soon as the new notice is issued, the other one will become defunct. We do not want the old system to hang around any longer in case someone uses it. We want the new system. We are assured by the Western Australia Police Force that within that 12-month period, new notices will be issued to all people currently on consorting notices. I can only say that that is what the police have told us is their time frame. The government is running with the advice it has received from the police. That is fair enough, is it not?

Mr P.A. KATSAMBANIS: I thank the Attorney General. That is now on the record and we will see how it works in practice.

Clause put and passed.

Clause 3: Terms used —

Mr J.R. QUIGLEY: I move —

Page 3, line 2 — To delete "who has been convicted of" and substitute —

against whom a conviction has been recorded for

Mr P.A. KATSAMBANIS: Is this amendment substantive or does it simply play around with the form of words that were used; and, if it is substantive, can the Attorney General outline in what way it is substantive?

Mr J.R. QUIGLEY: Parliamentary Counsel's Office recommended this minor amendment to the final print version. Members may note that in clause 3 the term "conviction" is defined but that the definition of "convicted offender" uses the phrase "a person who has been convicted of". We are trying to align the two. Just to be clear, the definition of "convicted offender" in the bill currently uses the phrase "a person who has been convicted of". Although, under section 9 of the Interpretation Act 1984, the definition of "conviction" would still be imported into the definition of "convicted offender", this amendment will make the bill more readable for a layperson because they will not have to rely on the Interpretation Act. It brings the definitions into alignment in clause 3.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Meaning of family member —

Mr P.A. KATSAMBANIS: Clause 5 defines the meaning of "family member". We know this is really important because specific consorting offences relate to family members. I think, in all circumstances, there will be a lower test for family members than the test relating to other people. If family members are consorting, the consorting needs to be reasonable in the circumstances, whereas in other defences under this bill, the consorting needs to be necessary in the circumstances, which I am sure the Attorney General will accept is a higher test than reasonable.

Mr J.R. Quigley: Yes.

Mr P.A. KATSAMBANIS: The Attorney General said yes by interjection; I think we all agree with that. The definition is in two parts. There is the ordinary definition, which includes a spouse or de facto partner; a person with whom the person shares personal responsibility for a child; a parent or step-parent of the person; a child or stepchild of the person; a grandparent or step-grandparent of the person; a grandchild or step-grandchild; a sibling or step-sibling; and a guardian or ward of the person. That is relatively comprehensive. I am interested in the drafting of this clause compared with the drafting of other legislation we have seen recently, particularly in the family violence sphere. The term "spouse or de facto partner", which is relatively recognised and has a specific meaning, was extended a bit further in the family and domestic violence legislation than just simply people who are spouses or in a de facto partnership to include people who are more generally cohabitating. My question is: by not including that broader definition in this clause, are we likely to end up having a debate about whether someone was a de facto partner or was cohabitating but was not necessarily a de facto partner?

Mr J.R. QUIGLEY: It is a balancing act, and there are not the same considerations under the Family Violence Legislation Reform Bill. Under that bill, people who are cohabitating in the one household should be protected. Here, we do not want bikies who live in a share house saying, "We were cohabitating. They weren't my partner, but I've got a defence because we all lived at the clubhouse and were cohabitating." I agree that it is a narrower definition, but it is so for a purpose. It would be unreasonable to say that a husband and wife cannot be together or a de facto couple cannot be together. But it would also be unreasonable to say, "All you chaps living in this share house have a defence because you're cohabitating." We do not want that, and that is why it is a narrower definition.

Mr P.A. KATSAMBANIS: I acknowledge that and it is important to have that on the record, because we are trying to prevent people from using loopholes to get away with nefarious activity. I note that clause 5(2) provides the broader definition of "family member" that applies to an Indigenous person—that is, an Aboriginal person or a Torres Strait Islander. That is the definition of "Indigenous" in this subclause. I had some questions on that but the explanation the Attorney General gave in his summing up was detailed and complete. I think we all recognise that there are aspects of cultural and customary law as it applies to Indigenous people that extends the family relationship a little further. We would not, of course, want that to be exploited, and I am sure that the courts will be cognisant of that when considering these matters. I am certainly sure that police will also be cognisant of the matter when issuing notices in any prosecutions they might want to undertake for breach of a notice. I am happy to accept the explanation that the Attorney General read on the record in summing up, so I will not go any further on that clause now.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Unlawful consorting with convicted offenders —

Mr P.A. KATSAMBANIS: Clause 8 is the first clause in part 2. It is the offence clause. It is interesting that we have the offences at the start of part 2 and the notices coming after the offences, but in practice notices would have to be issued first before there is an offence. That is okay; that is a matter of drafting. I do not have a particular problem with that but I note it because it is interesting that the bill goes straight to the offences.

The penalty for the offence of unlawful consorting, if you like, with convicted offenders is imprisonment for five years and a summary conviction penalty for subsection (1) is imprisonment for two years. There is no mention of a monetary penalty. Does that mean that in these circumstances a court cannot issue a monetary penalty either in conjunction with a custodial sentence or in preference to a custodial sentence? Or do other rules apply that would still give the court flexibility to issue a monetary penalty?

Mr J.R. QUIGLEY: The Sentencing Act provides for a fine of $1 000 per month of the sentence. A two-year sentence in the Magistrates Court under the Sentencing Act would allow the court fine an offender up to $24 000.

Mr P.A. KATSAMBANIS: Was applying a heavier penalty as well as the jail term, rather than relying on the Sentencing Act, considered? In a lot of legislation, we see maximum sentences of X number of years and maximum monetary penalties of Y dollars. Why is it that we do not see that in this particular case?

Mr J.R. QUIGLEY: Firstly, the monetary penalty has been considerably increased from what it was in the Criminal Code by doubling it. If two years' imprisonment or a maximum fine of $24 000 is not considered sufficient, having regard to the gravity of the circumstances of the offending, the director can then proceed by way of indictment; therefore, the person will be subjected to a maximum penalty of five years' imprisonment or unlimited fine on indictment. Sorry; the highest penalty for the jurisdiction of the District Court.

Mr P.A. KATSAMBANIS: I want to explore the intention around what sentencing would look like. Is there an expectation that people who are found to be unlawfully consorting, who breach the notice and consort two or more times, would be sentenced to a custodial sentence?

Mr J.R. QUIGLEY: These penalties now prescribed are the highest penalties in Australia. The government expects that the courts will look at this legislation and see that these are the stiffest penalties in Australia and think that the Parliament expects serious sanction. There is a provision for a fine. There is the provision for other orders under the Sentencing Act. We will not stand at the ministerial table and dictate to the independent judiciary how they should act in a particular case, because a particular case will depend upon the facts and circumstances of the offender before the court.

Mr P.A. KATSAMBANIS: I accept that we are sending a message by passing this bill that this is offending on a serious scale and ought to be considered that way, and that in each circumstance the judiciary will determine what the penalty is. That brings us to subsection (3) of clause 8 that essentially—I am paraphrasing—creates a strict liability offence, because it says —

> Nothing in subsection (1) —

Subsection (1) refers to proving that there was an unlawful consorting notice and that during the period it was enforced the person consorted with a convicted offender stated on the notice on two or more occasions —

> requires the prosecution to prove —
>
> (a) that the consorting occurred for a particular purpose; or
>
> (b) that the consorting would have led to the commission of an offence.

Simply, a person is issued with a notice that tells them not to talk to or hang out with certain people. The person does so on two or more occasions so they have breached the notice. I have no problem with that philosophically. We are trying to stop bad guys from getting together to do bad things. But we come to an intersection between laws that are properly calibrated for the good order, peace and security of society and infringing on matters of constitutional and human rights that enemies of this type of legislation want to prosecute in courts, particularly in the High Court. Has the Attorney General received specific legal advice from the Solicitor-General or others that this type of strict liability clause would not fall foul of those normal rules around freedom of association and the ability for two people to get together and talk about the weather or football or their interest in gardening, which is the sort of argument that would be raised in any High Court challenge? I am not asking this pejoratively or, as was unfortunately suggested by the member for Mount Lawley in his contribution, because I want to somehow or other defeat this legislation. I want this legislation to succeed and I want to make sure that it will withstand the toughest scrutiny. Given that the legislation is creating such a strict liability offence, do we have good solid legal advice that it would withstand that sort of challenge?

Mr J.R. QUIGLEY: I do not want to go too far into the legal advice unless it is considered that I have in the chamber waived privilege to that legal advice, and I do not want anyone who challenges the legislation to then demand that I provide that advice to them by way of me having waived privilege. I will say in a general manner that this bill was drawn with one eye on what we are seeking to achieve here in Western Australia and one eye on the judgement of the High Court in Tajjour v NSW, which withstood a challenge in the High Court. I wish to reassure the member that in general terms, the advice that I received from the Solicitor-General is very comforting about what might happen if

a person who was subject to these notices were to challenge it in the High Court. The bill will not hinder a convicted person's ability to be free in the community. It will not restrict their general freedoms in any way. Its effectiveness lies in part with the cultural characteristics of outlaw motorcycle gangs. That includes their hierarchical nature, their use of insignia to identify themselves, and their propensity to gather regularly in places open to the public and elsewhere, such as clubhouses. In order to enliven the offence, under the provisions contained in this bill, a restricted person must have consorted with a known person on two or more occasions. The intent of the offence is not to criminalise everyday relationships, but to deter those people from associating with the criminal milieu, or criminal society.

We are very comfortable with where we stand constitutionally. I note that under clause 8(3), it is not necessary to prove that the consorting was for a particular purpose. If that were not the case, we would be locked up in having to prove a criminal conspiracy, and we might have a drug conspiracy trial on our hands, or we would be locked up in having to prove that the consorting would have led to the commission of an offence under the Criminal Code. These provisions will intercept, or interdict, those criminal organisations at a level below having to prove a criminal conspiracy or an attempt to commission an offence. The intent is to break up these organisations in the way that was intended by the Criminal Organisations Control Act. The problem was that because of the arcane nature of its provisions, that act could never be used. It required massive police intelligence and massive court time just to prove that an OMCG was an OMCG and that the person was a member of the OMCG. Under this bill, these people can go to a bar, and if it is identified from their patches and from the number plates on their motorcycles that they have committed indictable offences, they can be issued with a notice. It will not be necessary to prove that the consorting was for the purpose of committing a particular offence.

Mr P.A. KATSAMBANIS: I think it is more complex than the Attorney General makes out. It is a lot more complex than simply noting the patches and writing down the numbers. However, I take the Attorney General's point that the intention is to break up criminal gangs and to stop members of criminal gangs getting together. We all know what that leads to, irrespective of whether they have a strong interest in gardening or in picking a winner at the seventh race at the Mandurah dogs, or whatever they would claim they were trying to do. We all want to be on the same side on this legislation. I note, having read the debate on the Criminal Organisations Control Bill, that the Attorney General was very keen to examine whether that bill was bulletproof. The point that was made at the time by Hon Christian Porter, the then Attorney General and now federal Attorney-General, was that despite our best endeavours, and the best legal advice, we cannot make legislation bulletproof. It is interesting that being on one side of the chamber rather than the other leads individuals, irrespective of their political flavour, to temper their words. I note that the Attorney General is tempering his words. I am not asking the Attorney General to prove that this legislation will be bulletproof, for the same reason that the former Attorney General of this state and now federal Attorney-General explained to the Attorney General back in February 2012 that we cannot stand here hand on heart and say this legislation will be bulletproof. We need to be cognisant of the fact that the people whom this legislation is intended to deal with are extremely motivated, financially resourced and highly likely to bring legal challenges to this sort of legislation. The reason for these discussions is that although we cannot ensure that this legislation will be bulletproof, we can ensure that it is as fit for purpose and function as it can be. I accept that that is the intention of this bill. I am not seeking the Attorney General to waive privilege in this case, although he has done that in a past, especially back in 2017. I accept the Attorney General's reassurance that he has sought legal advice at the highest levels, and I am comfortable with that.

I want to clarify the point that the person must be found to have breached a consorting notice on two or more occasions, but those breaches may relate to separate breaches against separate named individuals in those consorting notices. Is that feature contained in the New South Wales legislation or is it unique to Western Australia?

Mr J.R. QUIGLEY: I do not have an answer about whether that applies in New South Wales, but my advisers will. We are allowing for one slip. We are allowing for two people to get together once. They will be warned, and, the next time they do that, they will be charged. We think that is appropriate, bearing in mind that we have to show only that they are subject to an anti-consorting notice, not that they are getting together for the purpose of planning a criminal offence. My brilliant advisers have identified for me that in New South Wales, a person commits the offence if the person consorts with at least two other convicted offenders on at least two occasions. Under this bill, it will be with one other person on the notice, not two other persons, so it is a bit tighter. It will apply if a person subject to a notice consorts with any other person on that notice on two occasions. If four people are on the notice, and the convicted person consorts with the second person, that is the first occasion. The second occasion does not need to be again with the second person. It may be with the fourth person on that notice. If they breach the notice on two occasions, they can be prosecuted.

Mr P.A. KATSAMBANIS: That confirms that the drafting has been guided by what the High Court told us was right with the NSW legislation. However, we have moved beyond the New South Wales legislation. That legislation effectively requires four strikes. This legislation effectively requires two strikes. Therefore, we are moving beyond exactly what was considered in the High Court in the Tajjour case. It is important to have that on the record as well, because it gives rise to the question of what the fate of this legislation will be. I wish this legislation the best fate possible—I seriously do. It is important to put on the record for the public of Western Australia that we are introducing a bill that pushes the envelope a little bit beyond what was considered in the Tajjour case in relation to the New South Wales law and what was considered by the High Court. Again, hopefully, the legal advice that the Attorney General received will be affirmed if or when this is challenged in the future.

Mr J.R. QUIGLEY: If the Solicitor-General is a respondent to an application before the High Court, he is very comfortable with Western Australia's position on this legislation. I do not want to go further.

Clause put and passed.

Clause 9: Defences to charge of unlawful consorting —

The DEPUTY SPEAKER: I note there is an amendment on the notice paper to clause 9. I would like to let the Attorney General and the opposition know that when moving these amendments, members do not have to read out the whole thing. I am foreshadowing that there is a big amendment on the next page of the notice paper. Members just need to refer to the amendment on the notice paper.

Mr P.A. KATSAMBANIS: I want to seek clarification on clause 9, "Defences to charge of unlawful consorting". It is not a defence to being issued with a notice; it is simply a defence to any charge of unlawful consorting. As I said yesterday in the second reading debate, the first limb of the defence in clause 9(1)(a) is "between persons who are family members" and the consorting is "reasonable in the circumstances." Will we let courts determine what is reasonable in those circumstances? We could come up with many factual scenarios; attending a father's or grandfather's birthday is probably reasonable. If the two bad guys are family members and they attend each other's birthday parties, we will let a court determine whether it is reasonable in each set of circumstances. Therefore, I will not tease that out any further with the Attorney General. But I think the public can already see the sorts of lines of inquiry that perhaps some nefariously minded people might have and how this legislation will operate in practice.

A few of the nine defences listed in clause 9(2) make sense, but there are issues around how they would operate. Again, I will let the court determine that. An issue that I raised yesterday concerns clause 9(2)(viii). The Liberal Party, as a responsible opposition, certainly has an issue with it. It is the defence for —

> activities undertaken by members of an organisation of employees registered under the *Industrial Relations Act 1979* … or the *Fair Work (Registered Organisations) Act 2009* (Commonwealth), for the purposes of the business of the organisation;

The member for Mount Lawley spoke about the need for us to respect freedom of association and trade unionists getting together. If that were the case and we wanted to respect freedom of association, why would we not incorporate defences for everyone who wanted to claim freedom of association, such as a trade union, a political party, an employers' organisation or broader community organisations? This is a specific carve-out for trade unionists; it has nothing to do with freedom of association. If it did, it would save people who were getting together for the purpose of freedom of association in any form of association and not be restricted only to trade unions.

The minister in his summing up tried to equate this to the protections in the Criminal Organisations Control Act around advocacy, dissent, protest or industrial action. Advocacy, dissent, protest or industrial action are not confined to trade unionists. I point to the gathering in Langley Park last Saturday, which was about the discrimination of Indigenous peoples, following on from the Black Lives Matter protests in the United States. That was not a protest for trade unionists. It was not business of an organisation. There is no defence for engaging in protest in this bill. There is no defence for industrial action broadly because industrial action can be taken by anybody and those people do not need to be trade union members, but often they are. There is the concept of "protected industrial action" but that is a separate subset of industrial action. It is not all industrial action.

I put to the Attorney General that this is a discriminatory clause, specifically for trade unionists. It does not necessarily provide the protections that were provided in the previous bill that we have spoken about consistently, so why is it only trade unionists who are given this protection? Why would the people who protested last Saturday not be protected by this sort of defence? But if it were a trade union protest, they would be protected?

Mr J.R. QUIGLEY: I emphasise it is typical for legislation of this nature to provide an exemption on industrial grounds. We have crafted a particularly narrow exemption here. None of these defences will protect anyone from accountability for criminal conduct. To make this crystal clear, we have included clause 10(3) in the bill, which provides that consorting is not reasonable if the purpose of the consorting relates to criminal activity. Therefore, if people are involved in industrial action for the purposes of criminal activity, the association or the consorting would not be exempt. I have already emphasised the important role that the unions play in fighting against the exploitation of workers. To include a defence for employment without including a targeted defence for industrial action is nonsensical. Employment and protection of workers' rights are inextricably linked. We emphasise how limited the scope of the defence contained in clause 9(2)(viii) is. Firstly, it applies only if both the restricted person and the person named in the unlawful consorting notice are members of registered organisations under state–federal industrial relations systems. Secondly, the consorting must be for the purpose of the business of the organisation. Thirdly, the consorting must be necessary in the circumstances.

I want to speak a little bit more on what is necessary in the circumstances. Take, for example, two members of a union who are participating in industrial action. Although it may be necessary for them to be in the same room for a meeting, it may not be necessary for them to sit next to each other. Similarly, it may be necessary, under the circumstances, for them both to take part in a protest, but it may not be necessary to walk with each other as they do so. This will be a question of fact to be determined by the court. We want them to be registered members of

these unions; we do not want bikies who are just going along. We have seen these protests over the road at Solidarity Park. Say there is a protest at Solidarity Park and a few bikies say, "Well, look, there's an industrial action; we can just jump in there and start chatting to each other and avoid the consequence of the anti-consorting notice." No. They will be exempt only if they are a member of the registered union that is at Solidarity Park conducting the protest. There will then be a further test of whether it was necessary for them to stand shoulder to shoulder or could they have shown their support and solidarity by being at the other end of the crowd. We are trying to restrict the availability of this defence so that members of outlaw motorcycle gangs cannot, under the ruse of joining industrial protests, escape the consequences of the law. They will have to demonstrate that they were a member of the registered union either under state or federal law and were there for the purpose of union business, conducting industrial action, and that they positioned themselves in a place and manner that is thought to be reasonable by the court.

Mr P.A. KATSAMBANIS: It is interesting that the Attorney General continues to talk about the business of the organisation being industrial action, but the business of the organisation is broader than simply industrial action. In the information that I read in yesterday and the many volumes of the Heydon Royal Commission into Trade Union Governance and Corruption it was quite clear that some trade unions—a minority—had, effectively, conscripted outlaw motorcycle gang members to be their debt collectors, which the union would consider to be business of the organisation. They collected debts and acted as muscle for the union. That was a large part of what came out of that royal commission—a very large part!

This exemption is narrow in one way; it applies to only trade unions. It does not apply to any group other than trade unions. However, it is broad in the sense that it is well beyond industrial action. This bill will cut out protections that were in the previous act for anyone to conduct advocacy, dissent, protest or industrial action. It will limit it to only trade unions. They can do all that and anything they deem to be business of the organisation. In any other piece of legislation or agreement this would be called a preference clause, and that is what it is—a union preference clause. It is a clause crafted by a Labor government to give a special exemption to the trade union movement that does not exist for anyone else. As I said yesterday, this will not apply to the vast majority of trade unions. The member for Mount Lawley might have picked it up yesterday, but he clearly did not, because he came in here and verballed me in his contribution. I said very clearly that the vast majority of trade unions would be aghast if OMCG members came anywhere near them, like most organisations would be. They would bat them away. They would push them away.

Mr S.A. Millman: How many convictions were there?

Mr P.A. KATSAMBANIS: Does the member want me to run through a list of convictions of Construction, Forestry, Maritime, Mining and Energy Union members over the last decade? How many days does he want me to stand here and speak about it? How many convictions does he want me to talk about? That royal commission —

Mr S.A. Millman interjected.

The DEPUTY SPEAKER: Members! Member for Mount Lawley and member for Hillarys!

Mr P.A. KATSAMBANIS: It is not my fault.

The DEPUTY SPEAKER: Both of you! Member for Hillarys, do you want to continue your question or have you finished?

Mr P.A. KATSAMBANIS: Thank you. I sure do.

This is a union preference clause that clearly has some sort of internal Labor Party thinking behind it that none of the rest of society can see. It is a union preference clause that does not allow other groups to claim the same protections that were in the Criminal Organisations Control Bill 2012, despite what the Attorney General says, because there is no reference in this bill to advocacy, dissent, protest or industrial action. Those things are not in it; it is just of the business of the union. It is not offered to anyone else. In particular, it discriminates between the two groups in the Western Australian Industrial Relations Act and the commonwealth Fair Work (Registered Organisations) Act. It applies it to only employees, but not to employers. I am not arguing that it should apply to employers; I am arguing that it should not be in here. That is why I will move an amendment to clause 9 that will simply remove that subparagraph. It deletes the lines so that the union preference provision will be taken out. Trade unions will have exactly the same standing as all other organisation in this state. I would hope that every single trade union in the state would stand united with the rest of society in not wanting OMCGs to infiltrate their organisation or any other organisation. I know that good union leaders and members want that as much as we do. I think my amendment will improve the bill. Lest anyone say otherwise, the Liberal Party supports this bill and its intention. We will vote for this bill, but we believe that this preference subparagraph should not be in there because it has no right to be in this legislation. I move —

Page 8, lines 22 to 27 — To delete the lines.

Mr J.R. QUIGLEY: There is a little to be said on this. If we had a general provision that said there is an exception if someone is just going to advocate for a particular cause, such as the Black Lives Matter protest on Saturday, or any other general clause, we have no doubt that OMCG members would exploit it. They would think that they could just go on to something like the Black Lives Matter protest last Saturday and, amongst the throng, get together and have their little chats because it is a general protest and they can be excluded from the harsh provisions of the anti-consorting legislation.

Although it is unlikely, they could go to a Greens environment protest down at the beach or one of those protests against shark culling that they had down at Cottesloe, where there was a throng on the beach protesting against the shark boat that the former Premier had out there. The bikies could get amongst that crowd, talk to each other, and be exempt from the legislation because they were amongst an advocacy group. Indeed, the Chamber of Commerce and Industry of Western Australia might have a convention and bikies might go along and sit amongst the people at the convention. Bikies do not always wear patches; they often drive what look like mafia staff cars. They pass themselves off as businessmen, as other organised criminals do. They could say that they were at the CCI convention and that would be their defence. No, no, no! We are making a very small exception, which I notice that the member is not opposing, for the purpose of employment. We will not prosecute people who, in the course of their lawful employment, are together despite the consorting notice. We are making a very narrow exception for them. They can go along to industrial protests or other lawful business of their union if they are a registered member of the union. The people that the member for Hillarys referred to from the royal commission into unions—the heavies and hoods used by unions to extort money—would have to show, to try to get within this exemption, that they are a member of that union. Any union admitting those people as members would be putting itself at immediate risk of deregistration. Furthermore, we have to turn the page to clause 9(3). If someone passes the tests of, first, being in a union, and second, undertaking an activity that is the ordinary course of the business of the union, we then have to turn to clause 9(3), which provides —

> Consorting referred to in subsection (1) or (2) —

That is at the union rally —

> is not reasonable or necessary … if a purpose of the consorting —
>
> (a) is to avoid the operation of an unlawful consorting notice …

So, if a person goes along to a rally for the purpose of avoiding the unlawful consorting notice, even though they are a member of the union, the defence is not there. They can go along to the rally and stand 30 metres apart.

Mr S.A. MILLMAN: Deputy Speaker, I would like to hear further from the Attorney General in his defence of this outstanding clause.

The DEPUTY SPEAKER: Certainly, member for Mount Lawley.

Mr J.R. QUIGLEY: We have to look at 9(3)(a). If someone is attending a rally for the purpose of avoiding the operation of the unlawful consorting notice, the defence is not there. They would have to demonstrate why they were standing next to the other person at the rally. Clause 9(3)(b) relates to criminal activity, which is what the member referred to as extorting moneys by threat, intimidation or otherwise. That is all criminal, so the defence is not there. This is a very narrowly targeted exception to say that if someone is a member of the union and is there on lawful union business, and—clause 9(3)(b)—it is not to avoid the operation of the unlawful consorting notice, then they have a defence. But it has to be looked in the context of 9(3)(a) and (b). We do not want to make it a general exception to all these other outfits, or we will soon find organised crime going along to these conventions and places for the purpose of avoiding the unlawful consorting notice.

Mr P.A. KATSAMBANIS: It is interesting that the Attorney General, when first challenged, gets up and says that this is very similar to what was in the previous bill; then, when it is pointed out that it is not, he comes back and says that this is very narrow and is only about trade unions.

Mr J.R. Quigley: I didn't.

Mr P.A. KATSAMBANIS: You did. The Attorney General talked about advocacy, dissent, protest or industrial action. He said, "Oh, it's very similar to what we had." Then, when he is challenged and it is pointed out to him that it is not, he comes up with the justification that this is very narrow and only for trade unions. That is what we are objecting to. Why should trade unions be special? Why should they be separate? Why should the law of the land that applies to everyone else, including every other organisation, not apply to trade unions as well? It is as simple as that. We do not believe that this preference clause should be in here. It is open to exploitation and it will be exploited. Evidence from the royal commission suggests that it is already being exploited. That is why we are moving this amendment. We think it strengthens the legislation and makes it better. It closes one more door of potential malfeasance to people who want to commit malfeasance. I am not suggesting that trade union leaders or members are doing that whatsoever, but by taking this out, we protect trade unions from infiltration.

If we want to start talking about infiltration, we can probably open up all sorts of other cans of worms that have been opened up by *60 Minutes* on Sunday night on the Labor movement more generally. We will not go into that today, although I am sure a lot of people here can give us chapter and verse on it. I have no take on that. I will allow the Independent Broad-based Anti-corruption Commission to look into that. I think it will have a lot of fun, although I am interested in reading all that stuff and seeing it on the television. We think that this is actually a protective mechanism for the vast majority, I would say almost every single trade union that does not want to be infiltrated by outlaw motorcycle gangs. There is no logical reason that this particular exemption should be in here ahead of any others. We are not convinced that the government is doing anything other than simply looking at this legislation and saying, "We had better protect trade unions." I do not think they need this sort of protection. Why would they

need it? Every organisation worth its salt would bat OMCGs away. The royal commission has told us that there are issues. Let us not hide those issues or walk away from those issues; let us deal with those issues. Removing this clause would go a long way to dealing with any such issues if and when they arose.

Mr J.R. QUIGLEY: There is a misconception here. Let us be clear: this is not giving an exemption to any trade union. This is not giving preference to the trade union movement over the Chamber of Commerce and Industry of Western Australia. Let us be quite clear what this clause does: it provides a defence for someone who attends an event in the course of industrial action or the lawful course of business whereby another person is present who is the subject of an unlawful consorting notice. It will provide a defence if it is reasonable that that person attends, and it is not for the purpose of avoiding the unlawful consorting notice or relating to criminal activity. To wrap it up with the inflammatory language of what is happening in Victoria or other jurisdictions only invites an inflammatory response, because we have seen infiltration of the Western Australian state parliamentary Liberal Party room by the "Black Hand Gang", whose black hand has been deep in the taxpayer's pocket funding overseas Asian sex tourism —

Several members interjected.

Withdrawal of Remark

Mr Z.R.F. KIRKUP: The clear imputation from the Attorney General is a poor reflection on members of the upper house. On behalf of the Liberal Party, I ask that he withdraw that remark.

The ACTING SPEAKER (Ms L. Mettam): Attorney General, I think you should withdraw that remark.

Mr J.R. QUIGLEY: Could I speak further on the point of order?

Several members interjected.

Mr J.R. QUIGLEY: I just wanted to speak in my defence on the point of order; that was all. I never mentioned members of the upper house; I mentioned only people with black hands deep in the taxpayer's pocket.

The ACTING SPEAKER: Attorney General, can you temper your remarks and get back to the business of the bill, please.

Debate Resumed

Mr J.R. QUIGLEY: I was provoked to them. Members opposite know which buttons to push. When it comes to the covering up of corruption, they know which buttons to push.

This is not an exemption for trade unions. This provides a defence to a person who is the subject of a notice and attends to the lawful business of a trade union that is reasonable and necessary in the circumstances. We do not want to include any other group like the Chamber of Commerce and Industry because if these bikies go along, they have no lawful business being there. Organised crime has no business being there. But we know that some people with criminal convictions might be working in the construction industry or in manual labour and might want to go to a safe workplace rally. We oppose the amendment.

Division

Amendment put and a division taken, the Acting Speaker (Ms L. Mettam) casting her vote with the ayes, with the following result —

Ayes (18)

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

Noes (30)

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

Pair

Dr M.D. Nahan	Mr M.P. Murray

Amendment thus negatived.

Clause put and passed.

Clauses 10 to 14 put and passed.

Clause 15: Correcting minor errors in unlawful consorting notice —

Mr J.R. QUIGLEY: I move —

Page 12, line 5 — to delete "an error" and substitute —

a mistake

This amendment removes "an error" from clause 15(1)(b) and replaces it with "a mistake" in order to ensure consistency in drafting. I will explain this amendment, together with the following amendment, regarding the heading of the clause. The effect of these amendments is into ensure that a consorting notice that contains a mistake, including a material mistake, has the same validity and effect as if the mistake or error had not been made. If, for example, a person who is not a convicted offender is mistakenly named on an unlawful consorting notice, this provision, as amended, will enable the prescribed officer to remove that named person from the notice and preserve the validity of the notice. To explain, if five people are named on the notice and the fifth person put on there did not in fact have an indictable conviction recorded for them, the commissioner can then strike off the fifth name that was there as a mistake, but the notice would remain valid vis-a-vis the other forenamed persons.

Amendment put and passed.

Mr J.R. QUIGLEY: I move —

Page 12, line 16 — to delete "or error".

This amendment is, of course, linked to the previous amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 16 put and passed.

New clause 16A —

Mr J.R. QUIGLEY: I move —

Page 13, after line 26 — To insert —

16A. Variation of unlawful consorting notice

(1) A person (the ***restricted person***) on whom an unlawful consorting notice is served may apply to the Commissioner of Police to vary the notice to remove the name of a person (a ***specified person***) specified for the purposes of section 11(b) in the notice.

(2) The application must be made —

(a) in writing; and

(b) during the period that the notice is in force.

(3) The Commissioner of Police must determine the application within 60 days after the application is made.

(4) The Commissioner of Police must, by written notice (the ***variation notice***), vary an unlawful consorting notice to remove the name of a specified person if the Commissioner is, on an application under subsection (1) or on the Commissioner's own initiative, satisfied that —

(a) the requirements for issuing the notice under section 10 are no longer met in respect of the specified person due to a change in the circumstances; and

(b) the unlawful consorting notice still specifies for the purposes of section 11(b) the name of at least 1 person who is a convicted offender.

(5) The variation notice takes effect when it is made.

(6) The variation notice must specify all of the following —

(a) the name and address of the restricted person;

(b) the name of the specified person;

(c) details that identify the unlawful consorting notice;

(d) the date on which the variation notice is made;

(e) that the variation notice takes effect when it is made;

(f) any other matters prescribed in the regulations.

(7) The Commissioner of Police must, as soon as practicable after making a variation notice —

(a) serve or cause to be served, by a prescribed service method, the variation notice on the restricted person; and

(b) make a record of, or cause to be recorded, the particulars referred to in subsection (6) relating to the variation notice.

Mr P.A. KATSAMBANIS: This is a new clause that has been added to the legislation. It permits the variation of unlawful consorting notices by the Commissioner of Police. I think we require an explanation from the Attorney General of the intention of this clause. Why is it being introduced and how will it work?

Debate interrupted, pursuant to standing orders.

[Continued on page 3935.]

PREMIER MARK McGOWAN — STATE ECONOMY

Standing Orders Suspension — Motion

MR D.C. NALDER (Bateman) [12.20 pm] — without notice: I move —

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

That this house condemns Premier Mark McGowan for his mismanagement of the economy, resulting in a jobs crisis, the highest unemployment rate in the country and the highest number of unemployed Western Australians on record.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.21 pm]: I move —

To insert after "forthwith" —

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

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

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

Question put and passed with an absolute majority.

Motion

MR D.C. NALDER (Bateman) [12.22 pm]: I move the motion.

The Premier needs to explain to the public why Western Australia's unemployment figures are the worst in the nation under his Labor government. Figures released today show that Western Australia's unemployment rate soared to 8.1 per cent in May compared with 7.1 per cent nationally. This is an economic disaster. The Premier needs to explain to the people of Western Australia why unemployment figures are the worst in Australia when he claims that he has managed the COVID-19 pandemic better than any other state in the nation. A total of 30 000 Western Australians joined the unemployment queue in May. It was up 33 per cent in the month of May. Yesterday the Premier was spruiking that Western Australia was multiple times in front of other states, yet we have the highest percentage of unemployment in Australia. There are now 112 000 unemployed people in the state. We have the highest number of people unemployed in the state's history. That is a 33 per cent increase in the number of people who have become unemployed in one month. This is at a time when the federal government is providing relief through JobKeeper payments. This figure does not include the people who are protected by JobKeeper payments. If it did, the underlying rate would be much worse.

We are worse off than any other state in Australia. Our unemployment rate is 8.1 per cent while the average across Australia is 7.1 per cent. WA has a jobs crisis. This government wants to stick its head in the sand and say, "Don't look here. Look at these relief measures that were undertaken." These relief measures are either transactional or completely smoke and mirrors. Apparently, they will last for a while and benefit Western Australian industries for a short period but the government has no underlying economic plan. It has no plan for sustainable jobs growth for Western Australia. The government is relying on industry to do it itself. The federal government has been underwriting this state while the state government of Western Australia sits on its hands. It wants to spruik how fantastic it is doing while it presides over the worst unemployment rate in Western Australia's history. It might want to say that is a result of the coronavirus pandemic and it is not its fault. The Premier claims that he is managing the pandemic better than any other state in Western Australia. He has a hubris arrogance about how well he is managing the coronavirus pandemic yet we now have the highest unemployment rate in Australia.

Several members interjected.

Point of Order

Mr Z.R.F. KIRKUP: Madam Acting Speaker, the member for Cannington continues to interject. I ask you to bring him to order.

Debate Resumed

Mr D.C. NALDER: I remind the government that the underlying economic issues that are confronting Western Australia were prevalent before the coronavirus pandemic. The government is presiding over a record number of households that are suffering mortgage stress. Ninety thousand households were experiencing stress when the Labor Party came to government. That figure rose to 152 000 at the end of January.

Several members interjected.

Point of Order

Mrs L.M. HARVEY: Madam Acting Speaker, the government has given us a paltry 10 minutes to put our case around the highest unemployment figures ever in Western Australia. The member for Cannington, the minister, needs to stop interjecting and wasting our time.

The ACTING SPEAKER (Ms L. Mettam): Are you taking interjections?

Mr D.C. Nalder: I am not taking interjections.

The ACTING SPEAKER: Member for Cannington, please stop interjecting.

Debate Resumed

Mr D.C. NALDER: A total of 152 000 households were suffering mortgage stress in January, up 67 per cent from when the Labor Party came to government. Over 184 000 households are now not meeting their monthly bills. The government is saying that it is doing a great job while people are struggling. A clearly defined jobs plan from this government is missing, not a few relief measures that support certain industries or parts of industries for a short period. The people of Western Australia deserve to understand what the plan is out of coronavirus that will sustain jobs going forward. We are not hearing that. We are getting mixed messages from this government. The government used national health standards when determining how many students could attend school camps, saying that only a certain number were allowed. When it looks at the state borders, all of a sudden it does not look at national health advice but it takes its own advice. This inconsistency is hurting. We need a jobs plan. We need a clear path forward from the Premier and we need it now.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [12.27 pm]: The opposition does not deny that there has been a health crisis in this country. Now we have an economic and jobs crisis. The Premier needs to explain why the unemployment rate in Western Australia, with our resources sector doing so well, is 8.1 per cent, the highest in the nation. The Premier needs to explain why there are 30 000 fewer jobs this month compared with last month. The Premier needs to explain why Western Australia is doing worse than every other state, with 28 000 more people unemployed now versus last month when over 112 000 people were unemployed. We lost 95 000 jobs in this state over the last two months. These figures do not include those people on JobKeeper payments. All those businesses in a cashflow crisis are surviving on JobKeeper. When JobKeeper comes to an end, where will these figures be unless this Premier takes positive action towards a stimulus that is meaningful and accessible to businesses that need it, not like the failed tourism stimulus that rules out a vast majority of businesses from even applying for it? What lifeline will the government throw them?

I want to draw the Premier's attention to the youth unemployment rate of 16.3 per cent, or 32 300 people. These are my children. These are my nieces and nephews.

Ms A. Sanderson: You put TAFE fees up 500 per cent!

Mrs L.M. HARVEY: Why don't you be relevant?

I draw members' attention to a speech made by our Prime Minister, Scott Morrison. He said that certain figures were taken into account before national cabinet came up with its three-step plan to reopen the economy. He also said that states like WA need to take note, particularly given that WA was the state with the highest jump in unemployment. He stated —

> Every state government, every territory government, the Federal Government, every local government, all of us must do everything we can to open up our economy and get Australians back into work. There is no surprise in that decision from me.

WA now has the worst unemployment rate in the country. The Premier needs to explain in his response why Western Australia is doing worse than every other state in the nation. That is the issue here. We expect to be on par with the nation; we do not expect to be falling behind. The reason that we are falling behind is that the Premier has not articulated a jobs plan and an economic recovery plan. He is giving no hope or optimism to all those businesses that have shut their doors and fired people because they see no future for themselves in this state. The Premier needs to explain why we are doing worse than every other state.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [12.30 pm]: I am happy to stand on behalf of the Nationals WA and add to the debate on the suspension motion. Without doubt, this government is built on a platform of smoke and mirrors. Despite its mantra of jobs, jobs and jobs, this government has failed Western Australians. The numbers have come in today. As we emerge from this COVID-19 health crisis, the public expects and deserves a government that delivers more than just spin. The rot started early with the smoke and mirrors around the Local Projects, Local Jobs program, which was little more than a slush fund. Campaign insiders said that the program was renamed because the party's research suggested that the message about jobs resonated better. It was smoke and mirrors because it was not about jobs, it was just a slush fund. This government promised that royalties for regions would deliver jobs in our regions, but then it cut, cut, cut, with $1.6 billion gone or repurposed, meaning that opportunities to create jobs in regional Western Australia were lost. That is a conservative estimate of what has been repurposed, not to mention the underspend delivered by the Treasurer in the latest quarterly financial report.

Where are the projects that we have lost that would have created the jobs that this Premier has been happy to talk about in media opportunities and create spin? There was a big splash but no detail, much like the FIFO plan that was announced to lure and drag people over from the eastern states. There was no plan to create jobs in the areas to sustain them. There was no plan to bring those people to Western Australia. Announcements and photo opportunities have deliberately short-changed regional Western Australia and failed to deliver major projects by underwriting. These numbers demonstrate that it is not just in regional Western Australia, but across the entire state. The Premier may think that he is doing well, but he should not mistake the public's gratitude for his management of the health crisis as an endorsement of his government's performance on jobs, particularly in regional Western Australia.

MR M. McGOWAN (Rockingham — Premier) [12.32 pm]: It is very true that it has been a very difficult period for many people across Australia and Western Australia. A great many people have lost their jobs. Some people have left the workforce permanently and many businesses have suffered, particularly those in the hospitality, retail and tourism sectors of Western Australia. It has been very, very bad—indeed, devastating—for them. It has been the worst economic shock to Western Australia since 1929 and the Great Depression. Clearly, the period since early mid-March when this started to really bite the state's economy has been an extremely difficult time for many people. As we made decisions to close down parts of the economy, we found that overwhelmingly businesses and people across the state did the right thing. That meant that many businesses laid off staff and closed their doors. I walked around shopping centres at which virtually all the stores were shut. Many consumers decided that they would not go out, and that was on health advice. Many elderly people in particular did not go out. They did not go shopping. They followed the advice of governments across Australia to stay home and therefore preserve their lives.

The reality is that Western Australia has had an extremely low rate of COVID-19 infections compared with other states, the eastern seaboard in particular, and especially compared with other parts of the world where there have been massive health and economic shocks. Western Australia has had a low rate of infection but obviously there has been an economic impact on our state. The truth is that the pandemic could have killed thousands of Western Australians; indeed, it could have killed many thousands of Western Australians. We are not out of the pandemic yet; that could still occur. If we look at the history of these things around the world, there is the prospect of a second wave. There is no vaccine. We have to be careful. We have to be cautious in managing what lays before us now, and I think Western Australians intuitively understand that. We have to be careful and cautious in how we emerge from what has taken place. Of course, that carefulness and cautiousness mean that we have to put arrangements in place, such as international and interstate borders. We have a lack of international students and tourists. All these things have an economic impact and I expect the economic impact will be around for years to come, in both Western Australia and Australia. But Western Australians, in particular, embraced the change and accepted the rules more readily and fully than other parts of the world and, indeed, other parts of Australia, and that means that over the March–April period and going into May, we had a very large decline in our economy.

The figures that were released today are from 3 May to 16 May, which was a month ago. We announced the phase 2 reopening of the state's economy two days before 16 May. Phase 2 involved restricting the number of people in cafes and restaurants and at swimming pools and other things to 20. They were modest changes to get the economy working again. Phase 2 started two days after these figures were compiled. A couple of weeks ago, we announced the phase 3 changes, which involved a far greater reopening of the state's economy. I have said to people—I say it constantly and I will explain it again—that the phase 3 changes allow for far more activity within Western Australia than is the case in any other state in Australia. They came in a couple of weeks ago. I think it was Monday, 8 June. Those phase 3 changes have, of course, allowed for far greater economic activity within Western Australia. Obviously as the surveys go along, the changes within the economies of each of the states will mean that the unemployment figures will change. Over coming surveys, we can expect that things will change and, hopefully, they will reflect the fact that Western Australia's economy has opened up to a far greater degree than have the economies of any other state in Australia.

The phase 2 and 3 changes are far greater and have opened up the economy more here than in any other state. We have put in place the building bonus, which I am confident will mean that far more people will keep their employment in the building industry. We have also provided payroll tax relief, frozen fees and charges, reduced electricity bills

for small businesses across the state, provided rental relief and waived fees and charges for business. We have a major planning reform initiative in the upper house that is designed to spur on economic activity. It cannot just be about government spend. We have to get the private economy up and working more quickly as part of this. Our phase 2 and phase 3 initiatives and planning reforms allow for that.

The reality is that every state in Australia has suffered a grievous loss of jobs. The unemployment rates in Queensland and South Australia are similar to the unemployment rate in Western Australia. These figures were compiled before our phase 2 and phase 3 initiatives were announced. We are getting the Western Australian economy up and running far more quickly.

In closing, I refer to the border arrangements. We have obviously been very cautious about reopening the state border. I note that Victoria had 21 new coronavirus cases on Tuesday and 18 new cases yesterday. The majority of those cases are from community spread. The one thing about COVID-19 is that if it comes back, the economic impact will be far more devastating. We are adopting a cautious approach of protecting our citizens whilst opening up the Western Australian economy to a far greater degree. The figures will jump around. In coming months, we will see new figures. I warn everyone that this is a long, hard road and there are no easy solutions, but governments around Australia, including this one, are doing their best to deal with this difficult situation.

MR B.S. WYATT (Victoria Park — Treasurer) [12.39 pm]: This is the devastating price that the Western Australian community has paid to fight the coronavirus pandemic. As the Premier pointed out, we will not sacrifice that effort by simply opening the borders too early. The Premier has been utterly consistent on that.

I think this motion highlights a couple of things. These figures are awful. Although not a surprise, they are still, nonetheless, devastating, but there is certainly light at the end of the tunnel. These figures are for the whirlwind period when we decided to close our economy. That is effectively what we had to do to fight the coronavirus.

Mrs L.M. Harvey interjected.

Mr B.S. WYATT: Wait, Leader of the Opposition. The Leader of the Opposition will learn something.

In more up-to-date data, such as payroll data up to 30 May—as the Premier said, the data the motion refers to is up to 16 May, prior to phase 2—we see that jobs were being created every week in the five weeks to 30 May, which is the best result of all the states in the nation. JobSeeker and JobKeeper create a lot of noise around the unemployment data, but if we look at aggregate hours worked, which is a very good proxy for overall economic activity, we see that Western Australia has recorded the largest increase. Again, looking at participation rates, which have been moving around vis-a-vis the other states, we see that Western Australia has the best overall job rate. There is no doubt that future figures will jump around, but no-one should be surprised about that. The Premier and I have stood in this chamber and warned members of these figures, and I expect the unemployment rate will continue to be fairly volatile over the next couple of months. If members look at the up-to-date payroll data, which, as I said, shows five weeks of consecutive job growth in Western Australia—the strongest of all the states—the largest increase in aggregate hours, and, importantly, online job listings trending up again, they will see that decisions on phase 2 are having a real and immediate impact on the Western Australian economy and jobs for Western Australians. We fully expect that to continue, but we absolutely will not threaten the great effort that Western Australians have gone to, this huge investment or jobs and wealth by lifting the border early, which the Liberal Party is demanding we do. Doing that would threaten Western Australians who have invested so much, as we can see in today's data.

Division

Question put and a division taken, the Acting Speaker (Ms L. Mettam) casting her vote with the ayes, with the following result —

Ayes (19)

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

Noes (31)

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

Question thus negatived.

CRIMINAL LAW (UNLAWFUL CONSORTING) BILL 2020

Consideration in Detail

Resumed from an earlier stage of the sitting.

New clause 16A —

Debate was interrupted after the new clause moved by Mr J.R. Quigley (Attorney General) had been partly considered.

Mr J.R. QUIGLEY: I had moved the amendment standing in my name to insert new clause 16A. I will speak in support of that amendment. As the house is well aware, the unlawful consorting scheme before us provides for a notice to be issued to restrict an offender and which names several convicted offenders. This amendment is to clarify that the Commissioner of Police will have the power to not only revoke an unlawful consorting notice, but also vary a notice to remove from it a named person. New clause 16A, like clause 16, will allow a restricted person to apply to the Commissioner of Police to vary a notice by removing the name of a person stated on the notice. This power may also be exercised by the commissioner of his own initiative.

The intent of this clause is to allow for the varying of a notice in such a way as to preserve its operation for those names that will remain specified on the notice, but allow other names to be removed without the need to revoke the entire notice. This will happen when the requirements for issuing the notice under clause 10 are no longer met for one or more, but not all, of the persons named as convicted offenders for the purposes of clause 11(b), due to a change of circumstances. An example of a change of circumstance is when a person named on a notice, other than the restricted person, is no longer a convicted offender, possibly due to a conviction becoming spent or because an appeal against a conviction results in the conviction being overturned. Instead of the entire notice having to be revoked, this amendment is intended to preserve the status of the notice, including any instances of consorting that count towards whether the restricted person has committed the offence of consorting.

Mr P.A. KATSAMBANIS: Can the Attorney General clarify whether the Commissioner of Police will be able to delegate the power that will be conferred upon him under this new clause, or will he have to exercise it personally?

Mr J.R. QUIGLEY: There is a power for the Commissioner of Police to delegate. I am trying to find the clause number, because we have not got to that clause yet. It is clause 29, "Delegation by Commissioner of Police", and we will get to that, if that is satisfactory.

New clause put and passed.

Debate interrupted, pursuant to standing orders.

[Continued on page 3950.]

PETER SUTTON — AUSTRALIAN FIRE SERVICE MEDAL

Statement by Member for Darling Range

MRS A.K. HAYDEN (Darling Range) [12.52 pm]: I am pleased to stand here today because I want to take this time to congratulate a local hero in my community, Peter Sutton. Peter was awarded the Australian Fire Service Medal as part of the Queen's Birthday Honours on 8 June 2020. He earned the award for his role in the development of firefighter advancement programs, the adoption of new features in firefighting appliances, and the strengthening of community emergency information. Since joining the Department of Fire and Emergency Services in 1995, Peter has been a champion for positive change and development, focusing on enhancing services to the community. Peter has led advancement within the Department of Fire and Emergency Services through developing and facilitating several programs, including the core skills program, station officer professional development, and district officer development. He has also worked extensively with ABC emergency broadcasting to explain bushfire behaviour, which has assisted greatly in producing clear and relevant information to the Western Australian community. Most of Darling Range is in a high fire-prone area, and as a community we know all too well the risks fires pose to our lives, homes and animals. It is so important that we have people like Peter Sutton working for our community. Today it is my honour to thank him personally and on behalf of the community of Darling Range. Thank you, Peter, for all your service in DFES and to our community, and for helping to keep us safe.

SPINIFEX PROTECT HAND SANITISER

Statement by Member for Thornlie

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [12.53 pm]: I recently provided hand sanitiser from Spinifex Protect, a Western Australian and part Aboriginal-owned company, to our local sporting clubs and community groups. I would like to take this opportunity to make special mention of a few of the local legends who have added distributing the sanitiser to their already hefty workloads. They are Lyn Dixon at Thornlie Junior Football Club, Jayde McDonald at Gosnells Junior Football Club and Karen Creighton at Maddington Junior Football Club. They range from juniors to seniors, with Bob Uittenbroek at Gosnells Football Club and Wayne Barrett at Thornlie Football Club, and to the AFL Masters at Harmony Fields, where I met Sean Carey, president of the Southern Saints Masters Football Club. I also delivered to a master of another code, Ross Leipold, at the fabulous

new indoor facility at Gosnells Cricket Club. It is always great to catch up with Peter Charkiewicz and his members at the Gosnells Bowling Club, and then to catch up with members from the Thornlie Bowling Club As that club is currently being re-developed, Trevor Drummond popped in and collected his club's sanitiser. Our fabulous parents and citizens association representatives visited the office to collect their donations, and they included Susan Snook from Bramfield Park Primary School; Michelle Symes from Forest Crescent Primary School; Fiona Johnson from South Thornlie Primary School; Stephanie Sanderson from Maddington Primary School; and Yolanda Honey from Yale Primary School. Leah Atkinson from Operation Sunshine WA collected a significant amount of sanitiser to add to the organisation's courage kits. The kits are given as a support to victims of domestic violence. I am so grateful to the fabulous and committed locals in the Thornlie electorate, whose diligent hard work ensures sport and community activity is adapting to the new normal, keeping ourselves and those around us as safe as possible.

CITY OF GREATER GERALDTON

Statement by Member for Geraldton

MR I.C. BLAYNEY (Geraldton) [12.55 pm]: My electorate and hometown of Geraldton is a coastal city. The Nationals WA leader, Mia Davies, recently spent a couple of days in Geraldton looking at issues to do with the sea and the coastline. Thanks to Barnacles on the Wharf, now owned by Geraldton Fishermen's Co-operative, for a beautiful lunch and inspection of its new retail premises. The proposed fishermen's memorial will be nearby. Congratulations to Josh and Tanya Johnson for purchasing their MV 2000 wave-piercing ferry to serve Abrolhos tourism. It is a real vote of confidence in this industry. I would urge the government to build the facilities to service this vessel. Funds are left over from the Beresford foreshore project to complete it. Geraldton has five sites of coastal erosion: Point Moore, Beresford foreshore, St Georges Beach, Sunset Beach and Drummond Cove. The Liberal–National government built an engineering solution at Beresford foreshore funded by royalties for regions, the Mid West Ports Authority and the City of Greater Geraldton. In the recent storm with 100-kilometre-an-hour winds, a storm surge and heavy seas, it worked perfectly, protecting $60 million of government assets. Congratulations to local company Centrals for building it. Three sites are being protected by sandbags funded by the city. They worked well but are not a permanent solution. It is time that the state government established a fund to help local government install permanent solutions along the coastline to protect government assets. We also visited Geraldton's busy port and I would like to thank CEO Dr Rochelle Macdonald for hosting us. Finally, we attended an informative meeting of the Geraldton Professional Fishermen's Association. Thank you to all.

REFUGEE WEEK
BIRTHDAY CELEBRATIONS

Statement by Member for Mirrabooka

MS J.M. FREEMAN (Mirrabooka) [12.56 pm]: I would like to recognise that this week is Refugee Week, titled as the Year of Welcome and focusing on the relationship between Australia's First Nation people and our new Australian residents who have sought refuge in Australia. I am grateful to, and would like to thank, all the government and not-for-profit organisations for setting a great example by working together in many activities—many of them fun, like the fragrant gardens mural. I also applaud the WA Labor government's WA multicultural policy framework that was introduced in February this year, which builds on the WA charter of multiculturalism, whose principles outline a commitment to harmonious and inclusive communities; culturally responsive policies, programs and services; and economic, social, cultural, civic and political participation.

One of our local treasures, Barbara Price, will be celebrating her ninetieth birthday. Her contribution to Balga is enduring through many organisations. She is an inaugural member of the Balga Soccer Club. She is the cog in the organisational wheel at Balga Autumn Club and a mean bootscooter! Happy returns to her. Also, happy fiftieth birthday to Balga Senior High School. Celebrations are on hold but there are stories like emus in the playground, student activism to retain bushland—go activism!—and attendees travelling from Yanchep. I am looking forward to recommencing the celebrations of this great educational institution soon. Happy birthday to both Barbara and Balga Senior High School.

COTTESLOE BEACH — RUBBISH COLLECTION

Statement by Member for Cottesloe

DR D.J. HONEY (Cottesloe) [12.58 pm]: Recently, when I went for my regular morning walk to the beach, I was shocked to find an extremely large amount of plastic and general waste in amongst the seaweed, thrown up by the winter storms. Luckily enough, young Harvey and Harper from the Cottesloe Surf Life Saving Club were on hand and helped me pick up as much of the rubbish as we possibly could. Unfortunately, this is not the first time I have been shocked by the amount of plastic rubbish I have found on the beach. Last year, when I attended North Cottesloe Surf Life Saving Club's Clean Up Australia event, called Take 3 for the Sea, after just one hour of scouring 200 metres of what many think is a pristine beach, the 40 volunteers had amassed over 2 000 pieces of plastic waste. This time around, young Harvey, Harper and myself again found all sorts of rubbish, including numerous dog toys, dozens of golf balls, bits of rope, innumerable plastic bottles, lengths of fishing line and even a craypot. Although

the container deposit scheme is a good initiative, it is clear that more needs to be done. We need a major behavioural change in the community. The volume of waste I have observed means that this is not just the behaviour of a few people. Many people, some of whom likely consider themselves environmentally aware, must be contributing to this high volume of plastic waste. Captain Cleanup and his clean machine are doing their bit. Although education and awareness are very important, I believe it may be time to focus more on meaningful penalties and, in particular, enforcement to solve this terrible problem.

HIGH WYCOMBE JUNIOR FOOTBALL CLUB

Statement by Member for Forrestfield

MR S.J. PRICE (Forrestfield) [12.59 pm]: From humble beginnings with two teams in 1970, High Wycombe Junior Football Club has grown into the biggest community group in the area with nearly 400 players, and this year it celebrates 50 years as a club. On 29 June 1970, Alan Pomeroy sent the first piece of club correspondence to the Swan Districts Junior Football Council, seeking to form a new junior football club in Maida Vale. The club was originally called the Maida Vale Districts Junior Football Club before changing its name in 1984 to High Wycombe. The club began playing at the Maida Vale Country Club whilst awaiting new grounds to be prepared by the Kalamunda shire. The club colours were set at blue, with red and white bands. Today, the High Wycombe Junior Football Club is based at Scott Reserve in High Wycombe, and boasts nearly 400 players. It runs a strong Auskick program and fields 13 teams in the Swans district's junior competition and youth central conference. It proudly pioneered female football in the area, with one of their past players going on to play in the AFLW for the Dockers. This season, the club is fielding three girls' teams and one women's team. I would like to congratulate the current committee, in particular the president, Greg Geier; vice-president, Dave Jacobson; junior vice-president, Chris Bannister; secretary, Jodie Bain; treasurer, Sean Walsh; and registrar, Sherece Johnson. To all the life members and past and present committee members, with special mention of Floyd Sullivan, thank you for all the countless hours that you have dedicated to the club. As the 2020 season finally gets underway, I hope all the players enjoy a great season. Go the Mighty Bulldogs!

Sitting suspended from 1.00 to 2.00 pm

ECONOMICS AND INDUSTRY STANDING COMMITTEE

Inquiry into Western Australia's Economic Relationship with the Republic of India — Extension of Reporting Date —Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [2.01 pm]: Members, I have received advice that the Economics and Industry Standing Committee has extended the reporting date on its inquiry into Western Australia's economic relationship with the Republic of India to 19 November 2020.

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — UNEMPLOYMENT RATE

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

I refer to the Premier's comments in the house yesterday when he said, according to the draft *Hansard* —

> … we have far greater consumer spending and a far greater opening up of businesses than in any other state in Australia—multiples of the other states.

If the Premier was correct yesterday, how does he explain Western Australia having the highest unemployment rate in the country and the highest number of Western Australians unemployed in history?

Mr M. McGOWAN replied:

Today is 18 June; the figures released today were compiled for 3 to 16 May—more than a month ago. During that time, we have put in place, firstly, the phase 2 lifting of restrictions and, secondly, the phase 3 lifting of restrictions, which came into effect on or about 7 June. The lifting of restrictions in Western Australia has been far greater than in any other state in the country. I will take the member through this again, considering he clearly did not listen when I explained it to him yesterday.

In Western Australia, venues can now have 100 people per room and up to 300 people in the venue, with the two-square-metre rule in place—that is, one person per two square metres. That is the rule in Western Australia for cafes, bars, pubs, hotels, the casino and clubs—you name it—across the state. In New South Wales, up to 50 people can dine in a cafe, bistro or restaurant, with a four-square-metre rule. In other words, that is half the density and one-sixth the number of people who are able to go into a venue. Victoria also has a four-square-metre rule, with half the density and 20 people. What is 20 into 300? It is 15. That is one-fifteenth the number of people who are able to go into a venue in Victoria, subject to half the density limit of Western Australia. In Queensland, it is 20 people as well. In Tasmania, it is up to 80 people, so nearly one-third our limit. In South Australia it is also up to 80 people, nearly one-third our limit.

When I said we have opened up our economy far more than any other state, the reality is that that is true: we have. That is because we have been able to keep infection rates low in Western Australia, which is a function of the excellent work by our public health people, the great take-up of restrictions by Western Australians, and the fact that we have been able to keep infections out from elsewhere with our border arrangements.

The Australian Bureau of Statistics data that came out today was for the first two weeks of May. That was a very, very difficult period—difficult all over the country. South Australia had an unemployment rate of 7.9 per cent; Queensland also had an unemployment rate of 7.9 per cent. It has clearly been difficult for many states, and if we look at other countries around the world, we will see that the unemployment rate is nudging 20 per cent. The figures will move around over the coming weeks and years; they will move around a lot. We have to get our economy back up in a COVID-19-safe manner, and that is exactly what we are doing.

CORONAVIRUS — UNEMPLOYMENT RATE

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

I have a supplementary question. The Premier's argument is that this data is from before the phase 2 restrictions. Can the Premier explain why Western Australia was the worst-performing state in the country when every jurisdiction was on a level playing field in phase 1?

Mr M. McGOWAN replied:

As I said, the data will move around. Sometimes it is dependent upon the density and take-up of the JobKeeper arrangements—whether people are actually taking JobKeeper, or are out there looking for work. There is a range of factors. It is a very unusual environment with what is going on nationally at the moment. If I can just take the member through this, as I said, Queensland's unemployment rate is 7.9 per cent; South Australia's is 7.9 per cent; Western Australia's is 8.1 per cent; and the Australian Capital Territory's is 3.8 per cent, which probably reflects the fact that the vast majority of people there work for government and, as a consequence, no-one lost their job; naturally, they were quite immune to what is going on.

The figures will move around and each state will, over the course of this, pick up their employment at different rates from other states. The two things I want to emphasise to Western Australians are: one, we have the lowest rate of infection of anywhere in the world, and that has been very good for the health of our citizens and good for our economy; and two, our economy is now far more opened up due to our border arrangements with the east than is the case in any other state in Australia.

CORONAVIRUS — FLY IN, FLY OUT WORKERS

439. Ms S.E. WINTON to the Premier:

I refer to the McGowan Labor government's efforts to get eastern states–based fly in, fly out workers to relocate permanently to Western Australia. Can the Premier advise the house what this will mean for Western Australia's economy—particularly small business—and outline to the house what incentives there are for those workers who move permanently to WA?

Mr M. McGOWAN replied:

I thank the member for Wanneroo for the question. The resources sector has been impacted by COVID-19, like every other sector of the economy, but from as far back as February this year we have been working hand-in-glove with the sector to ensure it remains open and continues to provide jobs, income, livelihoods and revenue to both state and federal governments. As I outlined yesterday, the federal Secretary to the Treasury, Dr Steven Kennedy, was very grateful for the actions of the Western Australian government in ensuring that the industry remained operational, and —

[Interruption.]

The SPEAKER: Sorry, members; it is not that boring that I had to wake myself up! Apologies, Premier.

Mr M. McGOWAN: We have ensured that the resources industry continues to operate. Part of that was also to ensure that FIFO workers from Melbourne and, particularly, Brisbane, moved to Western Australia before our hard border went up. The industry, particularly the Chamber of Minerals and Energy, was very cooperative in ensuring that that took place, which meant that thousands of FIFO workers and many of their families came to live in Western Australia over this period. They came over, were in quarantine for two weeks, and then they resumed normal FIFO work, but from Perth or a regional centre rather than back to Brisbane, Sydney, Melbourne or Adelaide.

The benefits of that are obvious. They have a job in Western Australia from which they earn an income, and clearly if they move to Western Australia, that income stays here. That is the benefit. They are not taking someone else's job, because they already have the job. By getting them to come and live here and become Western Australians, the income they earn remains in Western Australia. The industry is not subject to that degree of risk of having staff members who travel interstate on a fortnightly or three-weekly basis. We can ensure that, firstly, the cost to industry is lower, because often the flights are funded by industry and, secondly, those incomes stay within our state.

We have ensured that FIFO workers from interstate are eligible for our $20 000 grant to build a new home in Western Australia. Many of them will be eligible for the commonwealth government's $25 000 grant to build a home. That is a $45 000 benefit. We have also been working with the Chamber of Minerals and Energy and various companies. Thirty different incentives are on offer from individual employers to get their east coast workforces to move to Western Australia. BHP has published some of the things it is doing to get its workforce from the east to come and live in Western Australia. A range of things that are on offer by the employers include mortgage assistance, relocation allowances, regional allowances if they move to a regional town, and sometimes flights back to see family in the east on a biannual basis. The industry is working with the government to promote these arrangements for FIFO workers from the east to come and live in Western Australia. This is an innovative scheme—to my knowledge, it has never been done before—to ensure that those people come and live here. Many of them were employed at the height of the boom back in the period from 2007 to 2008, when companies were searching for workers and obviously secured people from the east. It is time they came and lived here.

Also, in my meeting with the resources companies, I have emphasised that the risk posed to their supply chain by having a workforce from the east, as demonstrated during the COVID period, means that they should recruit virtually exclusively in Western Australia. They should recruit in Western Australia and remove that risk to the workforce should COVID come along again. This is a great once-in-a-lifetime opportunity to get these people to move to Western Australia. We are working with industry. There are all sorts of things on offer for these workers to come and live here. Western Australia is obviously the best place in Australia to live—country or city. I encourage those FIFO workers from the east to take up this golden opportunity to come and live in the best state in the world.

CORONAVIRUS — TOURISM — INTERSTATE TRAVEL RESTRICTIONS

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

I refer to the very troubling story of Wendy from Geraldton Air Charter, who was interviewed on Ollie Peterson's show yesterday. What does the Premier say to Wendy, one of the many faces of Western Australian small businesses, who has been absolutely decimated by his economic mismanagement and his uncertainty over when border restrictions will be lifted?

Mr M. McGOWAN replied:

I was in Geraldton maybe 10 days or so ago and I am pretty sure that I met Wendy, who runs a charter service out to the Abrolhos Islands. I sat down and had a long talk to her at a function that I held for local businesses in Geraldton. I explained that what we have had to do to protect the health and economy of Western Australia has been difficult. The overwhelming reception of the businesses at that function, including, I think, Wendy, was that they were very understanding of what has occurred.

The main loss of tourists for those sorts of businesses are Chinese tourists, and that is what she said to me. Chinese tourists like to come here and experience Geraldton and, for instance, enjoy some seafood or catch a crayfish. Many like to go to the Abrolhos Islands. The Chinese market has been a huge loss to the business. I do not have any line of sight on when our international borders are going to open, but I think it will be some time. I expressed my deepest regret and sympathy to those businesses for what has had to occur to protect the health and wellbeing of Western Australians, but they were very understanding of what has gone on.

Obviously, the overwhelming customer base of many of those businesses, particularly charter operators and the like that do flyovers of Pink Lake near Kalbarri or of the Abrolhos, is international, and that is not something that I can fix. If the Leader of the Opposition is suggesting that I can fix that, I can tell her that that is a matter for the commonwealth government. I counsel against bringing down the international border too soon, because if we reintroduce COVID back into Western Australia and we have to shut down the entire economy, that will be devastating for the people of our state.

CORONAVIRUS — TOURISM — INTERSTATE TRAVEL RESTRICTIONS

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

I have a supplementary question. How many more Wendys from Geraldton Air Charter, Simons from Inspiration Outdoors and Rons from Cable Beach Caravan Park does the Premier have to hear about before he provides additional support for these small businesses and some opportunities for travel from our border states with no community spread of COVID-19?

Mr M. McGOWAN replied:

I have explained many times how both the commonwealth and the state have advice that having an arrangement with South Australia would, firstly, have very little economic benefit for the state and, secondly, be unconstitutional. I have explained that to the Leader of the Opposition many times. If we were to lift the border restrictions with the east, which the Liberal Party wants us to do immediately —

Mrs L.M. Harvey: With the NT and South Australia.

The SPEAKER: Leader of the Opposition!

Mr M. McGOWAN: No. I have heard the Leader of the Opposition's position many times; she cannot back out of it. The Leader of the Opposition's position is to lift the border restrictions with the east immediately.

Several members interjected.

Mr M. McGOWAN: No. Maybe someone following me might get some of the quotes and answer a question along those lines.

The SPEAKER: Members! Premier! Leader of the Opposition, you have had two goes; just listen to the answer.

Mr M. McGOWAN: Yesterday, Victoria had 21 cases, of which a range were unexplained. That means that they were not people who had come from overseas and were in quarantine; they were unexplained cases in the community. Today, Victoria had 18 cases, of which 12 were locally acquired—that is, out in the community. All I would say to the Leader of the Opposition is that she has to be cautious. As the Chief Health Officer has advised, and as she is now aware because the documents have been tabled in the upper house, and I quote —

> If the Closing the Border Directions were revoked, this would result in an increase in the risk of re-introduction of the disease and subsequent community transmission.

That is the advice of the Chief Health Officer. Liberal Party, please let us manage the health and economy, and be cooperative. Do not always nitpick and be critical. In conjunction with the people of Western Australia, we have successfully saved the lives of Western Australians, and we want to continue to do that and to open our economy within Western Australia in a COVID-safe way. We will get to the point at some time in the future when we can announce a lifting of the border arrangements with the east, but that time is not yet. Liberal members should let us get on without this constant carping, criticism and negativity in which they seem to want us to lift the border restrictions when it is unsafe. It is wrong of them to do that. Western Australians do not like the way they carry on—they are so critical and negative. They do not like it and they do not think members are being constructive. With the way they are carrying on, they are endangering the economy of Western Australia and the health of Western Australians.

CORONAVIRUS — DETECT PROGRAM

442. Ms M.M. QUIRK to the Minister for Health:

I refer to the state government's efforts to suppress COVID-19 and ensure that Western Australia is well prepared to respond to any outbreaks, should they occur. Can the minister update the house on the results of the DETECT Snapshot testing of asymptomatic workers?

Mr R.H. COOK replied:

I thank the member for Girrawheen for the question. It is an important one, because DETECT Snapshot was an outstanding success, thanks to the 18 409 workers who took time out to undergo swab testing to help us get a better understanding of whether COVID-19 was present but undetected in our community. Finding no positive cases amongst this important cohort within our community was an important element of increasing the confidence of not only the government that we have a handle on this disease, but also the community that our efforts have gone a long way in continuing to manage the outbreak of COVID-19.

The DETECT program is a great collaboration between industry and government. The Chamber of Minerals and Energy, along with our friends at HBF, have done an amazing job in supporting this effort. In fact, HBF, our state's largest private health fund, has contributed to the running of DETECT Snapshot, which essentially has provided us with more evidence as we move to ease phase 3 restrictions and, indeed, into the future. HBF has committed $2.5 million to the project. HBF's contribution will not only cover DETECT Snapshot, but also provide investment that will allow us to undertake other COVID-19 research programs and innovation projects in the future.

The COVID-19 testing blitz has shown no positive cases. This testing blitz ran between 28 May and 10 June and focused on particular cohorts: healthcare workers, Western Australia Police Force staff, school staff, meatworkers, and retail and hospitality workers, including transport workers and tourism industry employees. They were invited to undergo what is called asymptomatic testing, which means that they did not have any of the symptoms that we know are characteristic of COVID-19, but it allowed us to really test because we know that some people are asymptomatic. Of the 18 409 people tested, 11 192 were healthcare workers, 61 per cent; 2 197 were school staff, or 12 per cent; 1 852 were retail workers, about 10 per cent; 925 were hospitality workers, five per cent; and 875 were meatworkers, around five per cent also. WA police staff, transport workers and tourism industry workers accounted for under five per cent each. The median age of people tested was 47 years. Interestingly, 72 per cent were female, so, clearly, male members of the community should have done some more heavy lifting! Just over three-quarters of the participants resided in the metropolitan area.

The program was a major coordinated effort between public and private pathology providers, including PathWest, Australian Clinical Labs, Clinipath Pathology and Western Diagnostic Pathology, and offered as many opportunities as possible to people within the two-week window. Testing was offered at more than 100 clinics, drive-through facilities and pop-up clinics throughout the state, and onsite testing was facilitated at nearly 200 businesses. This

was a great opportunity for us to continue to understand the science that is driving the pandemic. We will make sure that we rely upon that science and the advice of the Chief Health Officer to continue to guide us as we come out of our experience of this part of the pandemic. The work that the McGowan government has done to date under the advice of the outstanding Chief Health Officer has contributed significantly to the success that we have had in conjunction with the great efforts of the WA community. I commend all involved.

CORONAVIRUS — TOURISM RECOVERY FUND

443. Mr D.T. REDMAN to the Minister for Tourism:

I refer to the Minister for Tourism's media release, dated 13 May, that announced $14.4 million of funding to support the tourism sector, with $10.4 million specifically for a tourism recovery fund, which was, and I quote, "to assist thousands of businesses to adapt to new tourism landscape".

(1) How many businesses have applied for the grant?

(2) How many businesses did the minister expect to apply for the grant?

(3) Does the minister still agree that thousands of businesses will get a grant?

Mr P. PAPALIA replied:

I thank the member for his question. I am unaware of the detail around the thousands; obviously, that is incorrect.

Mr D.T. Redman: It's just in your media release.

Mr P. PAPALIA: Yes. I must have got it wrong. I apologise for the number in that media release.

(1)–(3) As I have stated in here and in the public domain many times, the tourism recovery fund was available for up to 1 600 grants. That was a consequence of the amount of money that was available. The money was sourced from residual overseas marketing money that would otherwise have been spent in our markets overseas to draw people towards Western Australia from those markets. It was focused by necessity, because we do not have the capacity to fund grants for every small business in tourism, let alone every small business in the state. There was never that capacity. We tried to focus on using international marketing money, or money allocated towards that endeavour, to support some of the businesses that provide the product that we market in those overseas markets. That was the reasoning behind limiting the amount; it is just a consequence of the amount of money that was available. The state does not have bottomless pockets. We do not have the capacity to give funding to every small business in the state to replace lost revenue. That is a really sad thing; it is a terrible thing that no government can do that. The federal government cannot do it and neither can we. At the time, however, we focused on using a reasonable method to support those businesses that we anticipated at that time would not be in business for a minimum of six months, but possibly even longer. The truth is that in the end, because of Western Australia's success in responding to COVID, many of those businesses were back in business within two months of having been shut. They lost a couple of months of revenue. That is significant—I am not trying to pretend it is not—but those businesses, particularly in the southern part of the state, are back in business and benefitting from what is undoubtedly going to be the biggest winter that they have experienced in a long time. That is a good thing. We do not have unlimited capability to replace lost revenue. I am sorry about that. I am sorry I got the media release wrong with thousands; it should have said 1 600. I do not think the actual number was known when that media statement was released.

CORONAVIRUS — TOURISM RECOVERY FUND

444. Mr D.T. REDMAN to the Minister for Tourism:

I have a supplementary question. Given, as has been suggested to me, that a thousand businesses out of 28 000 tourism businesses applied for funding, who advised the minister to limit applications to only accredited businesses?

Mr P. PAPALIA replied:

As I explained, the amount of money dictated the number of grants that it might have been possible to distribute. The advice on what the framework might look like was from Tourism WA, the agency that advises the government about tourism matters.

MUCHEA–ELLENBROOK NORTHLINK BYPASS

445. Ms L.L. BAKER to the Minister for Transport:

My question refers to claims by the member for Vasse about road surfacing on the NorthLink WA project.

(1) Can the minister tell the house whether the contract that was signed stated that chip seal would be used to surface the road?

(2) Who signed the contract?

(3) If the road is going to be resurfaced, how much will that cost the taxpayer?

Ms R. SAFFIOTI replied:

I thank the member for Maylands for her question. She is very, very keen to learn about road construction and all things chip seal.

(1)–(3) As we know, there have been issues about damage to vehicles along stage 3 of NorthLink WA. We are addressing that and making sure that we fund the repair works on those vehicles. However, I want to go through the history of the project and what we are doing. The third section of NorthLink from Ellenbrook to Muchea, over 34 kilometres, was opened on 23 April this year. With the chip seal surface, loose stone flicked up, particularly in the initial weeks, as the road settled down. I understand that it is very similar to what has happened on roads in the past—Toodyay Road upgrades and other road grades. In particular, in the initial weeks, there is movement of that stone. When I heard about the damage that was being done to windscreens, we immediately acted to ensure that that damage would be covered by the company involved. As we stated the other day, that work is ongoing and we are making sure that damage to windscreens is covered. To put it in context, so far, there have been over 400 000 vehicle movements on that road. Initially, there was an impact on one in 1 000 vehicles and it is now one in 10 000, so it is now a 0.01 per cent impact on vehicles. As I said, it is a high volume road, which is why we have seen an impact on this number of vehicles. But this is something that has happened in the past. We are ensuring that we work with affected road users. We immediately sought to make sure that road users would not be out of pocket. As I said, this is something that the Minister for Transport manages with roads.

There were a couple of points that I wanted to clarify. A comment was made by the member for Vasse today that chip seal is used for low volume roads and, typically, on rural roads that do not have a large volume of vehicles. I want to go through some of the facts about where chip seal is used. I do not know about everybody else, but when I was living in Roleystone, chip seal was everywhere along the Brookton Highway. There are other roads with chip seal in the metropolitan area, including Brookton Highway, Tonkin Highway, Wanneroo Road, Armadale Road, Albany Highway, Thomas Road, Great Northern Highway through the Swan Valley and South Western Highway. Chip seal is used on roads in the metropolitan area; it is not unique to the NorthLink project. I wanted to clarify that. The other point that was made is that the opposition transport spokesperson has committed to resealing NorthLink stage 3. That would be done at a $70 million cost to taxpayers. The question is: if resealing will happen on that road, and obviously if the opposition believes that chip seal is not appropriate for any road in the metropolitan area, does that mean that all the roads through, for example, Darling Range will need to be resealed at a different level? Resealing of all roads that have chip seal is now a commitment of the opposition!

On noise mitigation, again, we will be working to monitor sound and its impact over the coming months. We have brought that forward. We will work with those who live nearby to try to remove any noise issues. We are very much on this issue. We are making sure that we address the cost issue and now also the noise issue. Making false claims about the use of this type of product throughout WA again shows that the opposition is not keen on facts. Of course, it was part of the contract that the member for Nedlands signed back in January 2017!

GOLD CORPORATION — CONFLICT GOLD — PAPUA NEW GUINEA

446. Mr W.R. MARMION to the Premier:

Mr Speaker, I am an expert on two-coat seals!

My question is to the Premier. Why are there so many issues with Gold Corporation, for which the Premier has direct ministerial responsibility, including the purchase of $200 million of conflict gold from a convicted killer?

Mr M. McGOWAN replied:

Gold Corporation is a government trading enterprise. I do not make it, and have not made it, my business to get involved in the commercial decisions that it makes. Gold is a very complex area and we want capable people to be in charge. I have not interfered with or tried to direct how Gold Corporation undertakes its business. Obviously, I recently learnt through the press about the issues concerning Papua New Guinea and the company through which Gold Corporation purchased and processed some gold. Gold Corporation has some ethical guidelines in place, but clearly those guidelines need to be reviewed. Gold Corporation is now undertaking an independent review of these matters.

GOLD CORPORATION — CONFLICT GOLD — PAPUA NEW GUINEA

447. Mr W.R. MARMION to the Premier:

I have a supplementary question. I thank the Premier for his answer, but why was he unaware of the issues within his portfolio, given that serious concerns had been raised by staff, and what safeguards have now been put in place so that he is across issues in the future? You should be across them, Premier; it is your portfolio.

Mr M. McGOWAN replied:

As I said, Gold Corporation is a business that processes gold that is, overwhelmingly, produced in Western Australia. It ensures that hundreds of people have employment and there is an affordable way for gold to be smeltered—I think that is the term—here in Western Australia for sale internationally. Gold Corporation is strongly supported by industry. It ensures that our gold industry in Western Australia is competitive. As I said, I have not delved into the commercial arrangements of Gold Corporation. If I were to, no doubt the member would be in here asking me why I was engaging in the commercial activities of a government trading enterprise. He would say that I was interfering inappropriately or behaving improperly and all that sort of thing. As I learnt yesterday, and as I perhaps have learnt over 23 years, we cannot win with the Liberals and Nationals. We have allowed the board to run the company in conjunction with the CEO, and that is what it is doing. There will be an independent review of what has gone on. Gold Corporation does have ethical procurement practices. We will find out what has gone on and whether they have been breached. If there have been any errors or mistakes, naturally, that will be uncovered.

ELDER ABUSE

448. Ms J.M. FREEMAN to the Minister for Seniors and Ageing:

I refer to the potential increase in risk that older Western Australians have faced during COVID-19 due to some of the requirements of isolation and social distancing. Can the minister update the house on how the McGowan Labor government is supporting the important work of community organisations to combat elder abuse in the community?

Mr M.P. MURRAY replied:

I thank the member for Mirrabooka for the question and I certainly acknowledge the work that she does. This is the second question this week on this issue. As I said earlier this week, Monday was World Elder Abuse Awareness Day. Sometimes we forget about elderly people in our community, as they go back to enjoying the lifestyle they should have towards the end of their time on this Earth. Some people in our community are just so nasty to elderly people, and in many cases it is their family members. We recognise that fact. The fact is that seven per cent of our elders suffer elder abuse—seven per cent! That is a huge amount. It is a disgraceful amount, to say the least. It is a complex social, health and human rights issue, as elder abuse violates the rights of people in our community. It is carried out by Western Australians of all backgrounds. Unfortunately, as I have said, many of those people are family members who take advantage of older people. I do not care whether it is for $10 or $10 000—it is cheating older people who are vulnerable.

I am pleased to announce that the McGowan government will provide $130 000 in funding to the Northern Suburbs Community Legal Centre to deliver the elder abuse peer education scheme. The scheme will connect specially trained older volunteers with older members of the community and provide connection, information and support. I think most members in this house would understand that there are always scams aimed at older people in our community. I am sure that everyone gets a phone call on the odd occasion from someone who is not sure what has happened or about an email that has stitched someone up to pay money. That is elder abuse at its worst, because it takes the opportunity to abuse older people in our community who sometimes do not have the skills to participate in things such as emails.

To further show the McGowan government's commitment to our older citizens, I am pleased to announce that the Council on the Ageing Western Australia will be provided with $240 000 in funding to become the peak body for vulnerable seniors. As the peak body, COTA will develop and raise awareness of measures that can protect seniors, particularly for groups such as Aboriginal people with disability and people from culturally and linguistically diverse backgrounds. These measures are more vital now than ever, given the requirements for isolation during physical distancing due to the COVID-19 pandemic. Some seniors have been left to their own devices, with no-one to call on, and family and friends have not been calling around, so now COTA will fill that spot. I am pleased about that. Some people will say that they have heard it before; however, this is about a group of people who have done their bit for Western Australia and it is great to support them.

TOURISM OPERATORS — PUBLIC LIABILITY INSURANCE

449. Mr V.A. CATANIA to the Attorney General:

I refer to the heavy premiums and lack of public liability insurance for adventure tourism operators. Will the Attorney General implement a similar third party insurance scheme as exists in New Zealand to support the struggling tourism sector and prevent the widespread closure of adventure tourism operators in Western Australia?

Mr J.R. QUIGLEY replied:

I thank the member for the question. This is a nationwide problem for adventure tourism.

Mr D.T. Redman: The Minister for Tourism has dumped you in it.

Mr J.R. QUIGLEY: No, not at all.

The SPEAKER: Members, it is called teamwork. Attorney General.

Mr J.R. QUIGLEY: The Australian Small Business and Family Enterprise Ombudsman, Ms Kate Carnell, is looking into this very problem at the moment. It is a nationwide problem with adventure tourism.

Mr P. Papalia: Attorney General —

Several members interjected.

The SPEAKER: The Attorney General is not taking interjections.

Several members interjected.

Point of Order

Mr V.A. CATANIA: The minister is providing the Attorney General with an answer.

Several members interjected.

Questions without Notice Resumed

Mr J.R. QUIGLEY: As I said —

The SPEAKER: Can you speak up a bit, Attorney General?

Mr J.R. QUIGLEY: — the small business ombudsman, Kate Carnell, is looking into this. As soon as she has a report back, we will table it.

TOURISM OPERATORS — PUBLIC LIABILITY INSURANCE

450. Mr V.A. CATANIA to the Attorney General:

I have a supplementary question. Apart from now, has the Minister for Tourism, who continues to provide the Attorney General with advice —

The SPEAKER: No preamble—get to the question, please.

Mr V.A. CATANIA: Has the Minister for Tourism been proactive in raising this issue with the Attorney General and what the Attorney General is going to do about it, apart from right now?

Mr J.R. QUIGLEY replied:

The Small Business Commissioner —

The SPEAKER: Attorney General, can you speak up, please? Hansard will not be able to hear you.

Mr J.R. QUIGLEY: Certainly. The Small Business Commissioner of Western Australia has asked Ms Carnell to look into it.

An opposition member interjected.

Mr J.R. QUIGLEY: I have to ask Ms Carnell. It is the Western Australian Small Business Commissioner who has asked Ms Carnell to look into it. It is a nationwide problem; we will get an answer for it. We are worried about that sector of the economy.

PRISONS — VOCATIONAL SUPPORT OFFICERS

451. Mr D.T. PUNCH to the Minister for Corrective Services:

I refer to the significant impact that COVID-19 has had on employment opportunities across Western Australia.

(1) Can the minister outline to the house how the provision of 125 vocational support officer positions within WA prisons will provide more employment opportunities as the economy begins to recover from COVID-19?

(2) How will those extra support officers support prisoners in their rehabilitation and reintegration back into the WA community?

Mr F.M. LOGAN replied:

(1)–(2) I thank the member for Bunbury for that question and for his commitment, interest and service to corrections, particularly the Bunbury Regional Prison. The current COVID-19 crisis has meant that many prisoners have had to stop their activities outside prison, particularly section 95 prisoners. The member for Bunbury has used many section 95 prisoners to assist in environmental rehabilitation in Bunbury. Also affected has been reintegration leave, work in the community and most recreational activities. As the house knows, social visits were stopped to protect prisoners, and the ability for prisoners to engage in meaningful work has been limited. Everyone knows that education and training programs increase the ability for prisoners to rehabilitate themselves and to find meaningful employment when they leave prison, and basically turn their lives around and get a job. The department recognised that, with that limitation, it needed to introduce a number of things very quickly.

Operation Helping Hand was introduced inside the prison. Members have probably seen a couple of excerpts on TV about that. Women from the Boronia Pre-release Centre for Women made cakes for nursing staff and aged care residents who were next door at SwanCare. A clip on the news showed prisoners from Pardelup Prison Farm making furniture for underprivileged children who had to study from home. The

skills applied in the prisons are basically learnt from vocational support officers. Those vocational support officers are primarily tradespeople whom we try to encourage to come into the prison system. Over the past 10 to 15 years, trying to get tradespeople to come into the prison system and impart their skills to prisoners has been very difficult. We have had to compete with the private sector. There have been a number of mining booms and people have chosen to use their trade skills in far higher paid areas, so it has been very difficult to attract highly qualified tradespeople to the prison area.

With the impact of COVID-19, and particularly the loss of jobs initially for tradespeople in this area, this was a golden opportunity for the prison industries to attract good tradespeople to change their employment, change their career path, and come into prisons instead. I encouraged the department to see that this was the time to advertise for those 125 vocational support officers, and it did. It conducted a two-week campaign comprising print, radio, digital and social media to promote those 125 VSO positions. We were looking for a series of trade areas, including baking, metal fabrication, gardening, food preparation and painting. The advertising campaign was a phenomenal success. We have had 1 134 applications, 41 of which are Aboriginal applicants and 567 are female applicants. Human relations has completed the third stage of short-listing, and the pool for those 125 officers should be finalised in mid-July. It has been a terrific advertising campaign and a terrific initiative to bring very highly skilled people into prison industries and give them a completely new career path to impart their skills to prisoners. As part of the rehabilitation process, we can help transform people's lives so that when they leave prison, they will be job ready to move straight into meaningful work.

WA LABOR — PUBLIC SERVANTS — GARNISHEED WAGES

452. Mr P.A. KATSAMBANIS to the Premier:

I refer to reports earlier this week of shocking and completely inappropriate activity in Labor Party branches, including in Victoria and New South Wales. Is the Premier aware of any public servants in ministerial offices in Western Australia having been approached to have their wages garnisheed for redirection to the Western Australian Labor Party?

Mr M. McGOWAN replied:

I am aware of someone who was a member of the Victorian Parliament and who was admonished for using their position, as I recall, to undermine the Premier of the day. As I recall, they were admonished for their role online in undermining the Premier of the day, and that was you, member for Hillarys—that was you. Maybe the member for Hillarys can explain. Maybe before his supplementary question, I will have the details brought in to me about exactly what he got up to over there. The member's behaviour over there, in a range of ways, dictates that he should not be asking these questions. What happens in Victoria happens in Victoria, and what happens in the right wing of the Liberal Party of Western Australia happens in the right wing of the Liberal Party. We have seen reports about the recruitment activities within the churches of Western Australia. Obviously, that is a significant issue. Some people in the Liberal Party, because of the recruitment practices that have gone on, have obtained preselection recently using the numbers they have secured from some of the church groups that have been signed up by the Liberal Party in our state. A lot of Liberal members are not happy about it because they come and talk to me about it. They all know that is true. Now the Liberal Party is demanding that I out whistleblowers. The practices in Victoria and in the right wing of the Liberal Party are a matter for them.

WA LABOR — PUBLIC SERVANTS — GARNISHEED WAGES

453. Mr P.A. KATSAMBANIS to the Premier:

I have a supplementary question. Can the Premier categorically rule out whether any of his personal staff have been involved in approaching public servants to garnishee their wages for redirection to WA Labor, and whether some ministers have specifically banned that practice from their office?

Mr M. McGOWAN replied:

I have no idea what the member is talking about, but he is not much of a lawyer because a garnishee order is an order of a court. I do not think that as—what are you; are you the shadow Attorney General? The shadow Attorney General does not even know what the word "garnishee" means.

The SPEAKER: That is the end of question time.

MINISTER FOR TOURISM; SMALL BUSINESS — CORONAVIRUS RESPONSE AND PUBLIC LIABILITY INSURANCE

Standing Orders Suspension — Motion

MR V.A. CATANIA (North West Central) [2.52 pm] — without notice: I move —

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

That this house condemns the Minister for Tourism; Small Business for his disparaging remarks towards businesses struggling to survive through COVID-19 and his failure to prevent widespread damage to those in the tourism sector who are being choked out of businesses by liability insurance issues.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [2.53 pm]: This is the second standing orders suspension today, but the government will allow it —

Mr Z.R.F. Kirkup: Very generous, Leader of the House.

Mr D.A. TEMPLEMAN: I am a very generous man. We will allow it, but I move the following amendment —

To insert after "forthwith" —

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

Amendment put and passed.

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 proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR V.A. CATANIA (North West Central) [2.53 pm]: I move the motion.

The SPEAKER: Order, members! Everyone who wants to have a meeting, including the Leader of the House, go outside, please.

Mr V.A. CATANIA: Last Sunday on the ABC, the Minister for Tourism delivered another backhander that upset many people in the business world. He said that businesses should "focus on getting back to business because that's what businesses do well, and concentrate less on whether there are going to be other government handouts". That was the response by the Minister for Tourism; Small Business. The minister has a track record. On 13 May 2020, he said that only a genuine registered tourism operator could meet the obligations required to receive part of the $14.4 million package that he announced. That package was for only 1 600 members, not the thousands and thousands of members that he claimed in his media statement, giving small businesses the impression that they had an opportunity to access a grant of up to $6 500. The minister needs to provide this house with the detail of the advice that he got on selecting only Tourism Council Western Australia members or RTOs. Why did the package not include businesses that are registered with visitor centres? That is where the majority of businesses are registered because the visitor centres promote local businesses and local tourism operators. As we know, that $14.4 million is not new money; it is repurposed money but for only those 1 600 businesses that can apply. Today in question time, the minister admitted that his announcement could never support businesses, but he sold it as that. He sold himself as the saviour of small business and tourism. Now, a business owner is not a genuine tourism operator if they own a fishing store, a hotel, a cafe, a real estate agency or a travel agency. That is why the minister is not genuine and that is why the majority of small businesses have missed out under the minister's watch. Why would the minister not include businesses that are registered through visitor centres, which make up the majority of our tourism operators?

This government is all about smoke and mirrors. We have had the toilet tax. That is a tax on toilets not just for having a toilet or for the water that goes in and out, but for the privilege of having a toilet. Under pressure from the National Party on this side of the house, the government has waived that tax between 1 May and 1 August. Do members know what? When 1 August comes around, the toilet tax will come back. Looking at the other grants, we can see that the majority of people in places such as Kalbarri could not access the $2 500 energy grant. It is smoke and mirrors yet again while not fixing the problem. Today, the Attorney General talked about the insurance issues but he did not even know about them. We heard him say in front of everyone, when he tried to whisper, "Tell me what the answer is. Tell me what we're doing." The issue is the lack of what the government is doing. The Minister for Tourism was once called a junior minister and he said, "No, I'm not; I'm middle of the road." Clearly, the minister is neither.

MRS A.K. HAYDEN (Darling Range) [2.59 pm]: I enthusiastically stand to support the Nationals WA on behalf of the Liberal opposition on this motion to suspend standing orders. Today, we saw what we on this side of the house have seen previously. The Parliament and the public have now seen what the minister displayed during his response to a grievance today. He showed his arrogance, ignorance and a lack of respect for and understanding of the portfolios that he represents. Any time a difficult decision is needed for tourism or small business, he bats it away and says, "It's not my fault. I'm not responsible. Find the other minister that's responsible. I'm not the minister responsible." He bats everything away. The grievance raised by the member for North West Central today was on the very important matter of public indemnity insurance. The minister said, "It is not under my portfolio; it is under someone else's portfolio. Ask the minister who is responsible. I do not know who that is, they could maybe even be federal, but I do not know." What does the minister mean he does not know? A small business tourism operator is suffering. It is the minister's job to advocate for them; it is his job to make sure their issues are

heard. He has had letters written to him by business owners and members of Parliament, and he says he does not know. We heard in question time today that the Small Business Commissioner is looking into it, but the small business minister has no idea about it. How is that happening? I do not understand it. The Attorney General said that the Small Business Commissioner is looking into this issue.

Mr R.S. Love: It is chaos in this place.

Mrs A.K. HAYDEN: It is total chaos.

It is simple for the minister. If he is not up to the job, he should stand down—either step up or stand down. There are backbenchers here who want the job and who could do it far better than him. Backbenchers, there is a weak link—change the Minister for Small Business; Tourism.

MR D.T. REDMAN (Warren–Blackwood) [3.00 pm]: The sector that has been hardest hit by the COVID-19 crisis is the tourism sector. It is the single business sector in Western Australia that fell off an absolute cliff face when Western Australia was shut down. What did the government do? It responded with the tourism announcement that it would support the sector with $14.4 million. The Minister for Tourism came to the house with fanfare and pranced around and said, "Look what we are doing for the tourism sector in Western Australia." There was $10.4 million worth of grants rolled out for a tourism recovery fund. The government put it out there and what happened? People woke up to find that they were not eligible. The Minister for Tourism's media release said that thousands of businesses would benefit from this. He pranced around Western Australia and said that thousands of businesses in regional Western Australia would get the benefit of the McGowan government announcement. They are the people who are doing it the toughest in the COVID-19 crisis, but the eligibility criteria took out nine-tenths of those businesses. What happened? A week ago, one week out from the closing of that grant round, the Tourism Council of Western Australia was ringing around desperately trying to get people to apply. At that time, there were 500 applicants out of the possible 1 600 that the minister mentioned today, but he said thousands of people would get the benefit. The tourism council was ringing around and trying to get some people to apply because it was running short. Even now the minister cannot come up with a number, and I am sure he knows it. I am told that around 1 000 businesses will benefit out of a possible 1 600. He set the bar too high. Most businesses in the sector in Western Australia that has been hit the hardest by the crisis have not even been able to apply. They thought they would get a little bit of love from the government but what did they get? They were told that they were not eligible.

The minister massively gilded the lily in the media release. He pranced around and said, "By the way, you should be focused on your business; do not focus on the grants." The government said that thousands of businesses would be able to get the benefit of this, but the minister told them to focus on the business and not on the grants, and he is sitting there laughing at it. He is laughing in the face of the sector that is doing it the toughest in Western Australia as a product of the COVID-19 crisis.

Several members interjected.

The SPEAKER: Members on my left, you have your own member on his feet!

Mr D.T. REDMAN: Do members know what? To add insult to injury, when the Minister for Health announced in his media release that asymptomatic testing would be done for all sectors that were exposed to the issue in Western Australia, including the tourism sector, he said it would be for accredited businesses only. It seems that irrespective of the outcome of the testing regime, and on top of what this Minister for Tourism did, the health minister said that only accredited businesses were good enough to get asymptomatic testing through the DETECT program. At two levels, this government has fallen short in the support it has given the very sector that has done it the hardest in Western Australia during the COVID-19 crisis. The Minister for Tourism stands condemned for that. He cannot spruik that thousands of people will get government grants, stump up with the fund and then fall massively short because the government set the eligibility criteria too high. Even in the Margaret River–Busselton region, 415 visitor-facing businesses are not eligible for the grant. This is also the case for caravan parks in Denmark, Denmark Dinosaur World, the alpaca farm and all those wineries there. Those businesses do not even get a chance to apply. The government recognises that there is not enough money to go around, but those businesses cannot even apply.

MR P. PAPALIA (Warnbro — Minister for Tourism) [3.04 pm]: Thank you, Mr Speaker, for the call.

The SPEAKER: I did give it; it is just that everyone was interjecting with hear, hears!

Mr P. PAPALIA: Thank you. I could not hear you because the member was still yelling across the chamber.

The SPEAKER: I hope we have a defibrillator here somewhere!

Mr P. PAPALIA: I am glad for the opportunity to respond to some of the silliness that happened during question time with the question posed to the Attorney General.

Can I say at the outset, as I have said many, many times both in this place and publicly in the media and in many locations—there was a dated reference to the comments made at the hotel opening, which was two weeks before the story that ran on the ABC the other night—imposing measures that harm small business has been the hardest

thing that we have had to do in government, and that would be true of all governments, including the federal government. As a former small business person, I understand, admire and respect people who have the courage to strike out on their own and create a business through their own blood, sweat and tears. Those people undertake responsibility for providing for themselves and their families, and, in many cases, employ other people who provide for their own families. That is a wonderful thing that they have done. I am full of admiration for them, and I am deeply pained that the government has had to respond to COVID-19 in a way that has hurt those businesses. That was not intentional. The objective all along has been to stop the community spread of COVID-19 from threatening Western Australia. It has always been done in response to the best possible health advice in the world, I would say, and we have achieved the best possible health outcome in the world. That is a good thing, and it is a good thing for small business, because it would be impossible to have an environment in which small business could flourish unless we achieved the safety and health of our citizens as the first objective, so that is what we have done.

I will respond to the questions posed to the Attorney General in question time. In response to the grievance, member for North West Central, what I said was in reference to insurance matters, which are not under my portfolio. Of course I would not be across the detail of who is responsible for prudential matters. As it happens, it is a federal government matter. The Australian Prudential Regulation Authority is responsible for the licensing of banking, insurance and superannuation businesses. If members were to ask which minister is responsible, it would probably be Josh Frydenberg federally and, at the state level, the Treasurer.

Mr V.A. Catania interjected.

The SPEAKER: Member, you have had four or five minutes.

Mr P. PAPALIA: In response to the silliness of the member's contribution earlier, I raised —

Mr V.A. Catania interjected.

The SPEAKER: Look, you had a go. No-one interjected from that side of the house. I know you are trying to get a headline, but not in this chamber!

Mr P. PAPALIA: I know. Take a little bit of responsibility to acknowledge what I am saying to you in giving you the explanation!

I have obviously raised the issue within government. Who would I have raised the matter with, it being an insurance matter?

Mr B.S. Wyatt: Me.

Mr P. PAPALIA: I raised it with the Treasurer. I have formally written to the Treasurer about this matter and I am still awaiting his response. In the meantime, in addition to that, as I said to the same journalist at the very press conference at which the grab the member is so aggrieved about was taken, I have asked the Small Business Commissioner to investigate and advise me on options. I also said that in this place in response to an almost identical motion moved—I do not know—the last time we sat. I said that I have asked the Small Business Commissioner to investigate and advise me. He did that. He has gone to Kate Carnell; he has raised it with the Australian Small Business and Family Enterprise Ombudsman and she is investigating. She is doing that at our behest, not anyone else's—not because any other state government has raised the matter with her, but because I asked the Small Business Commissioner to investigate on behalf of our small businesses. It is really irresponsible of the member to suggest that, firstly, I might not have responded, and, secondly, that somehow I am being dismissive of those concerns. I raised this issue well before the member even became aware of it.

Mr V.A. Catania interjected.

The SPEAKER: Member for North West Central, I call you to order for the first time.

Mr P. PAPALIA: Confirming his lack of awareness on this matter, the member in his grievance mentioned Quad Trek in Coral Bay and suggested that Karen Lay had shut down her business because she could not get insurance. We have fixed that problem for motorcycle and quad bike tourism operators around the state. The moment we were able to, we sought a solution to that problem, and Karen is working and her business is open. The member said in this place this morning that that was not the case, and that she had shut down because of my failure to act. The member is a disgrace and we have to view any contribution in this place from him with a great deal of scepticism.

Beyond quad bike and motorcycle–related tourism, we are investigating the matter of insurance. I have asked the Small Business Commissioner to look at it, and he is addressing the issue through the Commonwealth Ombudsman and seeking her advice. I have written to the Treasurer and asked him to investigate what might be done at the state level, but insurance is a private sector activity normally. It is not normally a state government activity in regard to tourism operators but I am trying to seek out advice on what we might be able to do.

With regard to some of the other matters raised, it was very disappointing, Hon Terry Redman —

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood!

Mr P. PAPALIA: I expect more of the member for Warren–Blackwood —

Mr D.T. Redman interjected.

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

Mr P. PAPALIA: I want to convey some more recent information on wildlife parks to the member. I think the member referred to West Oz Wildlife —

Mr D.T. Redman: It was dinosaur world and the alpaca farm.

Mr P. PAPALIA: The member referred to Denmark Dinosaur World and Denmark Animal Farm and Pentland Alpaca Stud. Those animal parks and a couple of others—Yongernow Australian Mallee Fowl Centre in Ongerup and West Oz Wildlife—sought to apply for the federal government grants scheme for wildlife parks and zoos. I cannot remember the name of the grant that was announced; it is not specifically my responsibility. The businesses needed to be supported by state tourism agencies. The grant was not in my portfolio but the businesses needed the endorsement of a tourism agency. I understand that the businesses I referred to were initially advised by Tourism WA that they would not be supported. I advise those businesses here, through their local member, that that decision has been reversed and they will be supported in their application to Austrade. That is an independent process that is administered by Austrade.

Mrs A.K. Hayden: Will that apply to all of them?

Mr P. PAPALIA: It will apply to the ones I have mentioned. I do not know about others; I know about just those particular ones. I was specifically interested in conveying that information to the member because they are his constituents. The grant is administered by Austrade and will be similar to our own grant schemes. It will be about the amount of money, the capacity and the number of applications, and some may be oversubscribed. But those businesses will be supported.

On the other grant schemes and the media release, I am sorry; I got it wrong. I need to work on my editing skills because clearly I let that one through when it should not have been thousands. It is a simple fact that many more businesses—a significant number—could potentially be involved in tourism, but we were trying to focus on specifically those that were accredited as a way to reduce the overall scope of the scheme so that we could fund a finite number. There is only so much money. I think 1 138 businesses, or something like that, have applied. I do not know how many have actually been given the funding, but I would like to put on the record that Wendy from Geraldton has received $6 500 of recovery fund money and she is well down the path of applying for the business survival grant. That is the big grant that everyone in WA can apply for; they do not have to be accredited with any particular organisation. It is a bigger grant of between $25 000 and $100 000 for business survival, particularly for those businesses that will not get the chance to operate in the near term. Wendy, who was referred to in a question to the Premier during question time, is well down the path to making her application. The process is independent of me, but I would expect that a business with a 100 per cent Chinese market would get one.

Division

Question put and a division taken with the following result —

Ayes (18)

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

Noes (31)

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

Pairs

Mr K.M. O'Donnell	Mrs M.H. Roberts

Question thus negatived.

CRIMINAL LAW (UNLAWFUL CONSORTING) BILL 2020

Consideration in Detail

Resumed from an earlier stage of the sitting.

Debate was interrupted after new clause 16A had been agreed to.

Clauses 17 to 19 put and passed.

Clause 20: Parliamentary Commissioner to monitor exercise of powers —

Mr P.A. KATSAMBANIS: Clause 20 gives specific powers to the person called the parliamentary commissioner in the clause. Under the definition clause that we passed earlier, "Parliamentary Commissioner" is defined to mean the Parliamentary Commissioner for Administrative Investigations appointed under the Parliamentary Commissioner Act 1971. I think the Attorney General can confirm that that is the person whom we know as the Ombudsman. That is fine, because the Ombudsman reports to Parliament and is a parliamentary commissioner. We are introducing extraordinary powers that will be performed by the police, so it is important that there is oversight and reporting to Parliament on the use of those powers. That is important from both a good governance point of view as well as the issue we have canvassed throughout this debate of appropriately crafting provisions to meet any constitutional requirements that the High Court might set. I will ask my question here; it could relate to various aspects of part 3, which outlines the powers that the parliamentary commissioner has, but for the sake of brevity and to enable us to move on, I will ask all my questions on this part under clause 20, if that is okay.

The ACTING SPEAKER (Ms M.M. Quirk): Member, I just draw your attention to the fact that "Terms used" is now —

Mr P.A. KATSAMBANIS: My question is not around "Terms used"; I was just framing it. We are talking about the Ombudsman.

The ACTING SPEAKER: Sorry; yes.

Mr P.A. KATSAMBANIS: My first question is in relation to resourcing. I asked this question in my contribution to the second reading debate, and the Attorney General partly addressed it in his reply. What additional resources has the parliamentary commissioner, the Ombudsman, been given by the government to exercise these powers that have been given under this bill?

Mr J.R. QUIGLEY: There are no extra resources allocated as yet. When the parliamentary inspector requests extra resources, they will be given favourable consideration by the government. That office was, of course, as I mentioned before, given extra resources for the Criminal Organisations Control Act. Those resources were never taken up and used. Well, they were taken up, but not used for that purpose because the act did not happen. The office of the parliamentary inspector fits within that basket of portfolios for which the Attorney General has responsibility, and I have not yet had a request for further resources from it, but that will be favourably considered when this legislation is in force.

The ACTING SPEAKER: Attorney General, for the purposes of *Hansard*, the provisions refer to the parliamentary commissioner, not parliamentary inspector.

Mr J.R. QUIGLEY: Thank you. I confused it, of course, with the Parliamentary Inspector of the Corruption and Crime Commission; sorry.

Mr P.A. KATSAMBANIS: Of course, we are not to know in advance how many of these notices will be issued and how many prosecutions will be issued, but I have been looking for some information that might help us and guide us as to what the level of resourcing is likely to be. I came across a report from Queensland in the *Brisbane Times* of 17 January 2019 that outlined that in Queensland in 2017–18, around 700 notices were issued under Queensland's semi-equivalent legislation. There were 423 pre-emptive verified warnings, 156 retrospective verified warnings and 129 consorting preventive directions. If those figures translate in any way to Western Australia, it is quite clear that these provisions are going to be used more than just occasionally. From media reports we get about the activities that our police undertake to monitor and break up outlaw motorcycle gangs in particular—but also all sorts of other organised criminals, including those detestable organised criminals, referred to by the member for Mount Lawley in his contribution, who engage in human slavery and trafficking—it is quite clear that our police will be busy issuing these sorts of notices. The parliamentary commissioner, the Ombudsman, will therefore also have quite a task dealing with these sorts of matters. I do not raise the issue of resources lightly; I do not think we should take for granted that it will be an ancillary function of the Ombudsman. It looks like the Ombudsman will not only need additional resources, but also probably require additional specific cohorts of staff, or staff with particular skills, that the Ombudsman may or may not have at the moment. Has there been any discussion between the Attorney General and the office of the parliamentary commissioner as to the range of skills and types of people that will be required in that office in order for it to execute its duties under this legislation we are introducing?

Mr J.R. QUIGLEY: No, I have not had those discussions with the Ombudsman. I refer to the situation in New South Wales. There were nearly 2 000 separate notices of consorting in action and 9 155 consorting warnings issued by the New South Wales Police Force. That required a big investigation by the New South Wales Ombudsman to expose misuse of that power, whereas in Western Australia it is more targeted. These notices have to be signed by a commander

or above. Of the 561 known outlaw motorcycle gang members—and that is a huge increase on the numbers of members in 2012, when the Criminal Organisation Control Act was introduced and failed us—305 had convictions for serious matters. In addition to those, there were 620 child sex offender notices as well. That potentially takes it up to around 1 000. Members should not forget that there does not have to be a full review of the circumstances leading to every one of these cases. The parliamentary commissioner will review those notices to see whether they meet the clause 10 criteria; and, if they meet the clause 10 criteria, one would think there would not be a need to go much further. That is what the Ombudsman in New South Wales was doing when they found that there was so much misuse of the power. With the criteria in clause 10 being checked, we do not anticipate a huge resource issue at the Ombudsman's office here.

Mr P.A. KATSAMBANIS: As I said, I am asking all my questions on clause 20; they could be asked on different clauses, but I think it is easier, for the sake of brevity, to cover it all now. The parliamentary commissioner is charged with inspecting the records to ascertain the extent of compliance and they must report to the minister about the results of those inspections, as directed under clause 26. Then they are to report to Parliament. That is all fine and good. I think that is a really good process. However, the questions that arise, because the legislation before us is silent on this, are: What would occur if the parliamentary commissioner, the Ombudsman, uncovered a case of misconduct by police in the course of their investigation? To whom would they report that misconduct? Would they report it to the Attorney General, as the responsible minister? Would they report it to the Commissioner of Police? Would they have any direct reporting obligations or requirements to the Corruption and Crime Commission in the case of serious misconduct? It is relatively unclear in this legislation what they could do. This is why I am asking this under clause 20. I note that under clause 20(2)(c), the commissioner may do anything necessary or incidental to the performance of the functions mentioned in paragraphs (a) and (b), which is to inspect the records and report to the minister. But I note that the bill is silent on what they could do if they uncovered misconduct. Perhaps the Attorney General can enlighten us on how that will work in practice.

Mr J.R. QUIGLEY: This comes about from dealing with clause 20 and commenting on subsequent clauses at the same time, which, although a little unorthodox, I hope will speed up the process. Under clause 25, the Commissioner of Police has an obligation to make a certain report to the Ombudsman, which will certainly give the Ombudsman a head start on reporting on things. It is not just a matter of inspecting the register; they must keep a register of any revocation, any use of police powers, any prosecution for an offence, or any certificate given under clause 28. The Ombudsman will receive this report from the commissioner annually. Under clause 24, the parliamentary commissioner may notify the Commissioner of Police that, in his opinion, the requirements for the issuing of a notice were not met and a recommendation be given to the Commissioner of Police. Clause 26(6) states —

> Nothing in this section prohibits the Parliamentary Commissioner from reporting to the Minister on the Parliamentary Commissioner's monitoring activities under this Part at any time —
>
> (a) on the Parliamentary Commissioner's own initiative; or
>
> (b) at the request of the Minister.

The minister can, on an ad hoc basis, request reports from the Ombudsman, because often letters of complaint come in from constituents or other members. The minister can, at the appropriate time, request a report from the Ombudsman on any of these matters. We think that the line of accountability, or the line of reporting, is both threefold and parallel—firstly, to the Commissioner of Police when criteria have not been met; secondly, to the minister when the minister calls upon it or when the Ombudsman thinks it appropriate to report a matter to the Minister for Police; and, thirdly, to this venerated Parliament on an annual basis when he files his report.

Mr P.A. KATSAMBANIS: I understand all that in relation to the notices, and that is what this is about. This is about monitoring and reporting on notices. What if the commissioner comes across misconduct in the execution of their duties? Where are those obligations, because they seem to be missing in this part? They may have an obligation, but where is that obligation contained? Perhaps between the houses, the Attorney General and his office and parliamentary counsel might want to look at adding something to this part to clarify that there is a direct obligation on the parliamentary commissioner if they uncover serious misconduct, rather than simply relying on the fact that somewhere along the line, the interrelationship of various other acts will make it happen. Again, we are trying to make this legislation as protected as possible from challenge, but we are also trying to make it work. I raise that from that perspective—not because I want to hinder the operation of the legislation, but just to make it inherently consistent and clarify any gaps, particularly in uncovering any serious misconduct.

Mr J.R. QUIGLEY: Serious misconduct, of course, is defined in the Corruption, Crime and Misconduct Act. Any public servant and anyone in the public service who has evidence of serious misconduct by a police officer is mandated to report that to the Corruption and Crime Commission. Additionally, the Parliamentary Commissioner for Administrative Investigations is mandated to report to this Parliament annually, and it would be a serious dereliction of duty if, in that report, he did not identify any circumstance of serious misconduct that he had come across. It is not just a lazy way of doing it; there is a direct line of sight of accountability. Additionally, under clause 25(1)(c), the Commissioner of Police has a duty to report on any use of police powers.

Clause put and passed.

Clauses 21 to 23 put and passed.

Clause 24: Parliamentary Commissioner may notify Commissioner of Police of suspected non-compliance with section 10(2) —

Mr J.R. QUIGLEY — by leave: I move —

Page 20, after line 29 — To insert —

(1A) If, as a result of an inspection under this Part, the Parliamentary Commissioner is of the opinion that an unlawful consorting notice should be varied under section 16A(4), the Parliamentary Commissioner may recommend to the Commissioner of Police that the notice be varied under that provision.

Page 21, line 5 — To delete "subsection (1)" and substitute —

subsection (1) or (1A)

Due to the insertion of new clause 16A, which allows the commissioner to vary consorting notices, these amendments are necessary to ensure that when the Ombudsman agrees to vary an unlawful consorting notice, he also includes the reasons for arriving at that recommendation.

Mr P.A. KATSAMBANIS: These amendments cover a question I asked yesterday during my second reading contribution. The Commissioner of Police has been given power to vary notices and now the parliamentary commissioner will also be given the power to recommend the variation of notices. It is logical and sensible that rather than having a revocation and having to get another notice, it makes more sense to vary it. The only other thing I would say about this is that with the addition of new clause 16A and the passage of the first of the two amendments that the Attorney General is proposing in clause 24, all other amendments on the notice paper are consequential to one or other of these amendments. I will not need to drag out the debate or labour unfairly or for too long on the other amendments. These are the two main substantive amendments; all the others are consequential. We do not have any issue with the amendments, either the addition of new clause 16A or this amendment to clause 24. We think it strengthens the bill. It clarifies the powers of both the Commissioner of Police and the parliamentary commissioner, and we welcome and support them.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 25: Commissioner of Police to report on use of police powers to Parliamentary Commissioner —

Mr J.R. QUIGLEY: I move —

Page 21, after line 19 — To insert —

(ba) any variation of an unlawful consorting notice under section 16A;

Amendment put and passed.

Clause, as amended, put and passed.

Clause 26: Parliamentary Commissioner to report on monitoring activities —

Mr J.R. QUIGLEY: I move —

Page 22, line 17 — To delete "section 24(1)" and substitute —

section 24(1) or (1A)

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 27 and 28 put and passed.

Clause 29: Delegation by Commissioner of Police —

Mr J.R. QUIGLEY — by leave: I move —

Page 24, line 16 — To delete "section 16 (***revocation functions***)" and substitute —

section 16 or 16A (***revocation or variation functions***)

Page 24, line 21 — To insert after "revocation" —

or variation

Page 24, line 22 — To insert after "revocation" —

or variation

Page 25, line 1 — To delete “section 16(4),” and substitute —

sections 16(4) and 16A(4),

Page 25, line 2 — To insert after “revoke” —

or vary

Page 25, line 4 — To insert after “revoke” —

or vary

Mr P.A. KATSAMBANIS: These amendments are consequential to the substantive amendments that have already been made and tidy up some language as a result of that. I am happy to have them dealt with en bloc.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 30 to 39 put and passed.

Schedule 1 put and passed.

Title put and passed.

AQUATIC RESOURCES MANAGEMENT AMENDMENT BILL 2020

Second Reading

Resumed from 16 April.

DR D.J. HONEY (Cottesloe) [3.46 pm]: I am the lead speaker for the opposition on this bill.

Mr R.H. Cook: No, you don’t need all that time.

Dr D.J. HONEY: I am going to repeat the same five pages over and again. I am sure the minister will enjoy that and it will stop him from getting his red wine.

I indicate at the outset that the opposition supports the bill. I understand that the Minister for Fisheries and our lead in this area, Hon Jim Chown, have discussed the need to include a review clause in the bill. I understand that the minister has agreed to this and will propose his own amendment so that the bill can be reviewed after five years of operation. I understand that will happen in this place. If it does not happen in this place, Hon Jim Chown will move that in the upper house.

This is a very important bill. It finalises some good work that was started under the previous Liberal government to improve the management of important fisheries and aquaculture in Western Australia. I was not in this place at that time, but I understand that the Aquatic Resources Management Act was assented to in 2016 and had an implementation date of 1 January 2019. The act was a response to a nationally agreed approach to sustainable resource-based management of fisheries. However, shortcomings in the bill prevented implementation of the provisions of the act due to a number of factors, including the way the fishing zones were set up, different catch limits and periods of catch in different zones. Those factors, especially, affected the pearl and rock lobster industries. This amendment bill will rectify those shortcomings so that the act can be fully implemented.

I understand also that this bill has been very well communicated to the fishing industry. Can I say that that is a hallmark of the new Minister for Fisheries and that it is a pleasant change from actions of the previous fisheries minister, who seemed to embark on a campaign to alienate every sector of that industry, no more so in his attempt to nationalise the crayfish industry, or at least part of it. Fortunately, that was seen off. As I say, the industry is certainly very pleased with the efforts the new minister and his department have made to consult on the bill. The industry supports the changes contained in it.

The fishing and aquaculture industry is a very important part of our local economy, particularly in regional economies. I was surprised when I saw that about 85 per cent of the commercial fishing activity in the state is conducted in remote coastal areas. That obviously has quite a significant impact in those communities. It is very important that this area is managed well.

I was looking up some statistics that had been collected by the Western Australian Fishing Industry Council in a release that it had put out in December 2019. In 2017–18, fishing and aquaculture contributed $989 million—almost $1 billion—to the WA economy, which was a tremendous contribution. The sector is a major employer. It is responsible for almost 6 300 full-time equivalent employees. Because it is a regional industry, we largely do not see it, but it is a very substantial contributor to the wellbeing of this state.

The sector income is dominated by the western rock lobster catch. That is obviously very topical at the moment because that particular fishery is under enormous stress because of the problems caused by the COVID-19 crisis. When I visited rock lobster fishers last year, I recall that something like 98 per cent of Geraldton Fishermen’s Co-operative catch was going into China. I said to them at the time I thought that was a huge risk to the industry.

Not that I am an economic expert, but I thought it should be looking to diversify. That is a very high value catch and it is very well managed. In 2017–18, that rock lobster fishery reported the gross value of its product at $392 million. Obviously, there is a significant multiplier of that in the overall benefit to the economy.

As a historic aside, the western rock lobster fishery has had its fair share of controversy in relation to regulation. Some members in this chamber and elsewhere may remember that in 2009, Hon Norman Moore, who was then the Minister for Fisheries, banned commercial crayfishing in the Big Bank fishery at Kalbarri, not far from the start of the season. The minister did not do it because he was trying to be cruel to the fishers; he did it because he had discovered that that fishery was under a huge threat of overfishing. I visited the fisheries with the member for Geraldton 13 months ago, or a period such as that. We had a good opportunity to look at the various parts of the industry. I met Mr Bert Boschetti. The minister might know Bert. I think the way to put it is that he is a vigorous correspondent! He is a first-rate person. At that stage, Mr Boschetti had alerted the minister to the fact that technology improvements and longer range crayfishing boats meant that the catch was being maintained. Even though it appeared this catch was sustainable, in fact stocks were diminishing. He certainly got the minister to look at that catch to show him that, historically, the catch was not necessarily the best way of looking at it. On the wall in his office, Bert had a graph that he was very pleased to show me. He had produced the data from his own boats showing the distance that the fishers were travelling each year to achieve their quota. This graph was a straight line heading to the stars! It was just that boats were travelling further. With GPS, fishers could be more targeted in where they went. Bert was especially proud that he was able to educate the minister perhaps more than some of the significantly credentialed department officials at the time.

Further to that, Bert represents the archetypal commercial fisher. It is something that is seen constantly in a lot of regional industries: he is hardworking, passionate, intelligent, and deeply concerned about the sustainability of the industry. The thing that really struck me about talking with fishers is that they are utterly committed to the sustainability of their industry. They know that their long-term wellbeing, as well as the wellbeing for the economic impact on this state, are utterly dependent on this fishery being maintained in a sustainable way. Since that time, we have progressively seen greater refinement of the management practices in the fisheries to ensure their sustainability.

Around that time, I remember talking to Hon Norman Moore about this matter. A lot of fishermen at the time displayed as much passion as Bert. In fact, the minister feared for his own safety because not only were a lot of the fishers passionate, but many of them also had guns! I think he received some communication linking those two things. In any case, he persevered. I want to recognise Hon Norman Moore because he took an enormous amount of personal political damage and harm in doing that.

Mr D.A. Templeman: He was a great secessionist. I think he would be very pleased with the current arrangements.

Dr D.J. HONEY: That is another matter. He may want to make it permanent, do you think, minister?

Mr P.C. Tinley interjected.

Dr D.J. HONEY: He took an enormous amount of personal pressure over that. He, like the current minister, is very passionate about us having a sustainable fishery. He initiated a study into improvements to the act. That manifested in the 2016 act. As I said, there were some shortcomings in that that the current minister is remedying so that it can be fully implemented.

The Aquatic Resources Management Act 2016—the acronym is ARMA—replaced the Fish Resources Management Act 1994. The aim of that was to provide a more flexible and efficient management of fisheries. We would all support the ARMA's core objectives, which are —

- the ecological sustainability of the State's aquatic resources and aquatic ecosystems for the benefit of present and future generations; and
- that the State's aquatic resources are managed, developed and used factoring in the economic, social and other benefits they may provide.

The important part was that the new act also legally recognised fishing access rights for each sector.

The Aquatic Resources Management Amendment Bill has three intended outcomes. Those are summarised: to expand the definition of an "aquatic resource" to provide greater flexibility when determining which existing fisheries are covered by a declaration of a managed aquatic resource; provide for different classes of resource shares under aquatic resource management strategies and aquatic resource use plans; any shares by zone or gear type; and to streamline processes around grant variation and the transfer of aquaculture licences. It was pointed out in that summary that that was particularly assisting the pearling industry in its seeding rights and the like.

As I mentioned at the outset, we support those outcomes and, consequently, we support this bill. I will not be moving any amendments in relation to this, but I am interested in the minister's response and perhaps these matters could be looked at very briefly during consideration in detail. One issue is the meaning of "aquatic resource". Industry suggested that sometimes when we are looking at plans that cover an area, there could be one plan for multiple species

in an area rather than a plan for each species. That is in section 4 of the Aquatic Resources Management Act. In section 16 of the act, "Content of ARMS", reference is made to broodstock for aquaculture, and that broodstock has to come out of the total allowable catch for the commercial fishery. The issue raised by the industry was that there may be no commercial fishery for some stocks. It is only a niche market but in particular for fish that are raised for people who have collections of fish, are we sure that covers that as well?

The other reference was to section 16(1)(g) which addresses harvest strategy. There was a concern around the limit of five years for that. The view was that if there was a principle or philosophy behind that, having perhaps a 10-year horizon for that particular part of it may make sense, simply because of the investment that people make in that industry of having longer term certainty. As I said, I am not looking for any amendments in relation to that; I raise those issues in response to some queries the industry made. Maybe it is something that can be looked at in the future.

Another part of it was with section 147, which provides for the chief executive officer to notify persons of certain decisions. That is one of those provisions that hopefully speeds things up because we do not have to go through an official advertising process and the person can be notified. The industry's question was, "What is a person?" It was keen that a person should also include an industry association as a relevant person falling within that definition. Obviously, industry associations need to be made aware, as well as individual fishers. There was another concern over the legal standing of annual catch entitlements, but I think that matter can be dealt with outside this place.

As I said, I do not seek to amend the bill around these questions. If the minister has some responses now, I am happy to hear those, but equally I am happy for that to be communicated at a later date. The passage of this bill is not contingent upon that.

I thank the minister for bringing the bill before the house and completing the job started by Hon Norman Moore, all the way back in 2010 when he initiated that review, and also the bill that was passed by the previous government in 2016. I commend the bill to the house.

MR I.C. BLAYNEY (Geraldton) [4.02 pm]: The intention of the Aquatic Resources Management Act 2016 was to combine the Fish Resources Management Act 1994 and the Pearling Act 1990 so there was only one primary legislative framework for the management of Western Australia's fisheries and aquatic biological resources. The pearl oyster fishery is currently managed by the use of zones, but under the ARMA 2016, each zone requires a separate aquatic resource use plan, because it does not outline the use of different types of resource share; for example, each zone with a particular fishery would be a different type of resource share. The amendments in this bill allow for more flexibility and management of fisheries, specifically allowing for the management of different zones within the same ARUP, allowing ARUPs to provide for aquatic resources that can be defined by the type of gear or method used to take the resource, as well as the type of species, and by reference to a particular type of characteristic of a species—for example, weight. It reduces the administrative burden for the chief executive officer in relation to the publication of notice of a decision to grant, vary or transfer an aquaculture licence.

I remember this bill coming into the Parliament originally. As the member for Geraldton, I have a fair bit to do with the fisheries industry. Those in the industry wanted the bill. We finally got the bill brought to Parliament late in the last term. Here we are late in the next term, finally getting this thing so that it will work. The fishing industry has not expressed a lot of frustration to me about this, but I dare say that in some quarters there probably is.

In my time in Parliament I cannot recall anyone speaking about the pearling industry, so I decided I would talk a little about the Western Australian pearling industry because one of the main purposes of the legislation is to bring the pearling industry under the same act as the rest of our fisheries. Up until now it has had its own act. By value, pearling is the state's second biggest fishery. It is worth about $65 million to $70 million at farm gate, as we would say in agriculture. It is actually worth about $90 million by the time it has had some value-adding to it, versus our biggest fishery, the western rock lobster fishery, which is around the $500 million mark. Pearling is significant, but of course it is quite a bit smaller than the western rock lobster fishery.

Pearling in Western Australia started in the 1850s in Shark Bay. In the 1860s it moved to Nickol Bay, then Exmouth, Port Hedland and eventually became centred on Broome. Luggers become motorised and divers started using diving apparatus. There was a significant loss of divers from sharks, cyclones and the bends. Between 1908 and 1935, 100 boats and about 300 people were lost from tropical cyclones. Divers were Aboriginal, Malay, Japanese, Kupangers, from Kupang in West Timor, Makassars and Chinese. Broome had become the centre of an industry that supplied about 70 per cent of the world's mother-of-pearl, which was used to produce things like buttons. However, following World War I and the development of plastics for things like buttons, the industry contracted and was virtually shut down during World War II. After World War II there were about only 15 boats remaining in Broome and about 200 people employed. A significant shift occurred in 1956 when a joint Australian–Japanese cultured pearl industry was established at Kuri Bay, about 370 kilometres north of Broome.

Western Australia's pearl industry of today has evolved and is vastly different from its former self. Part of it is the last remaining significant wild stock fishery for pearl oysters in the world. These pearls are not only the highest quality

and the rarest in the world, but also have been independently certified as the world's most ethical and environmentally sustainably produced pearls in the world. They have been certified by the Marine Stewardship Council in a similar process to its certification of the other major Western Australian fishery, the western rock lobster.

The pearling industry was absolutely slammed in 2008 by the global financial crisis. Sales dropped by 85 per cent and some producers—as a rule, the way they sell pearls is by auction in lots—had no sales at all. Despite these many and varied problems, the industry in WA fights on and employs about 400 people, stretching from my electorate of Geraldton to Exmouth Gulf and north of Broome. Pearls in farms need to be dispersed across a large area for health reasons. They do best in deeply indented bays with considerable water flow from nutrients. These factors add to the cost of leases and operations in isolated areas. It is an old and proud Western Australian industry. It has a valuable part to play in the future of the north. As a regional member I can attest to the fact that if jobs are hard to get anywhere, they are 10 times harder to create in the regions. This ARMA bill was introduced before the end of the last Parliament. I raised this a number of times in party forums because I was being told by the industry that this bill was required, and it eventually came in late in the term. Unfortunately, when the work started to bring the pearling industry under the act it was discovered that the legislation was not what was required. The legislation as it stood did not allow the management of the pearling industry by zones, allowing different types of shares, types of gear used or methods to take the resources. These amendments address these issues. It concerns me that here we are at the end of another parliamentary term before the act will be as it should have been in the first place. The amendments are welcomed by the Western Australian Fishing Industry Council, the Western Rock Lobster Council and the pearling industry, and I welcome their support and advice on the bill.

I have pondered why these delays happen and I have come to a few conclusions. It certainly helps for quite a few pieces of legislation to have a friend in this place who will argue the case. One of the things that people outside this place frequently do not understand is the value of knowledgeable backbenchers pushing their case, and it can be from either side of the house. I remember that in the last Parliament we did an excellent report on innovation in Western Australia. Interestingly, it was at the suggestion of the now Minister for Fisheries. The innovation sector impressed on us the importance of getting the Limited Partnerships Bill 2016 through the Parliament as quickly as possible. As it was, it was actually the last bill passed through that Parliament on the last night, with the cooperation of both parties and both houses. I sometimes wonder where that bill would be now if a group of MPs had not decided to take the issue into their own hands and get it done.

I hope that the Aquatic Resources Management Amendment Bill 2020 will mean more investment certainty for fisheries. Our waters are not rich and they need to be well managed. Just over the border is South Australia. We could learn a lot about aquaculture from South Australia. We need to get more serious about aquaculture. Maybe we should do what the Israelis have done, which is to place aquaculture on the same level as agriculture. Aquaculture needs to be run in the same way as agriculture. The costs need to be carefully controlled and good management is required rather than wild catch fisheries, which is about limiting the catch to make sure that the resource is not destroyed, as is done in many parts of the world. I think I read recently that 90 per cent of the world's fisheries are overfished. With that, I commend the bill to the house and thank everyone for their support.

MR P.C. TINLEY (Willagee — Minister for Fisheries) [4.10 pm] — in reply: I thank members for their swift responses to get through the Aquatic Resources Management Amendment Bill 2020, noting the hour of the day and the time of the week. With Thursday being the new Friday, hopefully we will get through this as far as we can in the time available. The proposed amendment to the bill is not terribly onerous. I thank both members who spoke for their contributions on the 15 clauses and the amendment that I foreshadow will be read from the table.

The value of the fishing industry is often talked about in gross economic terms—its value. As every member knows, and does not need me to tell them, we measure it also more in terms of jobs and lifestyle. Western Australia's natural endowment allows us to dominate the global supply of iron ore and gas and, partially, oil. But there is one natural endowment off our coastline that, if managed well, will be there long after we are gone. This bill gives us the opportunity to make sure that comes to pass. Both members who spoke on the bill outlined its history and the stumbling block regarding its incompatibility with the Pearling Act. That is the reason we are here today. Unfortunately, these things happen from time to time, but we think that we have cracked it this time and we will tidy it up. The reality is that the Pearling Act is a relic of the past when our economy was just beginning—the European settlement economy, if you like. The long arm of that relic has reached forward and delayed the bill. The amendment to the bill is listed on the notice paper.

I note the history of those who have brought this forward. I acknowledge Hon Norman Moore, who undertook a significant challenge, particularly in the lobster industry but also in other managed fisheries, when he brought them into the new era. As members have identified, those people who knock around these sorts of businesses and who go out on the seas to fish are colourful characters. Bert Boschetti is but one. He has two daughters, Pia and Erica, whom I have met. They are cast from the exact same mould as their father. Their passion for and commitment to the industry and the things it needs in not only the wild catch area, but also aquaculture. cannot be doubted. I have met many, many fishing families. That is the best way to describe them because they are typically strong family businesses. I routinely hear them say that they are the fourth generation doing it. That heritage has some value and

deserves respect. Unfortunately, some people misinterpret that heritage and want it translated into an inalienable property right for future access to the resource. That is not what this bill does. This bill allows each fishery to be treated as it needs to be treated. The biomass of a particular species is impacted differently in the natural environment as it moves through the state's offshore geography and differs in how it is harvested by commercial and recreational fishers.

The member for Cottesloe raised the point of my predecessor. Too often in this place, we identify areas in which members have not had great success. We use that and weaponise it in a lot of ways. That is the nature of this sandpit; it can get a bit willing. The reality is that Minister Dave Kelly, my friend, did outstanding work as Minister for Fisheries. No-one in this state has committed more to mitigate the threat of sharks. The McGowan government has deployed over $36 million in its shark mitigation strategy. It is not a wholesale, ham-fisted attempt; it is a very smart, technological and science-led strategy and includes Shark Shield, SMART drum lines and also something as simple as numbering beaches to assist in responding to shark attacks. Minister Kelly was also responsible for developing and fostering the aquaculture zones, particularly the nursery in Oyster Harbour in Albany, which he opened with the Premier. These are all achievements to be proud of and Minister Kelly can hold his head high. He deserves credit for doing that in a very difficult environment.

Since taking on the fisheries portfolio, I have not seen a denser portfolio than fisheries, by virtue of the variation of species and geography. There are multiple species and multiple ways of harvesting those species, depending on whether the fisher is in the south west through to the far north Kimberley. That is why we need a flexible bill. Members have identified the very core of the flexibility of the bill to group things, as needed, by geography, the type of gear used, the species and the use the multispecies can be put to. The bill will be eminently applicable to a range of things not only now, but also in the foreseeable future. The way we undertake harvest strategies will be unshackled from the bonds of the previous legislation, which was quite restrictive. We will now be able to give quite flexible access to those resources.

The member for Cottesloe raised a couple of quite complex issues. He can raise them when we go into the consideration in detail stage or I am more than happy to give him detailed answers outside this forum.

Dr D.J. Honey: Maybe outside the chamber.

Mr P.C. TINLEY: My staff will reach out to the member so that we can understand exactly the nature of what he wants so that, rather than go through a question and answer process, we can give him the information he wants.

I was in Geraldton with the member for Geraldton recently and we met with a large number of fishers. Ironically, we met at the Geraldton gun club. That was concerning to me when I found out! It was a very committed group so it was good to talk to them and hear about their concerns. By and large, they were fairly reasonable.

Like the member for Cottesloe and other members, I have identified the significant business risk to the lobster industry having a single market for a single species. To its credit, the industry is quite happy with its strategy. It accepts that the higher price it gets from China and the developed supply chains is balanced against the potential risk of coming under stress. As the Treasurer has identified, the market did what the market does; it changed on the industry, and that is the challenge. The industry is more than happy to accept that and is keen to meet what it considers to be its social licence around whale mitigation throughout the extended lobster season and developing a genuine domestic supply. We are very happy about that. As I said, the reasons for the need for this bill are self-evident, as members have said, and were outlined in my second reading speech.

As the member for Cottesloe said, Hon Jim Chown approached me and was concerned. In many of these bills we find a review clause, a statutory arrangement. In a certain sense, this is boilerplate. In much of our legislation, there is a statutory review at the five-year mark. In fact, many, many pieces of legislation attract those. I agreed to that. I agreed with Hon Jim Chown that we do that at the table here, because no-one has foreshadowed any further amendments in the other place, so when the bill gets to the other place, members there will not have to go to the table unless they want to, and they will not have to deal with it in a more protracted way than is needed.

I foreshadow that the new clause, which I will move at the appropriate time, will require the minister responsible for administering the Aquatic Resources Management Act to review the operation and effectiveness of the legislation as soon as practical after the fifth anniversary of proposed section 268 of ARMA coming into operation. Proposed section 268 of ARMA repeals the Pearling Act 1990 and its coming into operation would signal full implementation of ARMA. The minister will further be required to prepare a report based on the review and to ensure that the report is laid before both houses of Parliament within 12 months. The statutory review requirement will provide an opportunity for government and fishing stakeholders to assess whether ARMA is functioning as intended and to consider any steps that may be required to improve its operation. On that note, I thank members for their contributions and look forward to the passage of the bill.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 to 15 put and passed.

New clause 16 —

Mr P.C. TINLEY: I move —

Page 7, after line 13 — To insert —

16. Section 266A inserted

At the end of Part 16 insert:

266A. Review of Act

(1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which section 268 comes into operation.

(2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

New clause put and passed.

Title put and passed.

House adjourned at 4.24 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FREMANTLE POLICE STATION — TENDERS

6108. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to the Fremantle Herald article of 25 April 2020, regarding a new Fremantle Police Station, and ask:

(a) When did tenders for a new police station open and when did they close;

(b) How many tenders submitted an application or expression of interest;

(c) How many were short listed;

(d) Why did the Western Australian Government reject the short listed tenders;

(e) Is the Western Australian Government considering compensation for the short listed companies; and

(f) When is it anticipated the Government will announce the location of the site for a new police station;

(g) When is it anticipated new tenders will be open to build the new police station?

Mrs M.H. Roberts replied:

In 2013, the former Government moved Fremantle police officers into the current site, a former bank building which back then was not fit for purposes, supposedly on a short term basis however no money was put on budget for a replacement Fremantle police complex. The Western Australian Police Force and Department of Finance advise:

(a) The Expression of Interest (EOI) commenced on 29 November 2018 and closed on 16 January 2019.

(b) Five.

(c) Three.

(d) A build and own option was determined as a better proposition.

(e) Compensation is not payable.

(f)–(g) As soon as possible.

ROAD SAFETY — HOONS

6114. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to hooning vehicles for each of the years 2015, 2016, 2017, 2018 and 2019, and ask:

(a) How many cars have been impounded by Police:

  (i) At current date, how many vehicles are currently impounded;

(b) What is the breakdown of first, second and third offences;

(c) Of vehicles impounded by Police, how many belonged to a P-plater;

(d) How many of these were being driven by people under the age of 17;

(e) How many were instances of someone driving while disqualified;

(f) How many were instances of someone driving while under suspension; and

(g) How many instances where the vehicle impounded was not being driven by the owner;

(h) In each year, how many of the impounded vehicles were not returned to their own?

Mrs M.H. Roberts replied:

The West Australian Police Force advise

(a) In 2015, 11 137; in 2016, 11 490; in 2017, 11 574; in 2018, 10 858; and in 2019, 9 648.

  (i) As at 14 May 2020, there were 720 vehicles impounded.

(b)

Year	1st	2nd	3rd
2015	5 777	2 611	1 340
2016	5 526	2 522	1 530
2017	5 335	2 571	1 475
2018	5 104	2 530	1 413
2019	4 612	1 911	1 201

(c) Police are unable to provide this information as the agency's information holdings do not capture P-Plate status.

(d) In 2015, 94; in 2016, 95; in 2017, 80; in 2018, 99; and in 2019, 75.

(e)–(f) In 2015, 6 525; in 2016, 7 117; in 2017, 7 376; in 2018, 6 838; and in 2019, 6 041. The collection of information and the offence do not separate these categories.

(g) In 2015, 6 306; in 2016, 6 710; in 2017, 6 718; in 2018, 6 217; and in 2019, 5 565.

(h) In 2015, 2 745; in 2016, 4 082; in 2017, 4 405; in 2018, 3 841; and in 2019, 3 234.

MINISTER FOR ENVIRONMENT — PORTFOLIOS — STAFF

6135. Ms M.J. Davies to the parliamentary secretary representing the Minister for Environment; Disability Services; Electoral Affairs:

(1) For the date 13 March 2017, please provide the following staffing arrangements with regard to each of the Minister's departments and agencies:

(a) Total number of staff in the department or agency;

(b) Total number of staff who were based regionally per department or agency;

(c) Position title of each staff member based regionally;

(d) Employment level of each staff member based regionally; and

(e) Full time equivalent hours of each staff member based regionally;

(f) For each regionally based employee, please provide the geographic location of the office?

(2) For the date 13 March 2018, please provide the following staffing arrangements with regard to each of the Minister's departments and agencies:

(a) Total number of staff in the department or agency;

(b) Total number of staff who were based regionally per department or agency;

(c) Position title of each staff member based regionally;

(d) Employment level of each staff member based regionally; and

(e) Full time equivalent hours of each staff member based regionally;

(f) For each regionally based employee, please provide the geographic location of the office?

(3) For the date 13 March 2019, please provide the following staffing arrangements with regard to each of the Minister's departments and agencies:

(a) Total number of staff in the department or agency;

(b) Total number of staff who were based regionally per department or agency;

(c) Position title of each staff member based regionally;

(d) Employment level of each staff member based regionally; and

(e) Full time equivalent hours of each staff member based regionally;

(f) For each regionally based employee, please provide the geographic location of the office?

(4) For the date 13 March 2020, please provide the following staffing arrangements with regard to each of the Minister's departments and agencies:

(a) Total number of staff in the department or agency;

(b) Total number of staff who were based regionally per department or agency;

(c) Position title of each staff member based regionally;

(d) Employment level of each staff member based regionally; and

(e) Full time equivalent hours of each staff member based regionally;

(f) For each regionally based employee, please provide the geographic location of the office?

Mr R.R. Whitby replied:

For the Botanic Gardens and Parks Authority

(1) (a) 123.39

(b)–(f) Nil.

(2)–(4) Not applicable.

For the former Department of Parks and Wildlife

(1) (a) 1523.15

(b) 813.33

(c)–(f) [See tabled paper no 3450.]

(2)–(4) Not applicable.

For the Zoological Parks Authority

(1) (a) 162.53

(b)–(f) Nil.

(2)–(4) Not applicable.

For the Department of Biodiversity, Conservation and Attractions

(1) Not applicable.

(2) (a) 1726.46

(b) 806.50

(c)–(f) [See tabled paper no 3450.]

(3) (a) 1741.42

(b) 805.60

(c)–(f) [See tabled paper no 3450.]

(4) (a) 1801.46

(b) 822.50

(c)–(f) [See tabled paper no 3450.]

For the Western Australian Electoral Commission

(1) (a) 44.39 FTE

(b) Nil.

(c)–(f) Not applicable.

(2) (a) 42.39 FTE

(b) Nil.

(c)–(f) Not applicable.

(3) (a) 41.39 FTE

(b) Nil.

(c)–(f) Not applicable.

(4) (a) 40.39 FTE

(b) Nil.

(c)–(f) Not applicable.

POLICE — STATIONS

6166. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

Are there plans to increase the number of Police Officers operating from the following police stations, and when will this plan be implemented:

(a) Hillarys Police Station;

(b) Joondalup Police Station;

(c) Warwick Police Station;

(d) Cockburn Central Police Station;

(e) Mandurah Police Station;

(f) Palmyra Police Station; and

(g) Cannington Police Station;

(h) Clarkson Police Station?

Mrs M.H. Roberts replied:

The McGowan Government is delivering an extra 150 police officers to be deployed throughout the state. This takes the number of extra police officers provided by the McGowan Government to 298. The Western Australia Police Force advises that the allocation and deployment of police officers is considered on the basis of operational need and delivery of policing to the community.

MINISTER FOR POLICE — PORTFOLIOS — FAMILY AND DOMESTIC VIOLENCE LEAVE

6205. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

In relation to the Minister's department, agency or government trading enterprise, since the introduction of family and domestic violence (FDV) leave in 2018, how many days of FDV leave has been taken for each month of:

(a) 2018;

(b) 2019; and

(c) 2020 year to date?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a)–(c) Family Domestic Violence Leave Taken

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2018	1	1	11	6	8	3	11	1	3	3	21	3
2019	2	6	2	2	2	1	3	2	3	1	1	0
2020	2	3	10	0	0							

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