



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE ASSEMBLY

Tuesday, 15 June 2021

Legislative Assembly

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THE SPEAKER (Mrs M.H. Roberts) took the chair at 2.00 pm, acknowledged country and read prayers.

LEGISLATIVE ASSEMBLY CHAMBER — 360-DEGREE PANORAMA PHOTOGRAPH

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.02 pm]: We will suspend proceedings now. We are about to have our photographs taken by Garry Sarre on behalf of the Assembly. Garry, a warm welcome to you and your team. Members, some of you will notice that a leather cushion has been placed on your seat. This is because, for visibility, Garry needs to add elevation for members in certain seats. The cushions will be collected after the photographs are completed. I would like to request that for the duration of the photos, you put your water bottles, cups and bags out of sight and close your laptop lids. The first photograph is a 360-degree panorama that will be taken from the table of the house. Garry will manually revolve the camera, taking photographs of members in sections until he has completed a full circuit. Garry will do two or three full circuits and will indicate to you when you are about to be photographed. When he does, please sit up, sit still and smile for the camera. After the photograph is completed, a ladder will be brought in and Garry will take some down-the-aisle shots from the back of the chamber. Due to the angle of this photograph, you may be directed to sit up or lean forwards or backwards to ensure that your whole face is clearly visible. When the photographs are finished, we will recommence proceedings. We will then distribute the notice paper and business program.

[Photographs were taken.]

BLACK HAWK TRAGEDY — TWENTY-FIFTH ANNIVERSARY

Statement by Minister for Veterans Issues

MR P. PAPALIA (Warnbro — Minister for Veterans Issues) [2.25 pm]: Saturday marked the twenty-fifth anniversary of the Black Hawk tragedy in which, on 12 June 1996, 18 Australian soldiers lost their lives in the Australian Defence Force's worst peacetime aviation accident. I first wish to take this opportunity to acknowledge my colleague the member for Willagee, Hon Peter Tinley. I note that the member for Willagee served 17 of his 25 years in the Army with the Special Air Service Regiment as both a trooper and a squadron commander, and I share the honour of having served with him in the counterterrorism squadron of the Special Air Service Regiment here in Perth.

Although the incident occurred in Townsville in Queensland, this tragedy sent a shockwave through the Western Australian community. As Western Australia is the home of the Special Air Service Regiment, the Western Australian public has always embraced the operators and their families, and recognised the role they have and continue to provide to ensure that the nation and community are protected from the highest-level of threats.

The incident occurred while carrying out a counterterrorism training operation, with two Black Hawk helicopters, numbers 1 and 2, colliding as they made their approach to the target area. On the night of the incident, the Black Hawks were flying in close formation and carrying members of the SASR. Being a live exercise, the helicopters were flying without lights and were being flown using night-vision goggles. The SASR personnel on the helicopters were carrying live ammunition. This proved to be a further danger following the crash. Upon hitting the ground, many suffered injuries. In the confusion following the incident, survivors from Black Hawk 2 scrambled from their burning helicopter, with several returning to rescue their comrades. As the two helicopters burned, these brave soldiers were joined by Army staff on the ground who had been involved in the exercise, and they entered the wrecks and pulled their comrades from the flames. All the while, live ammunition that had been carried by SASR operators was detonating around them from the heat of the burning Black Hawks. I acknowledge the heroism and professionalism of these soldiers in those moments leading up to and following the crash. The ongoing scars, both internal and external, are to this day carried by the survivors and families.

On this twenty-fifth anniversary, I ask that all members take time to reflect upon the sacrifice and bravery of these soldiers and the continuing role that serving members of the SASR provide in protecting the freedoms of all Australians.

WORLD ELDER ABUSE AWARENESS DAY

Statement by Minister for Seniors and Ageing

MR D.T. PUNCH (Bunbury — Minister for Seniors and Ageing) [2.27 pm]: I would like to inform the house that today, 15 June, is World Elder Abuse Awareness Day. World Elder Abuse Awareness Day is internationally recognised and commemorated each year to highlight one of the worst manifestations of ageism and inequality in our society—elder abuse. Elder abuse is any act that causes harm to an older person within a relationship of trust, such as by family members, friends or carers. It can be financial, social, physical, sexual, psychological or emotional abuse. It affects one in 20 older people in Western Australia. However, it is still largely hidden and under-reported.

Today, I rise to announce that the state government will provide an additional \$4 million to Legal Aid Western Australia to establish Elder Rights WA and enable increased legal responses to elder abuse. The new service will provide legal assistance to older people experiencing all forms of elder abuse, and will safeguard, and advocate for, the rights of older people.

I remind the house that in November 2019, the McGowan government released this state's first-ever elder abuse strategy. The McGowan government has committed more than \$6 million to delivering initiatives to combat elder abuse since the strategy was released. This includes continued operation of the WA Elder Abuse Helpline and information service; expansion of the Older People's Rights Service; trialling of WA's first-ever vulnerable seniors peak body to advocate for and represent the interests of vulnerable older Western Australians; and provision of the age-friendly communities social connectivity grants program.

Members may have noticed that Optus Stadium, Matagarup Bridge, Swan Bell Tower, Elizabeth Quay, Yagan Square, Perth Council House and Trafalgar Bridge are all lit up in purple today, as the symbolic colour of World Elder Abuse Awareness Day. The Purple Road project is an initiative started by the Older People's Rights Service to spread awareness of elder abuse. This week, a portion of the hand-stitched road, which now measures over 30 metres in length, will be displayed at Parliament House.

The Elder Abuse is Everyone's Business symposium, hosted by the Council on the Ageing Western Australia and supported by the Department of Communities, will also be held this week. It will provide an opportunity to further understand the need for prevention of elder abuse in WA. I extend a thankyou to everyone for their efforts and collective support to prevent and address elder abuse in our state.

PARLIAMENTARY DEPARTMENTAL SURVEYS

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.30 pm]: Parliamentary officers will be distributing surveys for both the Legislative Assembly and the Parliamentary Services Department in the chamber today. These surveys give members the opportunity to provide feedback on the services provided by the Assembly and PSD staff. The results of these surveys will appear in departmental annual reports, and feedback is used to improve member services where possible. The surveys take only a few minutes to complete and I encourage you to fill them out and return them to the Sergeant-at-Arms. The PSD survey can also be completed online via the link that has been emailed to you.

QUESTIONS WITHOUT NOTICE

SAFEWA APP — ACCESS — POLICE INVESTIGATION

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

Premier, I refer to a media statement issued by the state government on 25 November 2020 regarding the launch of the SafeWA app, in which the Premier stated, and I quote, "records would only be used for the purpose of COVID-19 contact tracing", and to a Facebook post the following day, in which the Premier stated that data would, and I quote, "only be accessible by authorised Department of Health contact tracing personnel".

- (1) When did the Premier first become aware of the massive breach of public trust with the Western Australian community that has become evident today?
- (2) Who is responsible for this breach?

Mr M. McGOWAN replied:

- (1)–(2) I thank the member for the question. During the course of last year, we put a lot of effort into developing the SafeWA app. It has been a remarkably effective tool to assist us with contact tracing people who visit businesses, community premises, not-for-profit organisations or whatever it might be. There have been literally hundreds of millions of registrations with the app in order to allow us to contact trace should we have an outbreak. On 5 December last year, we made the use of the app compulsory. We did that based on advice. We had to rush these things, as members know; the whole thing has been very rushed and very quickly done. Our app has actually been a very effective tool, and quite different from the commonwealth app. Members might recall that the commonwealth put in place an app that does not appear to have worked particularly well. Our app has worked very effectively to allow us to contact trace.

I became aware in April this year that police had used the app on two occasions in criminal investigations. Both of those investigations were very serious matters—some of the most serious offences we can imagine. I became aware of it. I had a conversation with the Minister for Police and the Attorney General about what to do, because, obviously, we wanted the app to be used only for contact tracing purposes. I then met with the Commissioner of Police on a number of occasions to discuss the matter. The police commissioner advised me that under the law it is actually lawful for police officers to access any information unless it is expressly unlawful. So police officers on two occasions had accessed, as part of investigations into very serious crimes, information using the SafeWA app. I requested that the police no longer do that, but the police commissioner advised me that his officers are exercising their rights under the law and are just

doing their job. I accept that. That is the police commissioner's point of view. As we have constantly said, he is an outstanding police commissioner. I have no difficulty that police officers do their jobs. But our view is that the SafeWA app should be used only for contact tracing purposes.

Once we had those conversations with the police, we then resolved to draft legislation in order to put it beyond doubt that the app could no longer be used for criminal investigations or whatever it might be. The reason behind that is that we need to have public confidence in the use of the app. We want people to use the app. We do not want any nervousness by the public. We do not want any concern by the public that the information might be accessed for other purposes. We then started the drafting process—it is quite a complex process to get to that point—and we will be introducing the legislation today to resolve the issue.

We became aware, as I said, in April. I was unaware up until that point in time that it was lawful for police officers to access the SafeWA app for investigatory purposes. The police have done it on two occasions.

SAFEWA APP — ACCESS — POLICE INVESTIGATION

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

I have a supplementary question. Premier, do you concede that your government's breach of trust with the Western Australian community will now make it far more difficult to ensure that people use the SafeWA app, a vital line of defence in any future COVID-19 outbreak?

Mr M. McGOWAN replied:

No, I do not. I will just explain it again. Over the course of the last 18 months, we have had to act very quickly to do all sorts of things—scores, if not hundreds of things—the health minister and I in particular, but also senior officers within the public sector. The police commissioner has been simply outstanding in the work that he has done. Our health officials, our public servants, people across government, they have all been outstanding. The results are there for all to see. We have one of the best results in both a health sense and economically of anywhere in the entire world, probably the best outcome of anywhere in the entire world.

Over the course of that 18 months, the Liberals and Nationals of course have undermined it the whole way along. Several members interjected.

Mr M. McGOWAN: That is why there are six of you sitting there out of 59.

Ms M.J. Davies: You are deflecting, Premier; this was your mistake.

Mr M. McGOWAN: Have a look at yourselves and the way you have behaved over the course of the last 18 months.

Dr D.J. Honey interjected.

Mr M. McGOWAN: We are in the High Court today with Clive Palmer, your friend, who was part of that undermining with you. One half of the Liberal Party is complaining over there, and the other half of the Liberal Party sits silent. That is because they are having this war, where one is trying to out the other as being responsible for their disastrous energy policy. Look at them—sitting there not even looking at one another!

We put in place measures very quickly to try to deal with an extraordinary situation. We did our best in difficult circumstances. It came to our attention that on two occasions out of over 200 million uses of the app, police had sought information in particular in relation to a murder. We did not want that to happen, because we want people to have confidence in the app. But I do understand that police have a duty and a role to perform, particularly to solve murders. That is what has occurred. We tried to resolve it in a sort of negotiated way, but the police abide by the law as it currently stands. So we are now seeking to amend the law to put the issue completely beyond doubt. That is what has occurred. We have come out and explained it. We have not left it hidden. We have not left it behind closed doors. We have come out and explained it. We just want to be clear and honest and open with the people of Western Australia that it is safe to use the app, and that we are doing the best we can in difficult circumstances, but we have the utmost respect for the police and the job they do.

JOBS — RAILCAR MANUFACTURING — BELLEVUE

209. MR S.J. PRICE to the Premier:

Speaking of great economic outcomes, I refer to the McGowan Labor government's commitment to creating more local jobs by bringing railcar manufacturing back to Western Australia.

- (1) Can the Premier update the house on how this government's investment in the new Metronet railcar facility in Bellevue will revive WA's railcar manufacturing industry?
- (2) Can the Premier outline to the house how this investment builds on this government's record of creating more local jobs and delivering a stronger economy?

Mr M. McGOWAN replied:

- (1)–(2) In 2017, the then shadow Minister for Transport—now Minister for Transport—and I made a very strong commitment that we would bring railcar manufacturing back to Western Australia, and I am very proud

to say that we have delivered. Twenty-seven years after the Liberals and Nationals closed down railcar manufacturing in Western Australia, we have now brought it back to our state. We have now opened the new railcar manufacturing facility in Bellevue–Midland that will revive local rail manufacturing. It is located around two kilometres from the Midland railway workshops, which has a certain symmetry and justice to it. We will deliver 246 locally manufactured electric railcars and six diesel railcars to replace the *Australind*. There will be ongoing maintenance and potential opportunities for further railcar manufacturing and repairs using this state-of-the-art facility for both public and private enterprises across the state. Hundreds of jobs, thousands potentially—at least hundreds of indirect jobs—will come out of this, and we will have delivered under the Western Australian Jobs Act more than 50 per cent local content as a consequence. A lot of suppliers and important local businesses such as McConnell, Hoffman Engineering and Aerison will provide a lot of the materials and equipment that will go into manufacturing the new railcars here in Western Australia, and we are doing it at a lower price than we could have if we had acquired them from Queensland or Victoria. I note, of course, that this was opposed by the opposition—opposed by the Liberal Party. The former Liberal leader Liza Harvey opposed this, and I note that she is no longer here.

This project will also ensure huge support for apprentices and a rebirth in manufacturing for the state. As part of our plan for jobs, we invested \$7 billion in economic recovery and key industries have kept operating. We now have some of the strongest economic figures of anywhere in not just Australia but also the world. The latest Chamber of Commerce and Industry of Western Australia report shows that that confidence has held firm in the first half of this year. The primary driver, according to the CCI consumer confidence survey that it undertook and published today, is the state government! The CCI report says —

... the State Government continues to be the most significant factor underpinning Western Australians' confidence.

...

Three out of five ... Western Australians considered the State Government to have positively influenced their confidence this quarter ...

Dr D.J. Honey: Sign them up.

Mr M. McGOWAN: What was that—sign them up? I respect that the business community of Western Australia understands that the role that the state government has played has kept our economy strong, but this survey also shows that consumer confidence in WA is the highest in Australia. That is important for retail, hospitality and other businesses around the state.

I am pleased to see that railcar manufacturing is back because of the actions of this government. I am pleased to see we have a very strong economy. I am pleased to see that consumer confidence is the highest of anywhere in Australia. The CCI says that is because of the role of the state government.

The SPEAKER: I do note that the local members is very, very happy, too!

PAEDIATRIC SERVICES — WAITLIST

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

Why are parents being forced to wait up to two years to see a paediatrician in this state while their children languish with undiagnosed and untreated conditions on a waitlist?

Mr R.H. COOK replied:

Our health system is under enormous pressure—everyone knows that. In particular, at Perth Children's Hospital we have seen an increase of over 80 per cent in the number of children presenting with eating disorders since July last year. That is an example of just the explosion that we have seen in healthcare services in WA. Obviously, that puts the system under significant pressure, which is why there has been such a significant expansion of hospital beds and staff that this state has ever seen. Over 117 beds will be added to our system by August this year—81 of those are already open. That does not include the extra 20 beds that we opened at PCH alone. As part of that program, we are expanding our nursing workforce by 600 over the next two years, which means that 1 000 nurse graduates will get an opportunity to be recruited into the health system this year, and another 1 000 next year. This massive expansion of our workforce and our capacity is all about responding to the needs of the Western Australian community. Those needs have significantly increased in volume, acuity and severity since the COVID-19 pandemic of last year. Every health system around Australia is suffering from that fate. The difference in Western Australia, of course, is that the government has looked after the state's finances and ensured that we got over the debt and deficit years of the Barnett government. That has meant that in times of strain and demand on these sorts of health services, we are in a position to fund their expansion. As I said, 117 new beds will be brought on by August this year, and there will be 600 new nurses over the next two years, over and above those nurses we would have otherwise recruited. Two hundred of those young nurses are on the wards today. We have a plan for how we will respond to this situation—a situation that is confronting all health services throughout the country.

PAEDIATRIC SERVICES — WAITLIST

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

I have a supplementary question. If the Child and Adolescent Health Service has invested in additional paediatric and allied health staff between February and November this year, why, in June, is the waitlist still up to two years and will the minister commit to increase funding in the next budget; and, if not, why not?

Mr R.H. COOK replied:

I can give a solemn commitment that there will be increased funding for the health system in the forthcoming budget. As the member observes, we continue to recruit in these areas, which are difficult areas to recruit in. Staff are attracted to the private sector and to other opportunities, but we have some great doctors and nurses and incredible paediatricians working in our child and adolescent health services, making sure that they are amongst the best in the world. There is only one group in the community that is criticising their fantastic work and that is you, member for Vasse.

The SPEAKER: I thank Falcon Primary School for joining us in the gallery.

JOBS — RAILCAR MANUFACTURING — *AUSTRALIND***212. Mrs R.M.J. CLARKE to the Minister for Transport:**

I refer to the McGowan Labor government's investment in local railcar manufacturing that is not only creating local jobs, but also delivering six new locally built *Australind* trains, which I am very pleased about.

- (1) Can the minister update the house on what this investment in the *Australind* means for those who use this service, particularly those across the south west?
- (2) Can the minister outline to the house what challenges and opposition the government has had to overcome in bringing railcar manufacturing back to WA?

Ms R. SAFFIOTI replied:

I thank the member for Murray–Wellington for that question.

- (1)–(2) The Premier outlined that just over 10 days ago, we opened the new Bellevue railcar manufacturing facility. We developed this policy in opposition, and when we came to government, we worked on the policy, got the funding and worked out how we would implement it, and now it is happening, members! Compare that with the policy development of the opposition. The Liberal Party's energy policy has become a game of whodunnit, whereby the two members of the Liberal Party are leaking against each other about who actually developed their energy policy.

Let me go back to the real issue of railcar manufacturing in this state. As I said, when we came to government, we looked at the Metronet expansion, the A-series train replacement and the *Australind*—noting that under the previous Liberal–National government, the *Australind* railcars were nearing their useful life. Let us look at the record of the Liberal and National Parties in regional rail in WA. They sold Westrail freight. They closed regional rail lines. When we came to government, we had to reverse the decision of the National Party to shut down the *AvonLink*. In relation to the *Australind*, they had no plan. As a result of our commitment to railcar manufacturing, we looked at new railcars for Metronet, the A-series replacement and the *Australind*. Member for Murray–Wellington, of course, it will be a new service. There will be extra capacity for the Bunbury–Perth service and it will be a fantastic result for everyone in the south west. But, of course, the Liberal Party opposed this at every step of the way. The former Leader of the Liberal Party said that this policy was from a bygone era, that we should not be supporting railcar manufacturing in this state and that we would be trying to revive a policy from a bygone era. The member for Vasse went around trying to undermine our local content policy. She went around with an unsuccessful tenderer basically lying about a tender process. What is the result now? We have 50 per cent of local manufacturing for our railcars, up from two per cent under the previous government when we look at the components. As I said, the member for Vasse went around with an unsuccessful tenderer making absolutely false claims. What is the result? We are building our railcar seats in WA, plus we are bringing home the manufacture of seats for our buses, too. We are expanding our manufacturing base here in Western Australia.

As I said, this is a policy that was developed after careful consideration and proper research in opposition. We said that it could be done. We came to government and we are delivering, compared with the absolute chaos of the Liberal Party. How could we think that two members—the Liberal Party—could create absolute chaos, leaking information against each other and blaming each other about their energy policy?

Dr D.J. Honey: Keep on making it up.

Ms R. SAFFIOTI: The member for Cottesloe says we are making it up. That explains the energy policy that the Liberal Party made up at the last minute. Now its members are blaming each other for who is responsible and who knew about it. Of course, the member for Vasse walked away from the chaos and the carnage. Again, we have demonstrated what it takes to actually win government and deliver outcomes. It is hard work and it involves dealing with the facts.

The SPEAKER: The Leader of the Liberal Party.

Several members interjected.

The SPEAKER: Just before you start, I ask people to be quiet so we can hear the question.

OUTER HARBOUR — COCKBURN SOUND

213. Dr D.J. HONEY to the Minister for Environment:

I refer to the minister's response to a question asked in this house on 3 June —

It is frankly quite shocking to hear from the member on this issue. He worked for Alcoa for many, many years and supported Alcoa for many, many years. Now he is claiming to be supporting the environment.

(1) What did the minister mean by these comments?

Several members interjected.

The SPEAKER: Order, please, members! The question is to the Minister for Environment. In due course, I will give her the call to answer it.

Dr D.J. HONEY: What did the minister mean by these comments?

(2) Is the minister suggesting that Alcoa is a poor corporate citizen when it comes to the environment?

Ms A. SANDERSON replied:

(1)–(2) Let me clarify. I meant by those comments that the Leader of the Liberal Party is conflicted on this issue. That is what I meant by those comments. He was also conflicted, given his previous role as president of the Kwinana Industries Council. I am quite curious about what his position on the outer harbour was when he held that position. That is what I meant: that you were conflicted on this issue, member—very clearly.

I am not sure whether the Leader of the Liberal Party was having a nap during the last election and the one in 2017, but we went to both of those elections with this policy. It was a very, very clear policy to build the outer harbour. That will run its course through due process. It will absolutely run its course and through environmental —

Dr D.J. Honey interjected.

The SPEAKER: Member, you have asked the question. You will get an opportunity for a supplementary, unless you continue to interject.

Ms A. SANDERSON: The point that I am making is that there is already industry in Cockburn Sound and given your roles and your past roles and your past public statements, you are conflicted on this issue.

OUTER HARBOUR — COCKBURN SOUND

214. Dr D.J. HONEY to the Minister for Environment:

I have a supplementary question. How can the mining industry have any faith in the minister's handling of environmental assessments, given her clear bias against the sector?

Ms A. SANDERSON replied:

That is quite an extraordinary question. I take my role as the Minister for Environment very, very seriously, and as the decision-maker on a number of those projects. I take advice from the Environmental Protection Authority. That is what I do as the minister. I meet with members across a whole range of sectors, including senior members in the mining industry, as well as in the environmental sector. I take my responsibility very seriously.

Dr D.J. Honey: You're clearly biased against Alcoa.

Ms A. SANDERSON: You can judge me on the decisions that I have made in four years, at the end of this term. That is what you should do.

CORONAVIRUS — VACCINATIONS

215. Mr M.J. FOLKARD to the Minister for Health:

I refer to the state government's commitment to getting as many Western Australians as possible vaccinated against COVID-19.

(1) Can the minister update the house on Western Australia's COVID-19 vaccination program, including the fast-tracking of the vaccination rollout for those between 30 and 49 years of age?

(2) Can the minister outline to the house why eligible Western Australians should get vaccinated as soon as possible?

Mr R.H. COOK replied:

(1)–(2) I would like to thank the member for Burns Beach for the question. It is a very important one. Once we are safe, we can all be safe. I was very proud to stand up with the Premier last Tuesday to announce that Western Australians aged between 30 and 49 are now also eligible for the COVID-19 vaccination in

Western Australia. Western Australia has fast-tracked the rollout of the COVID-19 vaccination program, offering the vaccine to all eligible Western Australians aged 30 years and over. Those aged between 30 and 49 will receive the Pfizer vaccine, consistent with national health advice, at our state-run clinics. People aged 50 and over will continue to receive the AstraZeneca COVID-19 vaccine. In line with the decision made by national cabinet, Aboriginal and Torres Strait Islander people over the age of 16 will also be eligible to be vaccinated.

Since making that announcement, over 100 000 appointments have been made in the past week to ensure that people can get the vaccine that they are now eligible for. We have been overwhelmed by the demand. The community vaccination clinic at Claremont Showground, which operates seven days a week, has scaled up from 10 June to cope with this increase in demand, with a new capacity of 2 000 appointments each day. From next week, the Joondalup and Kwinana community vaccination clinics will also start to provide both types of vaccines on different days, with the capacity to administer between 1 500 and 2 000 vaccines each day. By the end of the month, more than 30 000 vaccination appointments will be available each week at the state-run clinics in the metropolitan area, with additional clinics to come online to take up the increases.

Vaccination clinics in regional areas will also be offering both types of vaccine, with the first regional state-run Bunbury COVID-19 community vaccination clinic opening last week. This clinic has the capacity to offer more than 600 appointments. We also have 75 health service clinics, operated by the WA Country Health Service, in addition to our GP network, our respiratory clinics and the Aboriginal medical services that are currently administering the COVID-19 vaccine right across our regions. Of course, appointments are still available for people in the 1a and 1b cohorts, including people who work in disability and aged care, and younger adults with a specific medical condition.

Now is the time to get vaccinated. People keep asking me, “When do we get away from lockdowns? When can we travel again?” The only time that we will be able to do that is when we get vaccinated. A message to all those people who think they should hold off and wait for a different vaccine: I just remind you how unpredictable and nasty this beast is. Particularly given the new variants of this disease, any hesitation in getting the vaccine is the day that people keep our community more at risk. Do the right thing. If you are eligible for any vaccine, you should get yourself vaccinated because once you are safe, we are all safe. Now is the time to roll up for WA. Go to rollup.wa.gov.au or ring the 13 COVID helpline to get yourself vaccinated. Everyone, do the right thing. It is not just for you; it is for your community, it is for your vulnerable family members, it is for everyone, and it is about keeping Western Australians safe.

SIR CHARLES GAIRDNER HOSPITAL — EMERGENCY DEPARTMENT

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

Can the minister confirm reports that a roof collapse at Sir Charles Gairdner Hospital has affected ambulance arrivals to the emergency department, resulting in ambulances being diverted to Royal Perth Hospital; and, if so, how extensive is the collapse and is there an estimated time frame for repair?

Mr R.H. COOK replied:

I thank the member for the question. This morning there was a burst water pipe in the emergency department at Sir Charles Gairdner Hospital. This obviously affected operations at that hospital. It is my understanding that for a short while the ED was on diversion while we got to the bottom of the issue; that led to a code yellow being called in relation to this incident. The expectation is that the ED will be back online this afternoon, if it is not already online. Electricians are on hand to render the working area safe. Obviously, this is a difficult situation; it is a busy ED. Any ED is busy at the moment, but it is my understanding that, as a result of the code declaration, all staff responded magnificently to the issues and we were able to get on top of them.

SIR CHARLES GAIRDNER HOSPITAL — EMERGENCY DEPARTMENT

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

I have a supplementary question. Can the minister confirm that the roof collapse has resulted in RPH calling a bed state black?

Mr R.H. COOK replied:

It was not a roof collapse, it was a burst water pipe. Obviously, as it is in a part of the hospital where there is a lot of electrical equipment, it had to be rendered safe before we could continue to provide a safe workplace and a safe place for care. These things happen from time to time; it is simply part and parcel of working in a complex and extensive health system. As I said, my advice is that all staff responded to the incident magnificently and that that ED is in the process of coming back online.

Ms L. Mettam: The supp was about whether there was a bed state black at RPH.

Mr R.H. COOK: I do not have any advice in relation to the bed state at RPH; all hospitals are operating at full capacity at the moment. Obviously, there would have been some issues as each of the other EDs stepped up to assist Sir Charles Gairdner Hospital ED.

LOTTERYWEST COVID-19 RELIEF FUND

218. Ms K.E. GIDDENS to the Premier:

I refer to the outstanding work of Lotterywest in supporting the Western Australian community, including groups and organisations in my electorate. Can the Premier update the house on how the Lotterywest COVID-19 relief fund has supported those Western Australians who have faced hardship during the pandemic, as well as those community groups and organisations who have been impacted by COVID-19 health restrictions?

Mr M. McGOWAN replied:

I thank the member for Bateman for the question. I acknowledge that Lotterywest has done a terrific job over the last 18 months as we have dealt with COVID-19. That organisation, as the member knows, has been around for many decades. At the height of COVID, perhaps a few weeks after the initial outbreaks, I met with the board and we discussed options by which Lotterywest could reorientate its activities towards helping those people most in need and most impacted by COVID. The board, the CEO and the organisation stepped up and established the \$159 million COVID-19 relief fund to support those most impacted. These were people who needed additional emergency and food support; organisations that needed assistance to deliver community services; people in the arts; and those organisations affected by the cancellation of events. It basically reorientated its activities towards those.

So far, Lotterywest has provided \$128 million in grants towards supporting the vulnerable and supporting longer term recovery and building stronger communities, particularly amongst disadvantaged groups. About one-third of the funding has gone towards the arts and culture sector, which was dramatically impacted by COVID-19. A lot of that has gone towards covering costs or lost income as a result of cancelled events. Organisations that have received the benefits of some of these grants include Lifeline Australia; the Disability Health Network; a range of arts and culture organisations; and financial counselling—the list goes on.

That is why, because such an outstanding job has been done, I want to thank Lotterywest's outstanding CEO, Susan Hunt, and the chair of the board, Peter Klinken, who is also the Chief Scientist of Western Australia. These are dedicated people who are committed to the job they do, supporting the community of Western Australia, particularly over the course of the last 18 months.

I just want to say this: I answer many questions from the upper house, and there is an unrelenting attack by Hon Peter Collier on Lotterywest. It is unrelenting; one after another, he asks questions impugning the integrity of the CEO and board of Lotterywest. It is bordering on hounding and harassment of Lotterywest by Mr Collier, and it has to stop. It is affecting the organisation.

He is doing this because Lotterywest decided not to provide a grant to an organisation that he supports. Many organisations do not receive grants, for various reasons. Lotterywest has guidelines that it adheres to in relation to the grants that it provides. Normally, every organisation that does not receive a grant accepts that that is the normal order of things, but unfortunately during this very difficult period in which Lotterywest has stepped up, Mr Collier has been unrelenting in his harassment of the organisation.

On Thursday 3 June, he told the Legislative Council —

The final thing —

A member —

... said was that this bashing of Lotterywest has to stop. It will not stop.

In other words, he is saying that he is bashing Lotterywest and bullying that organisation. I just want to say: he may be unhappy with the grant decision made by the board and the organisation itself, but its role is to make those decisions. Lotterywest does a great job supporting our community—in particular those in regional WA and those in need. The staff do a good job and do not deserve this sort of conduct from senior Liberal Party members in this Parliament.

MANDURAH RAIL LINE — AUBIN GROVE–ELIZABETH QUAY CLOSURE

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

I refer to the minister's announcement on 5 June regarding the closure of the rail line between Aubin Grove station and Elizabeth Quay for up to 25 days, impacting 60 000 train users per day. What other models did the minister consider and then disregard before landing on this decision, which will result in major traffic congestion on an already congested freeway; and will the minister provide a guarantee to the people of Western Australia that this line closure will not be delayed beyond 25 days?

Ms R. SAFFIOTI replied:

I thank the member for Moore for that question. The other model we could have used was not to do the Thornlie–Cockburn Link, which was the model the previous government adopted. Its model was to not build any new rail lines, and therefore there were no disruptions because if you do not do any work, you do not create any disruptions. That was its model; the model the previous government undertook was to not build any new rail lines. That is something we could have considered, but we chose not to.

Let us remember the Thornlie–Cockburn Link. This was a commitment that the former member for Southern River made over two elections. At every election, the former member for Southern River went out and said, “We’re going to build the Thornlie–Cockburn Link.” Then, closer to the election, when there was no commitment from the previous Liberal–National government, he would say, “Oh, it’s because they’re not really targeting my seat, so therefore we’re not going to deliver it, because I’m not a marginal seat.” That is how the previous government undertook transport policy in WA.

Several members interjected.

Ms R. SAFFIOTI: Does the member want to know about disruption? Why did the previous government sell the Westrail freight line? Why did it shut down tier 3 lines? Those were permanent disruptions. The previous government completely undermined freight on rail through regional WA, and we are trying to recover it.

In relation to this question, I want to explain the scope of the works. Has the member ever been in the Glen Iris tunnel? I had the opportunity to go in it recently.

Mr W.J. Johnston interjected.

Ms R. SAFFIOTI: Interesting graffiti! Actually, some nice graffiti about the Premier!

Several members interjected.

Ms R. SAFFIOTI: It was very positive about him—very positive! It was quite interesting; I was walking through the tunnel and there was a beautiful comment about the Premier! I think I took a photo actually, Premier!

Anyway, part of the process is to reinforce that tunnel. When it was built, around 1998 or 1999, it was under the previous regulations in relation to the reinforcement of tunnels and structures adjacent to rail lines. Part of the project is reinforcing the Glen Iris tunnel, which has basically lain empty and unutilised for many, many years.

Mr D.A. Templeman: You could’ve grown mushrooms in there!

Ms R. SAFFIOTI: I do not want to know what was growing in there, member!

As we emerge, we head towards Cockburn station. We have to lift the existing rail line between that tunnel to Cockburn station and move it out towards the freeways. Then we have to put a new rail line in the middle, which is the Thornlie–Cockburn Link. Moving the entire rail line between the Glen Iris rail tunnel and Cockburn station is significant works in anyone’s description.

We have apologised for that disruption, and we will work to make sure that we can move people to all the places they want to go to—to workplaces or, in particular, the hospital. That is why we took the opportunity to consult with users and commuters, and that is what we are doing right now. We are out there consulting commuters. Metronet, the biggest transformation of our rail system in the state’s history, is going to cause disruption. We understand that, and we are trying to make sure that we communicate effectively with people.

The Liberal–National government’s approach of not doing anything is not the model we will undertake. The Liberal–National government’s approach of promising rail lines—Ellenbrook rail line, Thornlie–Cockburn Link—again and again, and failing to deliver, is not the model we want to undertake. The former government’s model of shutting down the *AvonLink*, shutting regional rail and completely undermining freight on rail in regional Western Australia is not the model we are going to undertake.

Yes, investing in rail causes disruption and new rail lines cause disruption. We apologise. This is about building infrastructure, not just for today, but for tomorrow.

MANDURAH RAIL LINE — AUBIN GROVE–ELIZABETH QUAY CLOSURE

220. **Mr R.S. LOVE to the Minister for Transport:**

I have a supplementary question. What measures has the minister stipulated with the contractors such that any delays will result in penalties accruing to them if the disruption goes beyond the 25 days that she has promised the community?

Ms R. SAFFIOTI replied:

Again, I thank the member for the question. We will try to manage this as effectively as we can. Of course, managing major shutdowns is hard work for all the contractors and workers involved. For example, we shut down the rail line between Kelmscott and Armadale for the Denny Avenue level-crossing removal over the Easter holidays. The member for Armadale and the member for Darling Range—the very positive, proactive new member for Darling Range—support projects like the Denny Avenue level-crossing removal. They support projects like the Byford rail extension. It is so good to have such a positive —

Point of Order

Mr R.S. LOVE: I draw the attention of the minister back to the relevance to the question, which was about what guarantees there are in her dealings with the contractors that this will not drag on beyond 25 days.

The SPEAKER: Minister, this is a supplementary question, so a relatively brief answer could help, thank you.

Questions without Notice Resumed

Ms R. SAFFIOTI: I was just going to give the example we have just lived through, which was the Kelmscott shutdown. We shut that down over the Easter break and the school holidays. Workers were working 24/7 to get that work done. That is hard work, 24/7—a number of shifts to get the work done as quickly as possible. We expect this to be the same—hard work, 24/7. It is hard being in the middle of the rail reserve working on these projects. They work constantly, and I expect they will be able to deliver this project in the time frame we have set.

I do not shy away from the fact that delivering these types of infrastructure projects during these times is challenging, and I have said it all the time, but do members know what? I would rather be delivering this infrastructure. Building railcar manufacturing in Bellevue was challenging, and that is something that the Liberal–National government would never, ever contemplate.

Mr R.S. Love interjected.

Ms R. SAFFIOTI: Upgrading regional rail lines is challenging, but the Liberal–National government shut them down. It took funding away from regional rail, and it never delivered on our Perth urban transport network, but we are. That is something that future generations will thank this government for.

The SPEAKER: Before I allocate the next question, Attorney General, I did not miss the fact that your phone rang, so in future could you ensure that it is on silent. You obviously miss having me sit next to you to do that!

SINGLE-USE PLASTICS

221. Mr S.N. AUBREY to the Minister for Environment:

I refer to the McGowan Labor government's commitment to implement its Plan for Plastics and protecting the environment from the impact of plastic litter.

- (1) Can the minister outline to the house how this government's decision to fast-track its Plan for Plastics will help reduce the impact of single-use plastics on our environment and wildlife, and ensure that WA is a leader in this space?
- (2) Can the minister advise the house how the government will support businesses in transitioning away from single-use plastics?

Ms A. SANDERSON replied:

- (1)–(2) I thank the member for Scarborough for his question. I thank him for hosting the Premier and I in Scarborough on Sunday to announce the fast-tracking of the Plan for Plastics. I have to credit my predecessor in this portfolio, Stephen Dawson, for developing the most comprehensive plan to phase out —

The SPEAKER: Hon Stephen Dawson. We need to refer to members in the other house by that title, thank you.

Ms A. SANDERSON: Thank you for the advice, Madam Speaker.

I thank Hon Stephen Dawson for developing the most comprehensive plan to phase out single-use plastics. The government has made the decision to bring that plan forward by about four years, because we think the community and businesses are ready for this.

The acceleration of this policy will mean that hundreds of millions of single-use plastic materials will now not end up in our landfill and in our oceans as litter. The first stage, which will be implemented from 31 December, includes plastic plates, bowls, cups, cutlery, stirrers and straws, thick plastic bags, polystyrene food containers and helium balloon releases. We are committed to working with business and the community to implement this really important policy. We will not enforce compliance for at least six months. Leading up, we will take the same approach we took for the plastic bag ban and work with the community to provide resources and education. For the first tranche of materials that will be banned, there are existing and readily available environmental alternatives for the same price. The second stage will essentially be for coffee cups that cannot be recycled or composted, cotton buds with plastic sticks, polystyrene packaging and microbeads. That will be from the end of 2022, again, with a minimum six-month non-enforcement phase, so we are looking at two years for businesses to readjust to not using those coffee cups.

This is a great plan and the community wants this. The community is ready for this, and other states and territories are implementing very similar plans. I contrast this government's Plan for Plastics with the Liberal Party's championing of and positioning on plastic bags. When the former government was in power for eight and a half years, in 2013 and 2015, the City of Fremantle passed local laws to ban the use of single-use plastic bags. On both occasions, the Liberal–National government moved to strike down those laws. Those parties voted together to strike down those laws.

Several members interjected.

Ms A. SANDERSON: Members will remember the former member for Hillarys and former member for North Metropolitan Region Peter Katsambanis—I was also in the Council —

Dr D.J. Honey interjected.

The SPEAKER: Can I just point out, member for Cottesloe, if you keep interjecting, it is your member who will miss out on getting a question.

Ms A. SANDERSON: When he was in the Council moving this disallowance, he gave a lengthy defence of the humble plastic bag—a lengthy defence of plastic bags. He said, “I consider the humble plastic bag to be a very, very good friend.” At the time, Hon Stephen Dawson remarked that the Liberal Party must have been a very lonely place if members were turning to plastic bags as their friends! It is fair to say that the WA community has made the Liberal Party a very lonely place!

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN — STAFF

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

I refer to comments from the acting CEO of the North Metropolitan Health Service, Tony Dolan, that King Edward Memorial Hospital for Women had to go on bypass last week as it was 28 midwives short and had closed a ward. What are the minister’s immediate solutions to address the chronic staff shortage at King Edward Memorial Hospital?

Mr R.H. COOK replied:

As I have observed and reported to the chamber on previous occasions, we are undertaking a statewide, nationwide and international recruitment of midwives in Western Australia. Like most areas of our health workforce at the moment, we are suffering a shortage. The health workforce is traditionally drawn from a very fluid stream, both from overseas travellers and people from the east coast. People are not travelling as much. Whereas before we would enjoy a rich vein of people coming into our workforce from Ireland, for instance, we are not getting these people anymore. As a result of that, our workforce is severely constrained. I might add, King Edward Memorial Hospital for Women is our tertiary women’s and babies’ hospital, so it takes the most complex maternity and gynaecological cases, and also runs Osborne Park Hospital, where we treat maternity cases that are at a lower level of risk. On one occasion, over one 24-hour period, one patient was asked to have her baby at Osborne Park Hospital rather than King Edward Memorial Hospital, although the baby would be delivered by the same team that essentially delivers services at King Edward Memorial Hospital. Obviously, that is not the best situation, because obviously we would like people to be able to have their baby in the way that they have anticipated, but part and parcel of going to a hospital like King Edward is that if there are more complex cases and if the services are under demand, the patient will need to be transferred to a hospital that has more capacity and is able to deal with less complex cases.

As I reported previously, we are in the process of recruiting midwives at the moment. We recently put out a call for an extra 30 midwives. I think roughly half that number of people have responded to that call so far. We are working through those to try to get them into our wards. We are also undertaking a range of changes on how we modify training for nurses so that they can specialise as midwives. That is a welcome change because it means that we will be bringing midwives on much earlier and will be able to draw upon a much larger pool.

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN — STAFF

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

I have a supplementary question. Further to putting out the call, what exact measures are the minister undertaking to assist and incentivise health staff to prevent them from leaving, which would result in a further worsening of the staffing crisis and the culture within our health department?

Mr R.H. COOK replied:

As I hope the member will be aware, any workforce strategy is about attraction and retention. We are doing a whole range of measures to make sure that we maintain the Western Australian health system as a great place for people to work and practice their healthcare passion and career. We will continue to make sure that we do that work. People right across the sector are tired at the moment. We are seeing a level of fatigue right across our health workforce. We are putting in measures so that we can continue to provide people with opportunities to take leave, to make sure that they continue to have opportunities for professional development and to ensure that Western Australia’s health system remains a great place to work.

TREASURER’S ADVANCE AUTHORISATION BILL 2021

Assent

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

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2021

Appropriations

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

[Interruption.]

The SPEAKER: Minister for Transport, you should know better.

PAPERS TABLED

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

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2021*Notice of Motion to Introduce*

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

Remaining Stages — Standing Orders Suspension — Notice of Motion

Mr D.A. Templeman (Leader of the House) gave notice that at the next sitting of the house he would move —
That so much of the standing orders be suspended as is necessary to enable the Corruption, Crime and Misconduct Bill 2021 to proceed through all remaining stages without delay between the stages.

STATE ECONOMY — TRADE*Notice of Motion*

Dr D.J. Honey (Leader of the Liberal Party) gave notice that at the next sitting of the house he would move —
That this house condemns the WA Labor government for failing to sufficiently diversify the Western Australian economy, including the mismanagement of the restructuring of the state government's international investment and trade office network that is essential for international market diversification.

HOUSING — AVAILABILITY*Notice of Motion*

Mr R.S. Love (Deputy Leader of the Opposition) gave notice that at the next sitting of the house he would move —
That this house condemns the inaction of the McGowan Labor government in its failure to acknowledge the ongoing housing crisis and notes the specific lack of planning and implementation of support regarding —

- (1) the reduction of social housing availability and consequential long-term security;
- (2) strategic land release to allow for development of accessible housing;
- (3) decrease in affordable housing and land;
- (4) lack of funding for imperative transitional housing;
- (5) steep increase in homelessness;
- (6) unavailability of critical emergency accommodation for those affected by cyclone Seroja;
- (7) the establishment and availability of accommodation for critical and essential workers; and
- (8) ongoing mismanagement of the construction boom;

and calls on the McGowan Labor government to make use of its \$5 billion surplus to remedy the potentially devastating impacts of the housing crisis on Western Australians.

MINISTER FOR HEALTH — HEALTH WORKFORCE*Matter of Public Interest*

THE DEPUTY SPEAKER (Mr S.J. Price) informed the Assembly that he was in receipt within the prescribed time of a letter from the member for Vasse seeking to debate a matter of public interest.

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

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [3.28 pm]: I move —

That this house condemns the Minister for Health for failing to properly plan and manage Western Australia's health workforce and the health portfolio, leading to a chronic system-wide staff shortage and stressed and overworked healthcare workers.

Obviously, I am very keen to speak to this very important motion that has been moved by the opposition today. I would like to remind members of this place that the Minister for Health spent eight years in opposition, and he has now been in government for four years as the Minister for Health. The minister has quite obviously had a lot of time to think about the role, analyse his predecessor and think about how he would approach the important health portfolio. Indeed, I point out that in an article of 2 December 2015 produced and published on PerthNow, the shadow Minister for Health had a very definitive idea about how a state government should approach and manage the health portfolio. I quote from the then shadow Minister for Health at that time. The now Minister for Health stated —

Health is one of the most important jobs of a state government.

It's not a big ask that a government should make health a priority.

Following coming to government, the government undertook the sustainable health review in 2017. In accepting the report in 2019, the Minister for Health stated —

“The demand for health services in Western Australia has grown substantially over the past 20 years as the population has grown and aged, and the incidence of chronic disease, obesity and mental health conditions has risen.

...

“It’s time to plan for the future, so we are commencing plans to build a new women’s hospital at the QEII site—King Edward Memorial Hospital served the WA community well for more than one hundred years, but it’s time to think about the next hundred years.

Four years after commissioning this report and two years after the release of that media statement, nothing has changed. In fact, we are seeing some significant issues and the cracks certainly are getting bigger in the health system as well. I go back to the commitment Labor made when in opposition. In an opinion piece of 2015, the shadow Minister for Health stated at the time —

Mark McGowan has committed WA Labor to having a dedicated Health Minister in his future government.

That is another broken promise of WA Labor. Certainly it is an issue that is becoming more and more prominent as the state faces a health crisis. Every hour that the minister dedicates to his other portfolios is an hour that is not committed to addressing the very urgent and concerning issues facing the health system. The health system is under significant pressure. It is in crisis. I think the biggest concern that the public of Western Australia has is that the Minister for Health is not acknowledging that crisis and is not urgently putting in place measures to address it.

Today in question time, on behalf of the health community and, more broadly, the public, I raised issues about diverting patients from King Edward Memorial Hospital; a prominent maternity hospital in this state. It has been of great concern that mothers-to-be, at 30 weeks pregnant, would be diverted away, which apparently is part and parcel of being part of the public health system, in the words of our health minister.

I asked the Minister for Health what urgency is being put on incentivising our health workforce to ensure that we can attract the midwives, nurses and staff that the health system requires. Quite overwhelmingly, we are seeing not only staff shortages in our health system, but also, among our frontline workers, a culture whereby a lot of health workers do not feel comfortable turning up to work. There have been issues around Fiona Stanley Hospital. I heard feedback directly from staff at Fiona Stanley about staff having panic attacks before going to work; that is, in a job that these workers actually love. It is very distressing to hear that these frontline workers are feeling that their voices are not being heard. These concerns very much reflect the concerns that were raised back in October last year by frontline staff at Perth Children’s Hospital as well. We understand what the impact can be when staff are not supported in the way that they should be or, when there are significant understaffing issues, there is an impact in terms of poor patient outcomes. But it should be appreciated that our staff are also working under significant pressure. We have a chronic situation in our health system at the moment, and that is of the government’s making. The government would like people to think that it is because of a particular surge in mental health presentations or because they have been overwhelmed at emergency departments. This has been backed up by Peter Allely of the Australasian College for Emergency Medicine in relation to comments from the Premier. I will quote from Mark McGowan, our Premier, from the beginning of June. The Premier’s excuse was —

“And the reasons are complex, but basically they boil down to post-COVID there’s been a surge in mental health presentations and it’s difficult to explain—but a massive surge in mental health presentations,” ...

The opposition in the Legislative Assembly has asked questions about this supposed surge in mental health patients. Peter Allely of the Australasian College for Emergency Medicine said that figure may have risen a small amount in the last 12 months but it is not a huge amount. Dr Allely stated —

“Mental health patients represent between 10 and 15 per cent of all presentations to our emergency departments.”

Statistics raised by Channel Nine and also through questions asked in Parliament and data provided on the WA Health website illustrate that the demand at our emergency departments involving mental health presentations and emergency department presentations have been on trend and predictable. That is overwhelmingly the feedback that we have had from people in the health profession, including the Australian Medical Association and others. This points to the concern that the government has not planned for or invested in health to ensure that our health staff are supported. The government has not invested in health to ensure that this crisis could be averted. We have seen underinvestment in health. In the first three years of this government, investment in health did not keep up with growth. We know that ambulance ramping has tripled to its highest number. We have seen a record number of code yellows. Elective surgery waitlists have blown out. We also know that our health workers are working under extraordinary pressure. I pointed to the fact that when our health workers are not supported, issues occur and poor patient outcomes happen, and we have had those. The 2020 figures on severity assessment code events are the most recent and up to date. They state that a world-leading health system such as ours is now reporting 519 clinical incidents that have or could have had a near miss or caused serious harm or death attributed to improper healthcare provision. That was in the 2019–20 financial year, which is the most up-to-date information. One death due to improper clinical care is one death too many, but we are looking at 142 of these incidents attributed to improper care provision in 2019–20. The Minister for Health was scathing of the previous government when he was in opposition. He stated in 2012–13 that there had been 309 severity assessment code 1 incidents. He has now overseen a 68 per cent increase in that number under his watch. That illustrates how this government has politicised the health portfolio and ignored the problems that have occurred in response to its mismanagement of health.

A number of issues have been raised with us. The Leader of the Liberal Party will outline that nurses and health workers feel they have been thrown under the bus. The Leader of the Opposition will talk about some of the issues that are impacting regional health workers.

I would like to highlight some specific issues that have been raised with me. A nurse at a metropolitan hospital outlined to me that junior staff are not effectively supported. The minister has talked about bringing on new graduates and we certainly welcome that, but we have had some feedback about that. I was sent an email by a registered nurse at a metropolitan hospital, who also directed it to the Minister for Health. The email states —

I look after the junior nurses coming into the health service. The workload in this position has been immense with very little support, and I am not listened to. I will attach the letter I sent to Risk cover ...

The email continues —

The junior nurses coming into the health service are not supported properly to ensure they are safe and supported. I can see yet another PCH episode occurring at my hospital with one of my junior nurses. Processes being used for secondments and for allocating FTE is not transparent. I am not listened to and after all these years of nursing I am super worried about the safety of our public in a health system in crisis. This is making me sick.

This is an example of the correspondence the opposition receives time after time. Quite obviously, there is real concern amongst our health workers about how they are being supported. We certainly welcome any efforts by the government and its commitment for additional staff at Perth Children's Hospital, but it is not just the staff at Perth Children's Hospital who are feeling the pinch. That email was from a staff member at Armadale-Kelmscott Memorial Hospital. We hear the same things from staff at Fiona Stanley Hospital. I raised in the media recently the significant issues in the maternity ward at Fiona Stanley Hospital. Staff members are having panic attacks before going to work. They are really concerned about the impact on mums and bubs and what this lack of support will result in. They are worried about the pressure they are under to go to work when they are sick and the pressure to do double shifts night after night. These are real concerns.

We are also seeing an impact on patient care. Last week, we heard the story of Rockingham mum Tori Crawford, whose baby died during childbirth at Rockingham General Hospital in December. Tori's uterus had ruptured, but she was not supported by staff until it was too late for her baby girl. The Rockingham hospital report highlights that opportunities had been missed to avoid the tragedy and that there had been failures in communication and staff training. That is exactly what the worker from Armadale hospital was talking about when she wrote to not only the opposition but also the Minister for Health on these matters. That is also highlighted by what staff at Fiona Stanley Hospital are saying about being overworked. Warnings were raised by Perth Children's Hospital in October last year and several times since as well. We had the situation last week when there were no emergency department beds available one morning at key metropolitan hospitals—Armadale, Fiona Stanley, Royal Perth, Sir Charles Gardiner and Rockingham. Our health system is under immense pressure. Our staff are feeling the pinch. They deserve to be supported.

I go back to my original comments and the comments made by the Minister for Health when he was the shadow minister back in 2015, when he said —

Health is one of the most important jobs of a state government ... It's not a big ask that a government should make health a priority.

For the benefit of health staff, where is WA Labor's commitment to have a dedicated Minister for Health? We cannot afford to have a part-time minister in this role while our health system is in crisis.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.45 pm]: I rise to support this motion by the Deputy Leader of the Liberal Party. This is not a new crisis that we face in the state of Western Australia. Before the election, a WAtoday article was published on 9 March headed "'Survival mode': Perth nurse-to-patient ratios reach 'outrageous' levels". The article states —

Nurses at Perth's major hospitals say they are working in "survival mode", operating with shortfalls of 30 to 50 fewer staff than required.

And emergency department doctors have backed the claims, saying staffing ratios accepted in major emergency departments were "outrageous" and would never be accepted in hospital wards.

Nurses say patient safety is at risk, with the shortages most severe in critical care and specialty areas at King Edward Memorial Hospital, Perth Children's Hospital and major emergency departments.

This warning was given well before we saw the dreadful incident at Perth Children's Hospital, but we know that there have been dreadful incidents at a number of hospitals around Perth because of this crisis. The article continues —

Australian Nursing Federation state secretary Mark Olson said nurses were "actively discouraged from calling codes" that would alert hospital management and government authorities to dangerous staff shortages.

A consistent part of this issue is the pressure on staff. That is something this government and this health minister should have been concerned about. This was public. We on this side of the house raised these issues more than two years ago. We raised issues about ramping at the emergency departments of hospitals. We were reporting the concerns of doctors, nurses and other medical staff, who had expressed their concerns to us. We raised what people were saying and, in particular, what the staff in those hospitals were feeling.

The article continues —

Dr Peter Allely wrote an exclusive piece for *WAtoday*, saying hospitals operating in dangerous ways was now the norm.

“There are not enough beds in our WA hospitals and EDs to accommodate all the sick and injured people who come to us for help every day,” Dr Allely wrote.

I will not quote that article at length given the amount of time I have in which to speak. An ABC news report published on Wednesday, 21 April this year and headed “WorkSafe to investigate Bunbury Hospital after AMA workplace culture complaints” states —

WA’s workplace health and safety body has confirmed it will launch an investigation today into the Australian Medical Association’s claims of a “crisis” situation at Bunbury hospital.

A recent AMA survey of more than 55 doctors at the health campus found more than 80 per cent of hospital staff were worried about poor staff morale, with more than half of them suggesting the issues had worsened over the past year.

It goes on —

The head of the WA branch of the AMA, Andrew Miller, said he spoke to staff about concerns that workplace culture was affecting patient care.

“They don’t feel that the culture is good, they don’t feel like they can safely raise concerns about patient care without their jobs being at risk,” ...

That issue was amplified with the reference of staff to the Australian Health Practitioner Regulation Agency. The article continues —

“When the hospital makes arrangements around rostering, around patient loads, around the number of beds that will be opened, how many staff get rostered on for different shifts and the amount of overtime they have to work—staff have concerns around the sustainability and the safety for patients as a result of that.”

On 4 June, Peter Law wrote an article headed “Fiona Stanley Hospital deputy director of clinical services John Anderson declares crisis in ED”. This is a senior staff member of the hospital and someone who should be listened to. The article goes on to say —

An executive at one of WA’s biggest public hospitals has admitted what the State Government won’t—doctors have faced an unprecedented “crisis” this week.

I note that the Minister for Health and the Premier, and others, refuse to call this a crisis. I think this will be worse than a crisis. I have the greatest fear that this will be a complete meltdown of our health system. I will explain why. I will not quote the article in full, but in that article the deputy director of clinical services, Dr John Anderson, is quoted as saying —

Yesterday, “bed state black” was declared at the hospital’s intensive care unit, meaning the department couldn’t accept any more patients and they needed to go elsewhere for treatment.

The article goes on to state —

Dr Anderson reminded staff of “mandated actions” designed to identify patients “for potential transfer or discharge as soon as possible”.

The staff are being put in the position of having to put patients who should be staying in hospital out of the hospital or directing them somewhere else. Patients are being pressured by the staff to go home. That causes distress to not just those patients but also the staff in those hospitals.

I refer to a recent article from Thursday, 10 June, titled “King Edward Memorial Hospital boss says midwife and bed shortage to blame for bypass”. The article states —

Sick midwives, staff shortages and closed beds are to blame for having to turn away mothers from the State’s leading maternity hospital, says North Metropolitan Health Service acting chief executive Tony Dolan.

His comments come after it was revealed King Edward Memorial Hospital ... went into bypass for 24 hours this week, leading to a mother being diverted to Osborne Park Hospital.

...

Mr Dolan said the diversion was caused due to the high volume of patients, “sickness around midwifery staff” and “shortages” in the midwifery workforce.

What is most disturbing in this article is that it goes on to quote Mr Dolan as saying —

“At the moment for the beds that we’ve got open, we’re about 28 midwives short,” ...

That means that the hospital does not have the staff-to-patient ratio that it requires to safely administer health services. I saw the minister shake his head. Otherwise, does that mean that that hospital has 28 midwives in excess of requirements? We know that is not the truth because we have taken the time to talk to the staff. The Deputy Leader of the Liberal Party; shadow Minister for Health has been doing a fantastic job of digging into this issue.

This is a crisis of the government’s making. The government has done nothing for four years. It is hiding behind COVID. What is most egregious is the treatment of staff, or should I say the mistreatment of staff. The staff do not feel safe. Why do the staff not feel safe? The prime reason is that we had an incident at Perth Children’s Hospital. An investigation was carried out, which the CEO would not even sign off, yet three of those staff members were referred to the Australian Health Practitioner Regulation Agency. I have spoken to other senior medical managers in hospitals, and they are saying now that none of their staff feel safe. In fact, I believe AHPRA is being overwhelmed with staff reporting the hospitals for having an unsafe work environment. The staff are overworked. They are terrified that if they make a single mistake, they will be disciplined. As I have said before, the staff are distressed.

I will finish on this point. The most worrying thing about all this is that those staff are becoming so distressed and feel so unsafe that it is affecting their health. They are being asked to do two or three shifts in a row. That means that those staff are not getting proper rest and proper recreation. Those staff are saying, “If I’m going to be unsafe, then I won’t come to work when I feel unwell. I won’t come to work when I feel distressed.” That is going to happen at an accelerated rate. I am enormously concerned that the lack of sufficient action by this government will cause not just a crisis but a complete meltdown of our hospitals in Western Australia.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [3.53 pm]: I rise to add my comments to this motion. Again, we have raised what is a most concerning issue for the community of this state. It seems that we leave this place for a week and go back to our electorates, and we come back and a number of crises have emerged again in just that short period. We keep finding ourselves, Minister for Health, in the position of having to raise these very, very serious issues in state Parliament.

I am afraid to say that it is not just in the metropolitan area that we see this malaise. It is seeping out across regional Western Australia. We know that regional Western Australians have challenges in accessing topnotch health care. It is a very difficult area to service. We have some amazing staff. However, it was most distressing to see from an editorial in the *Albany Advertiser* online of 10 June that there has been significant ambulance ramping at Albany Health Campus. The Leader of the Liberal Party raised issues with Bunbury Hospital. “Toxic work culture” is used in reference to that particular campus. On a number of occasions, WorkSafe Western Australia has been called in to deal with the issues that are being raised in that place. These are not issues that go to bringing about positive patient outcomes when we are talking about trying to provide a top-level health service. The article states that at Albany Health Campus, the ambulance ramping total for May was 19 hours. The article goes on to say —

... Albany’s ramping total this financial year was higher than in the previous five years combined.

We have since been contacted by local medical professionals who have shared their concerns about a system being pushed to its limits.

The people who raised these issues want to remain anonymous. They are scared for their jobs. The article goes on to say —

In a region where ambulances are scarce and some manned by volunteers ... ramping can have disastrous outcomes.

We’re told nurses and doctors are doing their best, but there aren’t enough people or resources to go around.

That is incredibly concerning. Albany is a major regional health centre. Bunbury Hospital has been described as having a toxic work culture.

We have also talked in this place previously about the fact that this minister has missed the red flags that have been emerging over the last four years. I stood in this place on 25 September 2019 to talk about midwives and midwifery in regional Western Australia in particular and to raise my concerns that we were not doing enough to ensure that we have midwives in regional Western Australia. I raised the fact that Geraldton Universities Centre had been trying to partner with the state government to come up with a model that would ensure we could grow our own midwifery workforce and have enough staff on the ground to provide this vital service. That was blocked by the Department of Health. The minister could not provide an answer to how we might overcome that blockage. As far as I know, Geraldton Universities Centre gave up on trying to pursue that. This universities centre was trying to create a model that would provide a sustainable intake of staff to build midwifery expertise in regional WA and to take the pressure off our tertiary hospitals, yet back in September 2019, when we raised this issue, along with many other issues in regional health, that was ignored by this government, we could not get an outcome, and the centre abandoned that idea. Regardless of whether this centre comes back to pursuing that, it is incumbent on this government to look at all options when it comes to providing a midwifery workforce for our state, not just in our

tertiary hospitals, which we know are in crisis, but also in our regional areas, where we have to be able to think outside the square and work with those education providers to ensure that we have the best medical care available. We certainly have been raising those issues in this place for some time. Those red flags have been ignored by this government. We have talked about that in the case of the Your Voice in Health survey and have gone through all those things that have been raised previously. I have run out of time.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [3.58 pm]: I rise to make a contribution to this matter of public interest on the provision of health services in Western Australia. I notice that when one has regard to the text of the MPI, one of the fundamental attributes on which the opposition speakers have failed to make out their case is that the Minister for Health does not have a plan to tackle the issues in health.

Mr P.J. Rundle interjected.

Mr S.A. MILLMAN: Not once, member, did I interject while opposition members were speaking. I will seek the protection of the Deputy Speaker because I do not propose to suffer the interjections that I had to endure last time around. I have a number of points that I would like to make in the short amount of time that I have available to me.

Mr R.S. Love: We'd like that too.

Mr S.A. MILLMAN: Excellent. Thank you, member for Moore.

Opposition members have said, firstly, that the Minister for Health does not have a plan and, secondly, that we have been in office for four years and that nothing has changed. Let me deal with the first proposition because that statement demonstrates an impressive level of hyperbole. It did not take me any time at all from the moment that this matter of public interest started until now, 30 minutes ago—very little time at all—to determine some of the outstanding achievements that the minister delivered over his first four years in government. The Perth Children's Hospital was opened. The Kalamunda Hospital was upgraded. There was a \$13 million investment for the Harvey health service. CT scanners were introduced in the Karratha Health Campus and the Geraldton Health Campus. We have a new MRI scanner in Kalgoorlie. The budgets that have been handed down, including the first budget in 2017 and those throughout the first term of government, have all contributed significant sums of money to the health budget. Incredible work was done throughout the first term of the McGowan government to tackle mental health. In the pre-COVID-19 pandemic era, there had been a significant increase in the impact of mental health. This has been, I think, the function of a couple of things, one of which is a silver lining. One thing that I have noticed over the past few years is that the taboo associated with mental health has ameliorated. People are much more comfortable, confident, assured and prepared to raise, canvass and discuss mental health issues. Members need only refer to some of the incredible maiden speeches in this place a couple of weeks ago to recognise how important the question of mental health is. Because more people are aware of mental health, more people are taking time to access the necessary services, and although that puts an additional demand on our system, it should be welcomed because we are helping and treating those people. That is the way in which the McGowan government is putting patients first. Understandably, we also need to ensure that we put significant investment into mental health. I see the member for Joondalup, who is passionate about this topic, and it reminds me that \$7.1 million was invested during the term of the last government into a mental health observation area at Joondalup Health Campus.

I heard the contribution of the member for Central Wheatbelt. I note that the health services in Katanning, Gnowangerup, Kojonup and Tambellup—all in Nationals WA seats—received increased funding, upgrades, extra facilities and resources. That is what happened in just the last term of government. For those who have said that nothing has changed or nothing has happened —

Ms M.J. Davies interjected.

Mr S.A. MILLMAN: No; I did not interject once while you were speaking.

Ms M.J. Davies interjected.

Mr S.A. MILLMAN: Not once did I interject, member. The problem is that when the Leader of the Opposition tried to articulate her argument—she failed to do it—she said, first, nothing has happened and, second, that this is a minister without a plan. The facts speak for themselves: plenty has happened.

[Quorum formed.]

Mr S.A. MILLMAN: I appreciate the contribution of the member for Moore. The more people who hear just how wrong the case that was presented by the opposition in this MPI, the better.

Let me disabuse all members of the proposition that nothing was done over the last four years. The next thing I want to do is to make sure that everyone is crystal clear that this government and this minister have a plan for tackling the unprecedented circumstances in which the health system finds itself. As I have done on a number of occasions, because members of the opposition do not grasp this, I will locate this argument in the necessary global context. We are in the midst of both a global surge in demand for health services and in the midst of a global pandemic, yet the Western Australian government and the Western Australian health system continue to deliver a world-class health system for the citizens of Western Australia. That stands in stark contrast to any number of other jurisdictions and it stands as testament to the work that this government has done.

The one thing that the opposition does not seem to be able to grapple with is that health is a complex portfolio that is multifaceted. One of the most incredible propositions that the opposition advances—I am flabbergasted by it every time I hear it—is that somehow this minister is not capable of dealing with the question of health at the same time as he deals with jobs or trade or science or medical research. I have said it before and I will say it again: these portfolio responsibilities bring together areas of absolute focus for this government. They provide us with the opportunity to take advantage of the fact that we are world leaders in our COVID-19 pandemic response. Our major trading partners—Japan, Korea, India and China—are all still wrestling with this. The Prime Minister—your Prime Minister—at the moment is doing a free trade agreement with Britain, which is wrestling with wave after wave of COVID. The British National Health Service has a hospital waiting list for elective surgery of over five million people. That is indicative of the global nature of the surging demand on health systems worldwide. One way in which we can leverage our excellent response to the COVID pandemic and to promote trade at the same time is by resourcing this portfolio with an excellent minister, and to have those conversations with our trading partners. I have mentioned this previously, but I have to mention it again because the opposition fails to take the point: it is only by investing in medical research, science and innovation that we will find ourselves in a position to be able to continue to deliver our world-class health system.

I was with Professor Lyn Beazley and the Labor members for Scarborough and Churchlands at the Royal Perth Hospital Health Excellence Awards in research at the WA Museum a couple of nights ago, and it was incredible to hear about some of the cutting edge research that is being done and funded by the Royal Perth Hospital Medical Research Foundation.

The other thing that the opposition has a tendency to do is to quote selectively. They are masters of the idea that data is the aggregation of anecdotes. It is not. They grab one story and blow it out of all proportion. It is incredible. The minister must have a thick hide, because when he introduces a reform, he is criticised for it—and then the opposition quotes him out of context. When we were elected to government, we initiated a staff survey to get a sense of the attitudes of staff working in our health department. Opposition members have a tenancy to grab the worst possible story. Why do they think that that is going to work? It does not wash as far as I am concerned. They need to look at the entire picture and not quote selectively in order to demonstrate a weak point that they have not been able to establish in any event. I got the results from the 2020 Your Voice in Health survey that found that health staff are positive about their roles and strongly committed to patient care. Engagement levels in the survey rose, despite the interruption of the COVID-19 pandemic. It found that areas for improvement included more support for staff wellbeing. The results of the second Western Australian health system staff engagement survey show increased employee engagement and that the workforce is positive about their roles and strongly committed to patient care.

None of that should come as a surprise to any member in this chamber. I for one stand in support of health workers in the hospitals and health services in my community in Mount Lawley—places like Osborne Park Hospital, Royal Perth Hospital and Sir Charles Gairdner Hospital. While I am talking about Osborne Park Hospital, I was amazed to hear the opposition level against us, as though it were a criticism, that somebody was not able to get service at King Edward Memorial Hospital for Women but was able to access services at Osborne Park Hospital. In fact, this is what a health system should look like—a system where a service is provided, irrespective of geographic location, and where people can go from King Edward Memorial Hospital and still receive world-class care at Osborne Park Hospital. I know it is world-class care because I have been there, and I was there with the minister when we announced millions of dollars' worth of investment in that particular facility at Osborne Park so it can continue to deliver world-class care for the people in my community of Mount Lawley.

The other point I wish to make relates to the absence of a plan. Such an incredible proposition was advanced by the opposition. Clearly, this government has a plan. We took that plan to the election and we are committed to delivering on that plan. When there is pressure on emergency departments, we need to spend money to upgrade them. That is why we spent money on Royal Perth Hospital's emergency department, we are spending money on Sir Charles Gairdner Hospital's emergency department and Peel Health Campus will get an upgrade. I have mentioned all these previously but I am making the same points again because it seems as though the opposition has not got the point; it is not very good at listening. Armadale Health Service's emergency department was upgraded.

This is a government that recognises that our health system is facing challenges. It is not unique or constrained to Western Australia. This government is well placed to deliver the necessary policy outcomes to tackle those challenges. The only reason we can tackle those challenges is that ever since we took over the Treasury bench, we have been focused on making sure that finances are on a sustainable footing to be able to pay for this health service into the future. The problem with those opposite is that the government that they were part of was in the never-never. It just increased debt and deficit, and it was completely unsustainable. We need a responsible, mature government that has a plan and has the capacity, fortitude and ability to implement that plan. We need a minister with the drive and vision of the Minister for Health to make sure that that is delivered.

MS M.J. HAMMAT (Mirrabooka) [4.11 pm]: Thank you for the opportunity to rise and speak on this matter of public interest. I am delighted to have the opportunity to speak on an issue that I have spent some time thinking about over many years—that is, the health workforce. It is particularly important to note, when speaking about the

matter before the chamber today, that we have heard a lot about some of the professional workers in the system. But it is worth noting that the health workforce is made up of many workers. Doctors and nurses have clearly been reflected on by the members in the corner today. Particularly on International Cleaners Day, it is important to recognise that cleaners in our hospitals perform essential roles, as indeed do orderlies and a wide variety of other health professionals such as physios, nutritionists and administration staff. During any discussion about our health workforce, at the very front of our mind we should recognise that the health workforce is not just made up of doctors and nurses, although clearly they are important. All the workers in our health system are important. They all perform essential roles. But it would be remiss of us not to reflect on the very important services that others also perform in our health system.

I rise today because I particularly want to talk about the sustainable health review. We have heard from the member for Mount Lawley that one of the key propositions in the matter of public interest before us today is the idea that there is the lack of a plan in the health system. I strongly reject that proposition. I do that because I want to acknowledge the work that has gone into developing a sustainable health plan for our system. Much of that work was initiated by the current Minister for Health on assuming office when the government established the sustainable health review. It was announced in 2017, so shortly after the state election. The final report was completed in 2019. That is a blueprint for the next 10 years at least, to ensure that Western Australians receive quality health care that can be sustained for generations. This is the challenge that we all recognise: we need to have a sustainable long-term health system for all Western Australians. I was fortunate to be involved in that review as one of the panel members. I am very glad to report that the final report focused on driving a cultural change and on prevention and community care as essential parts of ensuring that we have a sustainable world-class health system. That review and the work of that panel was very much focused on delivering patient-centred care, so recognising that patients are at the centre of all that we do. The health system should also provide high-quality care and financially sustainable health care.

A range of issues were considered as part of the review. To the minister's credit, he appointed a very sound panel to undertake the work. That panel was excellently led by Robyn Kruk, a woman with significant international experience in matters of health care. It also included the director general of Health and the Under Treasurer, an important person with views about the health system. We had a nominee from the minister, Warren Harding, and also nominees to speak on behalf of clinical staff in the clinical considerations, as well as nominees from consumers and carers, and employee nominees. The panel included a broad range of stakeholders with interests in the health system. The panel undertook very extensive work and carried out extensive consultations in the community. It engaged with hundreds of individuals and organisations. It accepted hundreds of written submissions as a way of really understanding what our health system needed to achieve in the future from a wide range of perspectives. This group travelled all over the state and convened forums in many regional centres as well as many forums in the metropolitan area. It also worked with reference groups on an ongoing basis, one comprising clinicians and the other comprising consumers. Extensive consultation work was undertaken. One of the things that struck me was the high level of mature responses that we heard during those consultations. People are very considered about the health system and recognise that many challenges are placed upon it. They also recognise that careful planning and work will ensure that we are able to deliver a health system that ensures people access the health care that they need at the time they need it. They also recognise that sustainability is key to the long-term success of our health system. I think it was a very good process. It was a very extensive process. It took account of a wide range of interests, both within the health system and also within the community, recognising that many other organisations also have views about our health system. This was pulled together into a final report that was released in 2019. It developed a number of long-term strategies for the health system.

To suggest, as members in the corner have done, that there is no plan for our health system is false because very detailed work has clearly been undertaken by this government, not just to extract one or two case studies and then submit that those stories represent the universal experience of many, but a very detailed piece of work from a panel that undertook very extensive consultations, listened to what people had to say, issued an interim report to gain feedback so that we could test our ideas and assumptions and then produced a final report. That demonstrates a very strong commitment to not just developing a plan but developing a plan that was properly consulted on and properly considered, one that has sustainability at its heart and recognises that we must deliver care in the community and work in partnership with many organisations if we are to succeed. I guess I contrast quite sharply the work that this government and this minister have done to deliver a plan with the latest anecdote that was contributed to the debate by those in the corner.

We should be very clear that the challenge before us requires a long-term piece of work to change. That was one of the conclusions of that report. Many strategies were identified in the recommendations. I wanted to touch on a couple that I thought were important, dealing with workforce issues in particular. One of the things identified was the need to achieve cultural change. At the heart of that was a recognition that this is a long-term strategy; it does not happen overnight and it does require a commitment from all levels of our health system. I was very impressed with the maturity that was brought to those discussions. The member for Mount Lawley talked about the survey, which is an important tool for gathering information about the views of the workforce. The government's commitment to that as an ongoing tool for gathering feedback and implementing recommendations is to be commended.

In the short time I have available, I also want to acknowledge another key part of the recommendations of this report—recognising partnerships, and the fact that the health system relies upon partnerships, particularly with regard to meeting workforce challenges. Members might be aware that the health and community sector workforce is the largest workforce in the state and is growing. Meeting growth in demand is a significant challenge. Even when we were doing the sustainable health review before the pandemic, it was recognised that training people for the health system was a key challenge. We recognise the need to work with universities, vocational training organisations, medical colleges and unions. We need to work with all these organisations to develop partnerships to ensure that we have the skilled staff we need in the places where they are needed and at the time they are needed.

The member for Mount Lawley also spoke very eloquently about the pandemic. At the time we worked on the sustainable health review, we could not have foreseen how the health system would be challenged by a global pandemic. This has been experienced all around the world and has, undoubtedly, focused our minds on the work we need to do. Our health workforce has responded to the challenges of the pandemic and the increased demand. The minister already referred to this earlier today, and I am sure he will again, but the pandemic has put our normal sources of skilled labour for the health system under pressure. We have an excellent plan in the sustainable health review, but we have been significantly challenged by the pandemic. I applaud the minister for the work that he is doing to respond to those challenges while committing to a long-term plan that will deliver for all Western Australians a health system that is sustainable and high quality and has patients as its central focus. It is a health system that, I have no doubt, will be successful and viable into the future.

MR R.H. COOK (Kwinana — Minister for Health) [4.22 pm]: Acting Speaker, thank you very much for the opportunity to speak to this important motion—one that was largely ignored by opposition members as they went on some sort of memorial tour of newspapers from the last few months, rather than sticking to its actual content. If I may, I will diverge from that debate and talk about the points that were raised in the motion.

The motion accuses me of not having a plan—a notion that was largely debunked by the member for Mirrabooka when she pointed out the sustainable health review. It is not only a plan; it is a blueprint for health care into the future. More than that, the government undertakes an annual survey of all health staff called *Your Voice in Health*. That is a means by which we can listen directly to the concerns of health staff right across the system, regardless of their status. It gives everyone an opportunity to have a say on what they care about in the health system. I am very proud of that; it is one of the policies we put in place upon coming to government, and every year since we have seen an increase in staff morale and engagement. This year the early numbers show that we have slipped slightly—basically, down to around 2019 numbers, which is not surprising, given the experience of 2020—but we have had a significant level of engagement: more than 45 per cent of staff have responded to the survey, which is very pleasing.

Since coming to office, this government has increased the number of jobs in WA Health by 10 per cent, which is a reflection of our commitment to and effective resourcing of the health system. Workforce employees are our most precious asset. It is not the MRI machines or the fancy buildings; it is the people who stand next to the beds and provide the care. That is why we put so much work into making them feel valued and into making sure that they have a rewarding career in the health system. That is one of the reasons why the Chief Nursing and Midwifery Officer is currently undertaking a review—under the former Chief Nursing and Midwifery Officer Professor Phil Della—to look at our nursing workforce and to see how we can work with people so they can practise at scope and get opportunities to be professionally extended in the careers they have chosen.

Since the COVID-19 pandemic last year, we have seen significant workforce shortages right across the nation. In fact, since February 2020, the number of job advertisements for registered nurses has risen by 71 per cent, or 6 600. Since February 2020, the national number of job vacancies for all healthcare workers has grown by almost 60 per cent—16 000 in April 2021. In WA, the number of job advertisements for healthcare workers has increased by 61 per cent since February, to pre-COVID levels, with the number of ads rising to a record 1 410 in April 2021. The number of vacancies for registered nurses in WA has increased by 62 per cent, to 467 in April 2021. There is no shortage of plans or opportunities to try to recruit staff; the fact of the matter is that we are suffering from a workforce shortage right across the country.

Our detailed and fully resourced work plan has resulted in more than 10 per cent extra health workers employed by WA Health. The *Western Australian public sector quarterly workforce report* says that between March 2017 and the December quarter 2020, the number of healthcare workers employed by the state has increased by 38 302 FTE—up 3 622, or 10.4 per cent. This is an important point: the increase in the employment of healthcare workers accounts for almost half the additional number of workers added to the entire public sector since the McGowan government came to office.

Mr S.A. Millman: If you ask them, they'll say nothing's happened.

Mr R.H. COOK: The opposition will say that nothing has happened, but they would also say that we have neglected the workforce, whereas there has actually been a huge lift in the number of healthcare workers in the healthcare system as a result of the McGowan government, accounting for half the recruitment of all public sector workers right across the system. It is simply not true to say that there is no plan. It is not true to say that there is no focus.

To address the acute shortage of staff, on 14 April I announced a major boost to nursing in Western Australia. That includes an extra 600 newly qualified nurses at WA hospitals over the next two years, which will bring the number to 1 000 this year and 1 000 next year. More than 200 of these new nurses are already on the wards today, both in general and mental health disciplines. We are also acting to attract experienced staff with a new national and international advertising blitz. Specifically, the areas of mental health, intensive care, emergency care, perioperative care and midwifery care are being targeted, because those are our areas of greatest shortage. The recruitment campaign has a strong digital focus, with a dedicated page on the WA Health website. This is all part of the McGowan government's campaign, Path to Permanency, for WA workers.

We are doing a significant amount of work in relation to the health and wellbeing of our staff, and I just want to turn briefly to the issues the member raised about maternity services at Fiona Stanley Hospital. In November 2020, we had 248 births at Fiona Stanley Hospital. By May 2021, that number had increased to 331—a significant increase. In November 2020, we had 96.9 FTE; that number has now increased to more than 116 FTE in Fiona Stanley Hospital's maternity department.

It is simply not correct and not true to say that there is no response to or no plan for the current shortages. These are shortages that all health systems across the country are experiencing. The health system is struggling, in the same way that all health systems are struggling, but it is responding to the current issues by increasing the number of beds and nurses, and by mounting a statewide, national and international recruitment campaign to make sure that we have the resources we need, the most precious assets in our health system: the doctors, nurses, allied health and support staff who stand next to the beds and provide world-class health care.

Division

Question put and a division taken, the Acting Speaker (Ms R.S. Stephens) casting her vote with the noes, with the following result —

Ayes (5)

Ms M.J. Davies
Dr D.J. Honey

Mr R.S. Love
Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Noes (49)

Mr S.N. Aubrey
Mr G. Baker
Ms H.M. Beazley
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Ms L. Dalton
Ms D.G. D'Anna
Mr M.J. Folkard
Ms K.E. Giddens
Ms M.J. Hammat

Ms J.L. Hanns
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mr M. McGowan
Ms S.F. McGurk
Mr D.R. Michael

Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Ms J.J. Shaw

Ms R.S. Stephens
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms E.L. Hamilton (*Teller*)

Pair

Mr V.A. Catania

Ms C.M. Rowe

Question thus negated.

PROTECTION OF INFORMATION (ENTRY REGISTRATION INFORMATION RELATING TO COVID-19 AND OTHER INFECTIOUS DISEASES) BILL 2021

All Stages — Standing Orders Suspension — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [4.35 pm] — without notice: I move —

That so much of the standing orders be suspended as is necessary to enable the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 to be introduced forthwith without notice and to proceed through all stages without delay between the stages in the following manner —

- (a) the bill is introduced and read a first time and the second reading is moved by the Attorney General and he delivers his second reading speech, after which debate on the second reading will be adjourned until 7.00 pm;
- (b) at 7.00 pm the second reading debate is resumed;

- (c) if by 9.15 pm today the bill has not passed, the Speaker or chair shall put all questions necessary for the bill to pass, without delay, further debate or amendment, as follows, and to the extent that the questions have not already been put —
- (i) “That the bill be now read a second time”;
 - (ii) “That all clauses and the long title of the bill be agreed to” or, if the bill is in the consideration in detail stage, “That all remaining clauses and the long title be agreed to”; and
 - (iii) “That the bill be now read a third time”.

Obviously, the government intends to introduce a very important, urgent bill. There have been conversations with the opposition today about providing briefings, and there has been some toing and froing about their provision. It has been agreed that the opposition will be briefed on the details of this bill at 5.00 pm. The motion I have moved this evening will allow the Attorney General to move the first and second reading of the bill, and for us then to pause until 7.00 pm, which, will, of course, allow the opposition to be briefed on the bill. We will then resume debate on this bill at 7.00 pm.

The reason for the need for this bill to be dealt with forthwith and the 9.15 pm time in the motion is for it then to be able to be presented to the upper house in time for it to lay on the table in that place for one week and then debated in that place on the following Tuesday as an urgent bill of the government.

That is the nature of the very intricate wording of this motion. I thank the manager of opposition business for the opposition’s agreement on how we will deal with this bill, appreciating the urgency of it and the need for the briefings on it to be delivered before we resume debate on the bill at 7.00 pm.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [4.38 pm]: We will support this motion to suspend standing orders, but I would like to put on record that we do so with an understanding that there is a degree of urgency to prevent further loss of information, as has occurred. We understand the urgency of that. I would also like to put on record that this is a very short time frame and we are agreeing, with a degree of trust, that the government will be forthcoming with whatever information we seek as quickly and succinctly as possible and that at 9.15 pm we will feel satisfied that we have the answers we wish to the questions.

Question put and passed with an absolute majority.

Introduction and First Reading

Bill introduced, on motion by **Mr J.R. Quigley (Attorney General)**, and read a first time.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR J.R. QUIGLEY (Butler — Attorney General) [4.41 pm]: I move —

That the bill be now read a second time.

The Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021, or, by its acronym, PIERIRCOID, sounds like something from a Scrabble dictionary, but it is an important bill that I lay before the house today that will strengthen a critical tool in our fight against the COVID-19 pandemic—our contact registration system. It continues the McGowan Labor government’s commitment to keep the people of Western Australia safe and strong as we manage the risks posed by this ongoing global emergency.

Since the beginning of the COVID-19 pandemic, we have been working tirelessly to ensure the continued safety of the people of Western Australia. To date, the government’s response to the pandemic has proven to be highly effective and has made us one of the safest places in the world. Our success in keeping COVID-19 out of Western Australia and swiftly containing potential outbreaks has allowed us to experience freedoms that have at times been the envy of not only the nation but also the world. This success has also created conditions in which our economy has been able to thrive and we have seen a strong recovery accompanied by high levels of business and industry confidence. It is well understood that these are extraordinary times.

Like other jurisdictions around the globe, we have been operating in a rapidly changing and unpredictable environment. We have had to respond quickly to the challenges that have been presented to us and I commend all Western Australians for their resilience and adaptability. Since the commencement of the pandemic, we have put in place measures that no-one would have imagined two years ago. One of the critical measures in our state’s response to this pandemic has been contact tracing. In December 2020, we introduced the requirement for mandatory contact registration—referred to in the bill as “entry registration”, which is the term I will use from hereon—at specified venues. Since then, based on learnings from our own and other jurisdictions, we have continued to improve and strengthen entry registration and tracing arrangements in the state. This included expanding the types of businesses and venues captured by the entry registration requirements to include retailers, for example, and introducing a mutual responsibility requirement in January 2021.

Entry registration is a truly whole-of-community effort to keep our state safe. In 2020, the WA Department of Health developed the SafeWA app to make it easier for people to register their attendance at various venues. Currently, there are around 1.93 million users registered with SafeWA, as well as 77 000 businesses, 100 000 venues and almost 126 locations. Quick and effective access to detailed entry registration information plays a critical role in our “go hard and go early” approach that has been highly successful in our containment of potential outbreaks.

People will well remember the lockdowns that parts of our state have had to endure since the start of 2021. In the event of a potential outbreak of COVID-19 when critical information such as the source of the infection or the number of people exposed may be unknown, a short, sharp lockdown serves two main purposes: firstly, to swiftly determine the nature and extent of the threat; secondly, to minimise the risk of further community transmission. As those earlier lockdowns have proven, we must put an enormous amount of faith in our contact tracers, whose effectiveness depends heavily on our use of the entry registration system as we go about our daily lives. The strength of these arrangements is therefore a huge factor in our ability to ease lockdowns and quickly return to normal social, community and economic activity.

The number of scans on SafeWA has fallen. I note that *The West Australian* has recently reported on this. Although Western Australia is not alone in reporting falling compliance rates, a decline in entry registration increases the chances of longer lockdowns and more severe restrictions in the event of an outbreak. I implore all individuals to check in whenever they visit a business or other public venue. The importance of this small act, which takes minimal time and effort on our part, on our ability to keep the state safe cannot be overstated.

Any issue that compromises our contact tracing effort is of concern. The government made a commitment that entry registration information would be used only for contact tracing purposes. In keeping with our intent, we are taking this opportunity to strengthen the protections in place relating to entry register information. In the information age, privacy is understandably a significant concern for the general public. The current contact register directions under the Emergency Management Act 2005 apply restrictions on the use of information gathered under that direction; that is, this information can only be used for the purpose of contact tracing or otherwise as permitted by law, or for another purpose if expressly provided, for example in the case of multi-use registers like signing into a venue with a membership card. As various statutes establish powers to require or permit information to be disclosed, there is significant legal difficulty in further restricting the use of this information under an EMA direction.

Due to the critical importance of entry registration information in our outbreak response and recent evidence of declining use of contact registers, there is a need to shore up the use of this system. Although privacy is of course not the only factor that may affect the use of contact registers, public trust that access to their information is appropriately protected is likely to be a motivator in their compliance with this requirement over a long period. We are therefore taking the opportunity to apply a higher standard of restriction on the use of this information.

This bill will introduce a strong, clear and comprehensive legislated framework for regulating the use of entry registration information. It will apply a higher level of protection to entry registration information than typically applies to confidential information gathered in the course of government activities, including in emergency situations. This is in recognition of the critical importance of this information in our public health response to this pandemic and the need to maintain public confidence in our entry registration arrangements.

This bill will remove the ability for information to be accessed for other purposes permitted by law. For example, the current arrangements allow for the WA Police Force to gain access to information to assist with criminal investigations and prosecutions. This has occurred in two instances, both of which were for very serious crimes. The police force has an obligation to keep the WA community safe and its access to entry registration information in these instances was lawful and consistent with this obligation. However, we recognise that the primary purpose of entry registration is to support contact tracing for public health purposes, and that the use of this information for other reasons may deter some people from using contact registers. In the interest of ensuring ongoing public confidence in this system, this bill will reassure the people of Western Australia that this information will be used exclusively for contact tracing purposes. This bill will clearly and definitively limit the use and disclosure of entry registration information for purposes relating only to contact tracing. This move recognises that the public health interest is paramount in these circumstances and must be prioritised over other considerations that would normally allow for lawful access to an individual’s private information, such as law enforcement.

Not only will the bill impose additional limitations surrounding the access and use of this information, there will be specified requirements for storing and disposing of this data. In practice, I expect that most businesses, if not all, are storing and disposing of records appropriately. The introduction of a storage and disposal requirement will formalise these arrangements. However, these provisions will not extend to the multi-use registers that some businesses maintain for their business-as-usual practices. These records would exist outside of the need for entry registration and would be subject to privacy restrictions that would allow them to be accessed—subject to appropriate checks and balances—to assist in a criminal investigation when necessary. This bill strikes an appropriate balance in strengthening the provisions relating to entry registration, without compromising standard business practices.

As with most legislation, there are penalties for noncompliance and breaches. Although these penalties are strong, they are considered appropriate in these circumstances. The provisions detailed within the bill are intended to apply

to any information that has been collected since the introduction of mandatory contact registers on 5 December 2020. There will be limited exceptions to which these provisions will not apply. Specifically, the penalty provisions will not apply to entry registration information that has been provided under an order to produce to the extent that it is required to be used in evidence. This will be limited to the two criminal cases mentioned previously.

This bill is intended to apply to all instances in which contact tracing is activated for a declared serious public health risk relating to an infectious disease. At this point in time, the serious public health risk that contact tracing is required for is COVID-19. Although we hope that we will not be in this situation again, or for some time, the government believes that the protections need to be in place for any time in which contact tracing may need to be activated.

Entry registration is one of the central planks in our ongoing fight against COVID-19—a key tool to reducing the risk of an uncontrolled outbreak of COVID-19 in WA—and the McGowan government is committed to ensuring the integrity of our entry registration system. The community and business sector each play significant roles in ensuring the continued use of entry registration and this bill provides additional assurances to promote ongoing compliance with this requirement.

I commend the bill to the house.

Debate adjourned until a later stage of the sitting.

[Continued on page 1451.]

AQUATIC RESOURCES MANAGEMENT AMENDMENT BILL 2021

Second Reading

Resumed from 3 June.

MS C.M. TONKIN (Churchlands) [4.55 pm]: I rise to support the Aquatic Resources Management Amendment Bill 2021 because it will change the Aquatic Resources Management Act 2016 to make it fully operational. The focus of the Aquatic Resources Management Act is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems by protecting these resources from over-exploitation and the threats posed by diseases and harmful imported organisms, while encouraging the development of the industries and activities associated with their use. This is a very important bill because it will make changes to the act that are designed to allow for the seamless transition of existing fisheries managed under the Fish Resources Management Act 1994 to management by an aquatic resources management strategy and aquatic resource management plans under the act.

My good colleague the member for Cockburn drew to my attention that, unlike in other Australian jurisdictions, most of the WA fisheries production is from wild catch, which is 77 per cent of our gross value of production. This situation focuses attention on the importance of the ecological sustainability of our aquatic resources. In this regard we are doing well. The *Status reports of the fisheries and aquatic resources of Western Australia* provide an annual update on the state of the fish stocks and other aquatic resources of Western Australia. In 2020, 98 per cent of WA's fish stocks were assessed as not being at risk or vulnerable through exploitation. Only two resources were classified as inadequate—the west coast whitebait stock and the snapper stock of the Gascoyne demersal scalefish fishery—and both appear to be impacted by environmental changes, such as the heatwave events seen in Shark Bay in 2010–11. Management action has been taken to address these issues.

In WA, we have 10 Marine Stewardship Council-certified fisheries, representing over 90 per cent of the total value of commercial fisheries production. This is a really wonderful effort. Fully operationalising the Aquatic Resources Management Act 2016 through this amendment bill will provide us with the tools to further lift our game. In this context, I will focus on the scope that this approach gives to encouraging the development of new industries and activities around the use of our living aquatic biological resources and ecosystems. There are three aspects on which I will focus. The first is the significance of seagrass as being integral to the sustainability of aquatic ecosystems and its place as an aquatic resource for blue carbon sequestration. The second aspect I will focus on is the potential to develop new industries around the use of aquatic resources and the third is the importance of the ecological sustainability of our ocean ecosystems because they are a source of organisms that have significant emerging biomedical applications.

The first aspect is seagrass and blue carbon sequestration. Western Australia has one of the biggest seagrass populations in the world. Seagrasses are estimated to cover some 20 000 square kilometres of shallow seabed, with 27 species of seagrass in this region. The variety of habitats along our western and southern coasts is ideal for these plants. Seagrasses are integral to the sustainability of our fisheries, providing food and shelter, oxygenating water, trapping sand and recycling nutrients, as well as providing breeding habitats and nursery areas for many marine organisms. Seagrasses are also an aquatic resource for the purpose of blue carbon sequestration. As my colleague Amber-Jade Sanderson, the Minister for Environment; Climate Action; Commerce highlighted recently in this place, blue carbon refers to carbon sequestered or captured from the atmosphere in the vegetation and soil of marine ecosystems—for example, seagrass meadows, mangrove forests and tidal flats. Blue carbon environments can be up to four times more effective at capturing and storing carbon than terrestrial habitats of equal area. This makes our seagrass resource very important.

Shark Bay has the world's largest and most diverse seagrass ecosystem. When Shark Bay lost a significant amount of its seagrass meadows in a summer heat wave in 2010–11, it resulted in the release of up to nine megatons of CO₂. That is equivalent to two coal-fired power stations and was catastrophic for the environment. Restoring seagrass

is critical to restoring this ecosystem and for sequestering atmospheric carbon. Groups such as the Shark Bay Malgana Indigenous community, which is currently funded through the Aboriginal ranger program, are working with scientists to develop seeding and shoot-planting methods to scale up seagrass restoration activity. This is crucial work and an important initiative under the Aboriginal ranger program.

An accreditation method suited to measuring seagrass carbon sequestration is critical to attracting private investment for the use of seagrass as an aquatic resource. Without it, we cannot generate Australian carbon credit units, which are worth up to \$18 in the current market and are forecast to double by the end of the decade. Unfortunately, when it comes to blue carbon, the methods currently prioritised by the Australian government have limited application in Western Australia. We will need to work closely with the research community to support a greater focus on seagrass methods. Valuing seagrasses as an aquatic resource for carbon sequestration will also reinforce its value as a crucial element of the aquatic ecosystem. Its sustainability will become a virtuous circle.

I would now like to turn to new industries using aquatic resources. Aquatic resources have the potential to support the development of new industries in Western Australia. In my electorate, we formed a number of working groups to focus on issues about which members of our community are passionate. One of those working groups relates to green jobs facilitation. We want to see more green jobs created. Our working group is looking for all sorts of opportunities. In researching this speech and to aid my understanding of the consequences of this amendment bill, I came across some very interesting work that is being done in the United Kingdom. For example, there are opportunities to use fish-processing waste, in the form of skin and scales, as a potential input for a new manufacturing industry—the making of food-grade plastic film substitutes. In fact, the winner of the 2019 James Dyson Award, Lucy Hughes, of the UK, has developed a transparent film known as MarinaTex. It is made from fish scales and skin combined with a marine-sourced organic binder; I believe it is red algae-based organic binder. It is ideal for single-use plastic substitutes because it is fully biodegradable within four to six weeks. The product is still in development but is made using a process that is low tech and low temperature, being produced at less than 100 degrees Celsius. This is the type of product associated with the use of aquatic resources that is ideal for Western Australian manufacture. Plastics have devastating impacts on aquatic resources. Removing plastics and replacing them with sustainable alternatives is crucial. In bringing forward the time frame for the Plan for Plastics, this government is prioritising this change that is so important to both our terrestrial and aquatic environments.

In looking at this opportunity to make a plastic substitute from fish scales and fish skins, I thought about the prospect of using the carp that infest the wetlands of Lake Monger and Herdsman Lake, because their removal would obviously cause a vast improvement to the health of those environments. However, that was until I found out the extent to which those water bodies are polluted with heavy metals. As evidence of this, the tiger snakes at Herdsman Lake have 34 times the heavy metal contamination of tiger snakes from other non-polluted environments. The snakes live on frogs. It occurs to me that since the presence of those contaminants was found in the scales of the snakes—no snakes died in the course of this scientific investigation!—the problem would be that the carp in the lake would also be contaminated, so the use of those scales and skins to make a plastic substitute would be inappropriate, particularly in its use for food-grade requirements. However, it was a nice thought about the use of an aquatic resource that was otherwise a pest in the environment.

I would like to turn now to the emerging biomedical applications of compounds found in marine organisms. The Western Australian Museum collects and catalogues marine organisms and makes these available for research purposes. I attended an event recently at Boola Bardip and I was fascinated to hear that the Museum has quite an extensive collection and database of marine resources from around the Western Australian coast. Indeed, there are some marine organisms that are unique to our coastline; they are found nowhere else in the world. That is very important work on the part of the Museum, because understanding marine organisms contributes to the necessary knowledge to support the sustainability of the aquatic habitats, as well as providing the opportunity to identify uses of these organisms for other purposes.

I came across a piece of research that is fascinating. There has been a collaboration between researchers from the University of Western Australia's School of Molecular Sciences, the cancer epigenetics laboratory at Harry Perkins Institute for Medical Research, the QEII Medical Centre and Centre for Medical Research, and the Western Australian Museum. That has resulted in the isolation of a cytotoxic compound from the marine sponge *Monanchora viridis*. This compound has exhibited cytotoxic potency against triple negative breast cancer, which is currently the only group of breast cancers without an effective targeted therapy. This is very important work. It contributes to the sustainability of the aquatic environment. It also contributes to biomedical research and, hopefully, new drugs and therapies that will help when there are no other options. I would like to congratulate the researchers, Sumi Shrestha, Anabel Sorolla, Jane Fromont, Pilar Blancafort and Gavin Flematti, on this groundbreaking research.

The work of the Western Australian Museum in collecting and cataloguing marine organisms is vital to the sustainability of our aquatic ecosystems. It also enables better understanding of aquatic resources that support existing and potentially future industries in Western Australia.

For all these reasons, I stand to support this important bill, the Aquatic Resources Management Amendment Bill 2021, because it will enable full operationalisation of the Aquatic Resources Management Act 2016 with its focus on sustainability and a broader perspective on the nature of aquatic resources.

MS E.L. HAMILTON (Joondalup) [5.14 pm]: I rise to make a contribution to the Aquatic Resources Management Amendment Bill 2021 second reading debate. This bill will make changes to the Aquatic Resources Management Act 2016. In effect, it will enable the act to be fully operational. The last Parliament dealt with an almost identical bill and it passed through the Legislative Assembly with support from both sides of the chamber. The difference between the bill that was introduced in the fortieth Parliament and this one is that this bill will require a review of the operation of the new act in five years' time.

The focus of this bill is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems by protecting these resources from over-exploitation and the threats posed by diseases and harmful imported organisms, while also encouraging the development of the industries and activities associated with their use.

The fishing sector is a major contributor to both the local and export economy of Western Australia. The Fisheries Research and Development Corporation released modelling in November 2019 showing that commercial fishing and aquaculture contributed \$989 million per annum and supported 6 000 Western Australian jobs, of which 2 900 were direct roles in the fishing industries.

This bill will include a structured approach to the provision of secure fishing access rights for all sectors within the context of sustainability. It is great to have this bill back in the house and it will be particularly relevant to my electorate of Joondalup. The Joondalup electorate bounds our pristine coastline in the northern corridor. Local families have an affinity with our local beaches and the ocean. This can be seen in the number of local community and sporting groups and organisations that call our northern suburbs home, from the Mullaloo sea sports club to the Ocean Reef Sea Sports Club; Fishability, which provides all-access fishing opportunities for locals; Sailability; and the Ocean Reef Outrigger Canoe Club—and I could go on. From our children to our teens, our young adults and the older members of our community, so many of us just love to spend time at the beach and on our water. Joondalup is also home to Marine Rescue Whitfords, which is a dedicated group of volunteers who work tirelessly to keep us safe on the water, and I want to thank each and every volunteer for the work that they do.

Earlier this year, in April, I joined the Minister for Fisheries in Fremantle to view the new artificial reef prior to it being deployed off the coast in Ocean Reef. The reason I want to talk about this project in the context of this bill is that this multimillion-dollar project was funded through the recreational fishing initiatives fund. It will create an amazing and accessible recreational fishing experience for Western Australians and will add to the infrastructure on our seabed. It will also enable growth in our local fish populations and could even see new species come to the area. At the event, the minister and I were joined by Cameron Stirling, the CEO of Subcon Blue Solutions, which is located in Henderson, and Tim from Recfishwest. It was great to be able to walk along the barge and look at some of the 292 concrete modules that will form the artificial reef. They range from about 70 centimetres to 1.8 metres high, and they were designed locally in Henderson. The concrete pouring happened in Jandakot. The modules were loaded onto the barge in Fremantle and transported to the reef location and then installed. This artificial reef now sits on the ocean bed around seven kilometres off the coast of Ocean Reef, at a depth of around 27 metres and spans an area of 150 000 square metres.

This is Western Australia's seventh purpose-built artificial reef and it is providing a unique, safe and easily accessible fishing and diving hotspot. Our state government worked closely with Recfishwest to select the Ocean Reef location. I have been sharing the coordinates with our community and I am looking forward to it not only being well utilised by locals, but also attracting visitors to the area. This new artificial reef will become another location in the northern corridor for recreational fishers to enjoy. Artificial reefs like this are a great way to enhance the recreational fishing opportunities that attract species such as yellowtail kingfish, samson fish, silver trevally, pink snapper, dhufish and many more.

Recfishwest is the peak body representing more than 750 000 Western Australian recreational fishers. This bill, through its representation of such a significantly large part of the population, will create an equitable and inclusive discussion forum in which the concerns of all stakeholders involved in our marine environment will be heard. I am pleased that through the proposed amendments in this bill, recreational fishers will be empowered to help manage our marine resources and that the concept of a centralised management system will involve discussions with all interested stakeholders.

Being a recreational fisher and diver myself, I know the benefits and enjoyment that comes from interacting with our pristine coastline. After talking with the community, I am aware that that is something that is definitely valued. I would like to indulge the house with a little of the boating and fishing history that I have enjoyed. Some would probably say that I was born into it. Both my parents enjoy fishing. We were brought up doing the annual salmon fishing run in Busselton in April. I have heard family stories about how everyone—that is, aunts and uncles—used to go down to Busselton. I was a January baby and was taken to Busselton for my first salmon fishing holiday that April. It was so cold during that particular Easter period, I was wrapped in blankets and popped on the side of the beach while they did their rod fishing. So starts the history of my interaction with fishing.

Mr D.A. Templeman: I hope you were above the tide level.

Ms E.L. HAMILTON: Yes. I have fond memories. There are black-and-white photos of me holding up salmon. It started as an annual beach fishing opportunity—I am the eldest of five and three of us are divers, along with my dad—and then evolved into taking the boat out and going off around Eagle Bay and all other areas down there. I think a lot of people, particularly in the Joondalup electorate, who live on the WA coast have similar stories. It involves an inherent engagement with family and friends, and there is a real culture and enjoyment that comes from interacting with our coastline. It is important there is an understanding of the importance of ensuring sustainable fisheries as we move forward into the future and to look after the asset we have in WA for generations to come. It is about sustainability, the environment and educating our community. I have a 13-year-old son and a 16-year-old daughter. My daughter does not enjoy fishing and would rather be playing with TikTok or taking selfies on the boat than interacting with what is happening at the back end on the deck. But my 13-year-old son just loves fishing. He would have been about nine when our family decided that we wanted to get out and catch those fish. The only way to do it was by putting a line in the water, so he had to learn pretty quickly how to bait, cast and clean the fish, if they were the right size and we were keeping them.

I would like to focus on the sustainability side of things. I think WA Labor has set a high benchmark in wanting to invest and put a spotlight on the sustainability and the environmental aspect of fishing.

I would like to touch on WA Labor's Plan for Our Parks. Hon Stephen Dawson, a minister in the other place, brought in marine park legislation around 2020. There was definitely a focus on increasing the footprint of parks, and I was very pleased to hear at that time that that included an expansion of our marine parks as well. Three new ones in WA came out of that conversation. I also think that for a state government, the McGowan government has really led the way by banning plastic bags. We had a conversation in this chamber earlier about whether the Liberal Party did not support that.

Ms S.F. McGurk interjected.

Ms E.L. HAMILTON: Yes. I think the commentary from my parliamentary colleague the member for Morley was along the lines of Liberal Party members in the other place having friends in plastic bags. But we knew that we had to take strong leadership on this decision, and the community overwhelmingly supported us. I am pleased that an announcement has come out. Again, I am sure I will get positive feedback from my community about the phasing out of single-use cups. WA is definitely putting its stamp on being a forerunner in this space by not only talking around, but also putting into action the need to look after our environment.

That is exactly the same for our marine environment. Earlier, I mentioned a number of community organisations that operate in the Joondalup electorate. They were just a few of a really long list. While I am talking about marine management and resources, I want to take a moment to commend the amazing work happening at Ocean Reef Senior High School and its approved marine studies specialist program. When I say that our community has an affinity with the ocean, it is this course that lots of primary school students, when I talk to them, aspire to do. I am very aware of the good work that is coming out of it. The core of that program allows students a fantastic opportunity to study a variety of marine-based topics, including, but not limited to, marine biology, oceanography, aquaculture, boating and snorkelling. Also, students with a passion of the marine environment, and who love the outdoors and can see themselves following a career down this path are the ones on whom this course is focused. The school has definitely worked hard to have relationships with community organisations in the area. I am pleased to note that they do some fantastic work with Whitfords Volunteer Sea Rescue. They also have some really good connections with industries that provide students with a hands-on understanding of what a career in this space would look like. Like I said, I have two high school students in my house, and I know that there are a whole lot of jobs that potentially have not been created but will be on offer to my children as they go through their working life. It is very important that our young future leaders are afforded every opportunity to help them to decide what career they want to go into. I also note that in Joondalup we have a fantastic learning precinct and that the relationships between high schools, TAFE and university are second to none.

When we are talking about anything to do with our coastline, I cannot pass up the opportunity to talk about the fantastic Ocean Reef Marina that is being delivered in Joondalup. Members will be aware that I have spoken about this on several occasions. The McGowan government has committed to this huge project and development. An amount of \$126.5 million will be coming into Ocean Reef in the Joondalup electorate and construction is well and truly underway for the Ocean Reef Marina. I would like to talk through a couple of the fantastic facilities that are going to be provided there and how this tangible marina project got to be delivered. During every election cycle, this project is brought up and, thankfully, it now will be brought up in terms of “Yes, we did it”, as it was during the last election cycle.

In 1978, locals who live in the suburb of Heathridge—previously called Ocean Reef—talk about how property developers were selling houses and talking about the view of a fantastic marina that was going to come. It was not until Hon Alannah MacTiernan started talking about this in the northern corridor in the early 2000s that some state money was put on the table. An amount of \$700 000 was given to the local council to do a feasibility study on the community use of a marina development. The development received 96 per cent support, which really gave us an understanding—something that we already knew—that our community definitely supported the project. That conversation continued and the marina has resounding support in our community.

After the 2017 election campaign, we managed to secure \$40 million towards the marina. Like I said, \$126.5 million has now been committed to the project. The latest amount of \$6.5 million was part of our recovery plan, which will provide a new facility for our Marine Rescue Whitfords, the Ocean Reef Sea Sports Club and the Joondalup City RSLWA. New club facilities will be located in this absolutely fantastic new marina. It will have Perth's first ocean pool and all sorts of local organisations have already been reaching out wondering how they can book lanes. I have said that we are not at that point yet, but we are definitely on the path of getting there. Hundreds of local jobs will be created, both in the construction phase that is occurring at the moment and with ongoing employment in the retail, hospitality and tourism sectors. This project will be a key economic driver for the region. I am so excited to be involved in the commitment to do this, and now we are seeing the delivery of it.

The outer seawalls are currently being constructed. This is a joint project. DevelopmentWA is constructing this project on behalf of the state government. Fantastic work has also been done in conjunction with the local council. I have publicly called out the federal government, saying it needs to do a lot more to invest in the federal electorate of Moore. Construction of the outer seawalls will take about 18 months, but locals are now seeing their development. When people drive past, they can see that works are commencing. Work was done to extend Hodges Drive, which is complete. I am really looking forward to the minister visiting that area shortly.

I return to the relationships that we have with community groups and organisations and educational facilities and the importance of sustainability and understanding our marine resources. I alluded to Ocean Reef Senior High School earlier. Some fantastic collaboration is happening between DevelopmentWA, the local high school and several primary schools, three of which come to mind quite quickly, located in Ocean Reef, all of which will provide our young people in those primary schools and also high school students with the ability to interact and to see this development firsthand as it comes to fruition.

[Member's time extended.]

Ms E.L. HAMILTON: It is important to ensure that the younger generations coming through understand the importance of our coastline and the unique setting that we have here in WA. Every opportunity should also be afforded to them to get involved in that process.

When we reflect on the Aquatic Resources Management Amendment Bill, we need to understand that the main part that will really solidify this piece of legislation is that it is based around the aquatic resources—king prawns, snapper or whatever—rather than the traditional approach that is based on a fishery or a fishing activity. There will be a structured approach to providing secure fishing access rights for all sectors but with resource sustainability at its core. There is a huge opportunity in the Ocean Reef Marina development, which I mentioned earlier, for those new industries to be looked at, and for the opportunities that will come and potential future career paths. It will also provide an opportunity for diversification of the WA economy as we start to look to new industries. Some of my colleagues in this place touched on this earlier. I am very pleased to stand in this chamber and support the Aquatic Resources Management Amendment Bill. I commend the bill to the house.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [5.33 pm]: I am very pleased to make a contribution to the Aquatic Resources Management Amendment Bill 2021. I thank the members for Churchlands and Joondalup for their contributions. I also want to make a contribution to this bill. As we know, Western Australia, like the rest of Australia as an island nation, has a deep affinity with the ocean and the marine environment. Indeed, for thousands of years, our First Nations people sourced marine fauna to supplement their diets. When we talk to a number of people who call themselves the sea people—some of the cultural groups in the north of the state and other places are either sea people and engage with the ocean and marine environments or they are inland hunters and gatherers—it is really important that we recognise that the importance of our marine resources, our aquatic resources, is respected.

The member for Churchlands highlighted in her contribution the importance of research. As we know, fisheries—aquatic resources—have been depleted in many parts of the world. Indeed, the sustainability and capacity of our oceans and our aquatic resources or environs to maintain sustainable populations of fish and aquatic fauna continues to be a major challenge. It is scary to get statistics in some places that highlight that many of our aquatic resources on this planet are under severe stress. It means that we as a nation, and indeed as a state, need to hold ourselves up as a sustainable and responsible state and nation on how we manage our aquatic resources.

I wanted to highlight some of the important aspects of this bill and then talk about the place that I call home, the Peel region, or, in this case, the Bindjareb region. The Bindjareb people, like many First Nations people, have utilised the waterways in and around the areas of Mandurah and the Shire of Murray to sustain their diets for many centuries. I will talk a little about that shortly. I will also reiterate the things that this bill does and put them in the context of how that impacts the ongoing sustainability of the resources in my region.

The Aquatic Resources Management Amendment Bill does a number of things, as was highlighted by previous speakers on this bill. As we know, the fortieth Parliament dealt with an almost identical bill, which was supported by both sides, but, of course, we were not able to advance it through the other place. This version is important because one of the key features is based around the aquatic resource, rather than the traditional approach based on a fishery

or fishing activity. This enables a structured approach to providing secure fishing access rights for all sectors, but with resource sustainability at its core. We know that there are and have been over time tensions between commercial fishing and recreational fishing. Various representatives in the sectors have worked hard to try to ensure that there is a balance so that a sustainable fishing industry can be maintained and that Western Australians' love of recreational fishing can also be maintained in a sustainable way.

I grew up in Northam, which was not famed for its fishery because the Avon River would dry up in significant places over time. During the time that I was there—I was born in Northam and lived there until I was 17 or so—we could still catch cobbler in the upper reaches of the Avon and mainly freshwater species. That changed.

Mandurah has been a magnet for both recreational and commercial fishing for a long, long time. As I said earlier, there are waterways around the Peel Inlet, as it was formerly known, and before that it was known as Mandjar, which is Bindjareb for “meeting place” and, of course, morphed into the name “Mandurah”. For Indigenous folk—the Bindjareb people, in particular—it was a meeting place for the trading of food and artefacts. Indeed, there is evidence of that dating back many, many years. In addition to being a meeting place, it was always a place where there was an abundance of aquatic food for the local Indigenous people to both consume and trade. In my view, we cannot underestimate the importance of the aquatic resources in the region I am proud to live in, but over the last 200 years of colonial presence, the pressures placed upon the waterways and on the fishery have been significant. Those pressures are also influenced by population growth, water quality and human-made infrastructure decisions, such as the Dawesville Channel, which essentially changed the system.

From the late nineteenth century to the early twentieth century, the fishery in the region in which I have lived now for nearly 34 years was, in fact, very abundant. The Tuckey family, one of the region's colonial families who arrived in the Mandurah area in the early nineteenth century, established a fish processing facility on the banks of the estuary. For those who know Mandurah well, if you look west from Mandurah Terrace to the new bridge that was opened by the Minister for Transport in 2017, you will see the area of land just before the approach to the bridge; that is where the factory was. It was a fish drying and canning facility and it exported canned fish to Perth and, as I understand it, the goldfields. The fishery then had abundant capacity; most of the fish, from memory, were herring and mullet. But it is interesting to note that the then relatively small colonial population managed to sustain a fish processing factory for a number of years, until the early twentieth century.

As time went on, the local population of Mandurah grew, as did visitor numbers to both Mandurah and the broader Murray shire. The blue swimmer crab became particularly famous and, in fact, still is one of our most iconic Mandurah shellfish, of which we are very proud. Over time, many, many Western Australian families have visited the region and enjoyed their fair share of the blue swimmer crab. I remember as a boy in the 1970s going to Mandurah on holidays from Northam. We would go to the estuary and back in those days there was no limit to how many crabs we could take; people would fill their plastic buckets very quickly, both at the estuary in the coastal areas around San Remo, Madora Bay, Silver Sands and further south to Halls Head.

Mr R.S. Love interjected.

Mr D.A. TEMPLEMAN: It is a very good speech; I am glad the member came in for this contribution!

Over time, pressures have increased. Over time, there have been generations of fishing families around Mandurah, including the Okamoto family, a family of Japanese descent who have lived in the area since the early twentieth century; the Tuckey family; the Renfreys; the Matthews family; and the Bells. The last two mentioned families still derive an income from fishing the estuary. Over time, the population of the area has dramatically increased, of course. When there is an increasing population, an increasing number of visitors and increased urban infill, there will understandably be attendant pressures on the fishery.

When the government came to power in 2017, it made a commitment to address the issue of sustainability of the aquatic resources in our waterways. I want to acknowledge two former Ministers for Fisheries, the member for Willagee and the member for Bassendean, who progressed the buyback of commercial fishing licences. In the 70s and 80s, and even into the early 90s, there were dozens of commercially licensed fishing operators in the Peel waterways, but we recognised that that would not be sustainable in the long term, so we introduced a buyback scheme. It has, in a fair and equitable way, reduced the number of commercial fishers to address ongoing sustainable demand. A neighbour of mine, Damien Bell, is either a second or third-generation fisherman. His father fished the estuarine system for a long time and his licence was eventually bought back through that scheme. As Damien said to me, it allowed his father to exit the industry with dignity and in a fair and equitable way.

Members will be aware that there were issues of deteriorating water quality relating to algal blooms in the Mandurah estuarine system in the 80s. When that occurred, there was agitation in the Burke government by the then member for Mandurah, John Read, who was the first Labor member for Mandurah. He pushed hard for an engineered outcome to address the problems with water quality and algal blooms. Anyone visiting Mandurah in the summer during the 1980s would quite often be greeted by foul-smelling rotting algae banking up along the estuarine shore.

[Member's time extended.]

Mr D.A. TEMPLEMAN: They would also see the practice of weed harvesting. Weed harvesters would be driven out to the estuary. They basically looked like a harvester. They would be driven along the estuary shoreline scooping up the rotting algae and weeds. That was not an ecologically sustainable practice. That led to some significant scientific investigations and research, which eventually led to the proposal for the Dawesville Channel or the Dawesville Cut, as it is known. The then Labor government set about planning for that cut to be engineered south of Falcon. That project commenced in the late 1980s. The Lawrence government was defeated in the 1993 election, and in winter of 1993 the newly elected Premier, Richard Court, opened the Dawesville Cut. Since then development has occurred on both sides of the cut. In fact, the island that was created by the Dawesville Cut, which is now encompassed by the new member for Dawesville's electorate, has seen growth in population.

The interest in the Peel waterways from both visitors and those who live there remains, but the fragility of that water system also remains. That is one of the reasons that the member for Murray–Wellington, who I notice has just arrived, the member for Dawesville and I remain particularly concerned about a proposal that has been on the books for some time. It is a proposal for a marine and residential development across from the Dawesville Channel, at an area known as Point Grey. Point Grey is an area that currently has vegetated and rural land and it sits adjacent from the Dawesville Channel. It is in the member for Murray–Wellington's electorate, but, of course, the proposal, which has been going through due process, remains of major concern to the three local members. Essentially, the proposal as it stands now includes a nearly two-kilometre dredged channel from the Dawesville Channel through to the estuarine shoreline of Point Grey, the excavation of a marina in Point Grey and residential development around that marina. A previous Liberal government approved the original proposal. There is some question about the financial viability of the current owners.

The reality is that the community is against it, in my view. The member for Murray–Wellington and the member for Dawesville are against this proposal. The reasons are simple. They are this: to make this a sustainable development the channel would need to be excavated and dredged through blue swimmer crab breeding areas and would need to be maintained in the future. Thankfully, both the Shire of Murray and the City of Mandurah have indicated that they, as local authorities, would not be prepared, as they should not be, to maintain a future channel. We only need to look at other examples around Western Australia to see that these channels, once excavated, need to be maintained. They need to be re-dredged on an ongoing basis, and someone would have to pay for that, and in this case the developer is proposing that the ratepayers of both the Shire of Murray and the City of Mandurah would be responsible. That is not supported, because this channel will be like channels in other places that have proven to be costly things to be maintained in the future.

That aside, in our view the development proposal also does not stack up environmentally. It is a proposal that cuts through the strategic portion of the estuarine system, a system that we already know, and have known for some time, is under great strain environmentally. Water quality continues to be a major concern for the estuarine system. When the Dawesville Channel was introduced, it essentially changed the area to a more marine environment, so we are seeing the prolific prawns that used to exist there disappear because the nature of the environs went from a relatively freshwater estuarine system to a marine system.

We recognise that due process has to be followed. The Shire of Murray needs to be congratulated. It has resolved not to support the proposal. That determination has been forwarded to the Western Australian Planning Commission for its ultimate consideration and recommendation to the minister. But I need to say this: as local members, and I am sure I speak for the members for Murray–Wellington and Dawesville, we recognise very clearly that the broader community does not see this proposal having a positive impact on the future development and protection of the waterway and terrestrial systems in and around the estuary. As a planning matter, it does not stack up. We will look with great interest on the final deliberations of the minister, but our view is firmly in the public realm. A few years back, I assisted in organising a rally, which I did not have very long to organise, to highlight community concern. Within a day or so we had 300 or 400 people attend a rally on the estuarine banks in Dawesville to highlight community concern. I understand there were submissions to the Environmental Protection Authority. Other planning considerations in the past have attracted a large number of submissions. In my view, the land should stay as rural use. If we cannot protect it as remnant vegetation, then rural or low-impact use is the most desired.

The other aspect is that it is a difficult site to access by road. It can only be accessed by road from the east from the Forrest Highway. That creates a whole range of challenges in itself, including provision of services and timely road infrastructure access. From the western side, the Mandurah side, it can only be accessed by boat, hence the concern about the dredged channel. The dredged channel would be 50 metres wide and, as I said, nearly two kilometres long, at, I think, a depth of five metres or so at its deepest point. Again, that is unsustainable. We only need to look at what happened in Port Geographe in Busselton when poor design saw a major infrastructure remediation need to be taken, which was very costly, because seagrass used to bank up at the southern end. That cost several million dollars to address. We do not want the same situation in Mandurah with this proposal. As I said, due process will prevail.

Debate adjourned, pursuant to order.

Sitting suspended from 6.00 to 7.00 pm

**PROTECTION OF INFORMATION (ENTRY REGISTRATION INFORMATION
RELATING TO COVID-19 AND OTHER INFECTIOUS DISEASES) BILL 2021**

Second Reading

Resumed from an earlier stage of the sitting.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [7.00 pm]: I rise on behalf of the opposition to provide a contribution to the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021. Not more than 20 minutes ago, we finished the briefing provided to the opposition on this bill. It is important to put on the record that we learnt of this legislation and another piece of legislation at around 10 o'clock this morning and had to find time to be briefed so the government could bring on this legislation in an urgent fashion.

The matter that we are dealing with is most concerning. I asked a question of the Premier in question time today because we have three things in our arsenal in our fight against COVID should it take hold in Western Australia. The first in the list is our vaccination program; the second is our quarantine program; and the third I suggest is contact tracing. When it was first introduced, the community had many questions about contact tracing: how would the data be collected, how effective would it be, and what does a “close contact” mean? These were all new matters that the community was trying to understand as we put mechanisms in place for the authorities to make sure we could be as safe as possible.

In the initial months, it became evident that should there be an outbreak, it was necessary to be able to follow a person's movements to understand where they had been, who they had come into contact with and whether there was a serious risk and whether we needed to go further into a complete lockdown after a short, sharp lockdown. Right around Australia, that became the number one thing to do in response to any kind of outbreak. Contact tracing relied heavily upon, or was improved by, the fact we had a number of different methodologies for collecting that information. When contact tracing was made mandatory in November, undoubtedly there were concerns in the community about the information being collected and hesitation about where that information was being stored. The opposition supported contact tracing. I diligently check in whenever I am out and about to make sure that I am doing the right thing, because I have made the decision that I actually want someone to call me if there has been a COVID outbreak. I want to make it as easy as possible for those contact tracing teams to pick up the phone and say, “We understand that you were there. You need to go and get tested.” I have no hesitation in using that app. But I understood at the time that the community had concerns about how the data would be used and whether the data would be safe and secure. The Premier and the Minister for Health knew that, too, because they went to great pains to assure everyone that the data would be utilised only for the purposes of contact tracing and that it would be held secure by the Department of Health and the contractors charged with storing that data.

The government did all the things to try to build confidence in the community that contact tracing was something we should all try to adhere to. There was the media statement that I referred to today. The Premier also did a Facebook post. The media statement, “Maintaining contact registers, a requirement to keep WA safe”, from 25 November states —

- Mandatory contact registers an extra safety measure as part of COVID safe principles
- Contact details will be recorded at relevant businesses and premises
- Mandating of registers to take effect from Saturday, December 5
- SafeWA, a free COVID-19 contact register app, now available for download
- Records kept for 28 days and not used for any other purpose

Those are the top five dot points of the media statement. It continues —

Businesses or venues required to keep a contact register include:

- food and licenced venues (restaurants, cafés, bars, pubs, taverns, nightclubs);
- gyms, indoor sporting centres and pools;
- places of worship and funeral parlours;
- beauty and personal care services including hairdressers and barbers;
- galleries and museums;
- cinemas, theatres and other entertainment venues;
- auction houses and real estate inspections;
- community facilities, libraries and halls;
- zoos and amusement parks;
- function centres; and
- accommodation facilities that already have check-in arrangements in place ...

...

Data will be encrypted at the point of capture, stored securely and only be accessible by authorised Department of Health contact tracing personnel, should COVID-19 contact tracing be necessary.

It is quite a lengthy statement. When communicating in times of stress or pressure, you need to be clear and provide concise information. The government anticipated some nervousness in the community in moving to a mandatory registration and it needed to assure people that their data would not be used for anything other than contact tracing. Therefore, it was slightly surprising and concerning to receive news that we were going to deal with this bill today, and that we would be briefed not more than half an hour or 20 minutes before we needed to stand up and make a contribution to it.

When I asked the Premier in the house today whether he believed that the WA Police Force accessing contact tracing data, as was revealed today, would make it more difficult to convince people to continue using the app, it would undermine our ability to collect data in good faith and it was a breach of trust with the Western Australian public, it was concerning that the Premier did not acknowledge that at all. I can neither understand nor believe him, because it will absolutely do that. Although it turns out that the purposes for which the WA police commissioner accessed that data were, of course, completely legal, I think that the Premier should acknowledge that allowing WA police to access that information after making a clear commitment that it would not was a breach of trust of the WA public. It will make it more difficult for us to continue to get people to use that app, and the task of making sure that we are safe in the event of a COVID outbreak just got that little bit more difficult. We have seen that people in some areas are hesitant to access the vaccinations. We do not want to have that hesitancy compounded by people being hesitant to use something that I think will serve a good purpose in keeping us safe should, heaven forbid, we face another outbreak.

I was concerned when the news was released. We asked a number of questions during the briefing. We found out that the Premier had found out in April that this request for information had been granted. That was in April; it is now mid-June. We know from a question answered in Parliament today that on two occasions WA police asked for that information and were granted it. It emerged in our briefing that there have actually been more incidents. There have been seven requests by WA police to access that data. Of the three requests that were granted, two related to the same incident. What was more concerning to me was that the number of requests being made was serious enough that it would appear that the WA Commissioner of Police or the WA Police Force—sorry, I do not know whether it was the WA commissioner, but it was WA police—set up a protocol for asking the Department of Health for that information. A number of requests were made to the Department of Health. As we understand it, those requests could come from any level of police officer, and under the Criminal Code—I am happy to be corrected—if they met a certain threshold of information or seriousness, that information could legally be provided. The Department of Health had no recourse to refuse. Seven requests were made directly to the Department of Health.

It also emerged during the briefing that police officers may well have sought permission from justices of the peace to approach individual businesses in the community to ask them to release their registers. I would think that if a small business person or a business owner was approached by a police officer and asked for that register, they would find it very difficult to say no to the police if they are seeking information to assist in solving a crime. Those instances are unknown. The people who provided the briefing confirmed that there were, indeed, seven requests formally made to the Department of Health, but they acknowledged that they could not provide information on how many requests were made by police officers directly to small businesses because, of course, that information would not be collected by the government. There could have been a large number of other instances.

My criticism and the opposition's criticism is not directed at WA police; they are simply doing their job. My criticism is that the government was very clear about this, because it knew that it was important to gain the trust of the WA public. I cannot understand why it was not known earlier, between December and April, given that I understand there were a multitude of meetings held as part of this emergency management response. I cannot understand why there were no briefings and no information provided to the Premier or the Minister for Health prior to that, or why it took from April to mid-June for us to see any action on this legislation. That seems to me to be a significant period. We would very much like that question to be answered. I asked the officers who were providing the briefing whether they could advise us when the instruction to draft was given. They were not confident that they would not be breaching cabinet-in-confidence, so they took it on notice; again, that is a question we would like answered. We are trying to understand the time line of when these requests were first made; when this became known by the Premier; when the protocol that we understand WA police put together was created and how many times it needed to be used. These are some of the questions we have. Given that the government absolutely would have known that this would cause concern in the community, I think it is relevant to ask why it was kept from the community for that period and why it could not have been remedied before now.

We requested that information during the briefing, which we finished just 20 minutes ago, so it will be interesting to see whether we have access to that information this evening or will have to wait until this goes through to the other house, because we understand that the government's intent is that this legislation will be dealt with tonight; is that correct?

Mr J.R. Quigley: That's the motion. That's what the chamber agreed to.

Ms M.J. DAVIES: Yes. I am just being clear that we may not have access to that information because there is an intent that this legislation goes through this house so that it can be dealt with in the Legislative Council before the winter recess. I would like it on record that the opposition, certainly in this house, may not have access to all the information that we think is pertinent. It may be forthcoming in the Legislative Council.

I think that that time line is important. When were those requests received from WA police? When was that data provided? When did the Department of Health advise the government and the minister and what progressed from there? What was the time line and how quickly was this progressed from being something we need to remedy to going to cabinet, briefing the drafters and getting on with the business of bringing it into the Legislative Assembly? I would also really like to understand the process of how WA police made those applications and who they were going to—at what level were they being received into the Department of Health and from where in the WA police—and were there any other requests?

Another thing that concerned the opposition during the briefing was that we were advised that there has been a decline in compliant behaviour in people registering when they walk into businesses that require them to register. Although I understand it is difficult to get a baseline on those things, Attorney General, because we are operating in a new environment, we were advised that every time there was a scare or another state was perhaps experiencing a COVID outbreak, there was a peak. Everyone became slightly more vigilant and there was a higher level of compliance, so there is a high watermark to compare it to, then it declines again and again. That complacency is concerning because, again, I think the government has placed great importance on our ability to use contact tracing to minimise lockdowns and their impact on our economy and health. I understand that if people do not register electronically but rely on paper registrations, it hinders the people who are carrying out the contact tracing. If people do not use the registration system at all, I think that adds another level of complication. I would think that that decline in compliant behaviour would raise concerns from the government's perspective, and it would be interesting to know how the government is planning to address that, much as people's hesitancy in taking up the vaccination process needs to be addressed. But now, given that we have discovered that that data is being used and probably people's confidence in Western Australia has been somewhat shaken on that front, I would like to know the government's plan beyond this legislation to communicate and encourage people to continue to use the app. We asked a question in the briefing: how will the government educate the public on the changes that will result from this legislation? The point was made in the briefing that some of the penalties are quite high, and I think the Leader of the Liberal Party said that people will not want to be found in breach due to ignorance. I think most people generally want to do the right thing, and particularly those businesses that are required under law to have the register will want to be compliant, but there are some quite hefty penalties within the legislation.

My understanding is that the government will be taking an educational approach, which is heartening, but I would very much like to hear that directly from the Attorney General in his response. The government will not be going out with a big stick and penalising those businesses that might not be adhering to what is laid out in the legislation in the first instance. There is a willingness to work with the Small Business Development Corporation and those industry liaison mechanisms that have been set up to assist in communicating to the various different sectors that will be impacted by the legislation. Those are assurances that we welcome in terms of the government not taking a big-stick approach to applying the penalties contained within the legislation.

I think I have already raised this issue, but, Attorney General, I would like to understand where these matters were raised and when it first became evident that this was occurring. The government said that it has regular meetings with the State Emergency Management Committee about the management of the COVID response and that a raft of other meetings take place on a regular basis. Clearly in his response today, the Premier indicated that he tried to work with the Commissioner of Police on this issue but was unable to resolve it. The inability to resolve it has led us to this legislation today. I would like to understand why and how it took so long to get from the point of the Premier first being made aware of the issue in April to now. I think that is important, certainly from my perspective, because the government was aware of it and knew it would be contentious and now we are dealing with legislation in a manner that is, quite frankly, disliked by all of us in this place, whether they sit on this or the other side of the house. This is not the way to make good legislation. It should not be pushed through.

We had a briefing today and 20 minutes later, we were required to do our job appropriately. I need not draw to the attention of anyone in this place that as an opposition, we do not have enormous resources. We are dealing with two pieces of legislation, both with significant implications for the state, that have been brought on today. We will do our level best as an opposition to ask the questions that we think need to be asked, but we should have been given a bit more time to digest what is in it because it is not quite as simple as the Corruption, Crime and Misconduct Amendment Bill 2021, which contains one clause. The Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 has some detail in it. I do not think anyone would believe that we can go through it in any great detail and understand its implication and, further, understand how we got here. A cynical person would say that if we push it through, there will be fewer opportunities for us to ask how we got to this place and how the Premier and the government breached the trust of the public, and we would simply move on. I do not think that is acceptable. In fact, when we first came to this place, we made a number of points and said that the government, with its significant majority, needed to tread very carefully when flexing its

muscles with legislation like this. It is disappointing that, once again, legislation of this nature is coming through and has taken this long. I would suggest that a number of other pieces of legislation that have been read in and are on the agenda are far less important than this bill, and we are dealing with it in one day. I cannot speak about the processes in the Legislative Council, but I am assuming that the intent is that this bill goes through before the break. I do not think that will be acceptable to the members in the Legislative Council in the opposition at the very least, and probably not those on the crossbenches, but they will have a little more time to digest what the Attorney General says this evening.

I want to go back to a point that was made during the briefing—that we should turn our mind to the issue of the greatest public interest, that we should be using the app. Today, the Premier made comments about what the data is used for. No-one in the opposition is going to argue that solving the committing of a serious crime is not important, but it was the Premier who made a pact with the public of Western Australia. In the press release, the Premier, the Minister for Police and the Minister for Health said quite clearly and unequivocally that the information would not be used for anything else. That was clearly stated so that people did not feel nervous about using the app and providing their personal details in an age in which there is significant concern about the collection of personal data and where it might end up. We are schooled on a regular basis how to keep safe when we provide information to those types of registers. It comes from the government. The government says, “It’s safe; we won’t use it for anything else”, yet five or six months later, we find, unfortunately, that that is not the case. My criticism is not directed in any way at the Western Australia Police Force; they were simply doing their job under the law. The Premier needs to acknowledge that this was not done properly and, as a consequence, it will absolutely undermine the use of the app going forward. I would be very interested to know how the government plans to improve the app and increase its utilisation as we move forward, because the COVID app, the vaccination rollout and our quarantine system are the three most important things in our management of the response to the COVID pandemic.

When we get to consideration in detail, we will ask specific questions about police protocol, when the Premier knew, when the legislation was first briefed, how many of these requests were made and the kind of information that was provided to the government and when. Those things are in the public interest, especially given that the Premier made such unequivocal statements in the announcement of the app that there was no need to be worried about it. I reiterate to the Attorney General and the government that I am not levelling criticism at the police; they have done their job and they have done it within the law. It is time for the government to admit that it got this wrong. We need to move on and the government needs to take very swift action to make sure that there is no further decline in the use of the app because it is so very important.

Of course, the opposition will provide support for the bill, but we will be asking some questions during consideration in detail.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [7.28 pm]: I will make a reasonably brief contribution to the debate on the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021. I certainly echo the Leader of the Opposition’s comments on this matter. It concerns me that, once again, we are in this chamber dealing with a matter with only a short time to do so. As the Leader of the Opposition pointed out, we received a hasty briefing and, as much as we could scrutinise the bill in the briefing, we asked questions. I recognise the good efforts of the ministerial and departmental staff who gave the briefing. They were very helpful and cooperative, but we have not had the time to scrutinise the bill properly, and that is a shame given that it is important legislation. This is a significant bill and clearly it has taken some time to prepare, which begs the question as to how long the government was aware of this and why the community was not informed about it until now. What we saw last year in this Parliament was chaotic, but it was due to COVID. I cannot recall a day when I have come into this new Parliament and considered what was forecast the day before.

We would think this was a government that had just been elected, not a government that has been in power for four years that has ministerial offices staffed with 12 or more ministerial staff plus departmental staff. Every day we see a completely new situation and a new set of bills. As the Leader of the Opposition pointed out, we know that in this Parliament, one difficulty will be proper scrutiny of the government. I exhorted members of the Labor Party on the back bench to be a conscience to their own government and scrutinise legislation. It is very hard for us with the body of work that we have to do. The amount of work of the opposition has not changed in this chamber, but having only six people to do that work puts a burden on us. We are prepared to work hard and we have a good hardworking core left on our side. We will do that, but it makes it hard to scrutinise legislation properly.

We saw the chaotic management of the chamber and 11 bills read into Parliament and then, all of a sudden, when the non-payment of contractors became apparent with the Pindan Group collapse, the Building and Construction Industry (Security of Payment) Bill was urgently read in. We then had to consider urgently that bill in this chamber when that matter had been around for a considerable period. That bill was read into the previous Parliament and not prioritised by the government, but then all of a sudden it is urgent when there is a catastrophe. I think that if we are going to have good scrutiny of legislation in this Parliament, it behoves the government to introduce bills in an orderly manner. I reinforce the point made by the Leader of the Opposition that it is incumbent on the government to explain the detail of the genesis of this bill.

We have been told that there were only two cases. Then, in interrogating officers during the briefing, it was made clear to us that that was two cases with the Department of Health database. In fact, in the election period a lady came up to me at a pre-poll voting centre and said, “Listen; I don’t know whether you are aware, but I am really concerned. The police came to my business and demanded my COVID records because they were investigating a case.” I suspect that is not related to the two cases. They were afraid to come forward formally because they thought it might harm their reputation in some way or there may be some comeback on them, and I suspect a lot of small business people would be in that position. Clearly, in that case, officers approached an individual business. It is not entirely clear whether a warrant was obtained or it was a request of just that business. I suspect that outside the seven applications that we just heard about, there have been many, many cases in which information has been acquired from individual businesses. It was apparent from the briefing that it could be done. There is no straightforward way of collecting the details of how many times the police have accessed information from the COVID database for particular cases.

There is a real consequence to the community. I was reading *The West* online news article on this matter; it was published online at 3.10 this afternoon. Josh Zimmerman and Charlotte Elton authored the article and they made it clear in the article that the Premier became aware of this in at least April, but, of course, this was mandated in December. The article quotes the Attorney General. I assume they have quoted him faithfully. The Attorney General said at his press conference that a wide range of people could access the data—the police, the Corruption and Crime Commission, private citizens making FOI applications, civil litigants and even people who were prosecuting Family Court matters. Maybe those people could have potentially obtained, for example, residential information or phone numbers. Members here would know that in Family Court matters that could be life-threatening for some people or at least certainly threaten people’s mental wellbeing or their comfort.

Mr J.R. Quigley: That’s not the full quote.

Dr D.J. HONEY: I am just paraphrasing. I am always happy for the Attorney General to fill that out. I guess that the point I got out of that article was that we had a bill brought before this Parliament to justify the collection of this data. We were told by the Premier, as the Leader of the Opposition quoted, that it was safe and rock solid, but then we discovered that the legislation seemed to allow almost anyone to access that data—certainly, the ones who fell within that class. As I said, the Attorney General is quoted as saying that private citizens could make FOI applications for that data. It is really concerning that in the way the initial legislation was brought in, there was no review of it and the data could have been exposed to a wide range of people. It has a real impact.

The Leader of the Opposition made this point earlier today: when we have this sort of breach of trust and security, it makes people less likely to use the app. I looked a little further on in that online article, and I think this comment reflects the views of a lot of people out there. I have seen various comments from people who are perhaps conspiracy theorists and others who never had the app in the first place and think they are being tracked, but I think a lot of other people are concerned about the misuse of this data. One of the comments on the online article is from Jason F. He said —

Tag I’m Out, App deleted, How short sighted

I think that exemplifies a lot of people’s concerns. I appreciate that the government has brought in this legislation to close this loophole, if you like, or at least to prevent people in that group I mentioned before from obtaining this sort of data, so that it is used only for the purpose for which it is intended—that is, contact tracing. But I suspect a lot of people are going to say, “Hang on; now I don’t trust this anymore.” We know that contact tracing is at the core of the effective management of COVID. We know that New South Wales has been remarkably successful with contact tracing and that having good data and everyone participating in the scheme is critical if our community is going to be kept safe from COVID. Despite the vaccine rollout and the like, we could have a serious outbreak here and, if that is the case, we would rely on this information.

I want to go through a few points in the bill to get clarity. We had feedback from the officers in the briefing, but I would like the Attorney General to confirm that. I refer to clause 3, “Terms used”. Paragraph (b) under “entry registration information” refers to the difference between information that is recorded only for the purposes of COVID and information that is recorded in the normal course of events, such as a gymnasium where people go in and they tag in every day. It makes it clear that that information would still be available to the police. One of the things I have noted in a number of establishments is that people have extended the use of the existing system. They may have a log-in system for contractors, but they have extended that system to all visitors. The question I asked was whether the information collected using a standard system that exists normally would be available. I was reassured that that information would not fall into the definition of information that was collected in the ordinary course of business and, therefore, that information would not be collected. It did not occur to me at the time, but if we think about that sort of information, that register would include information that a business has to retain and information that it does not have to retain or is legally obliged to destroy. I think that could be a complication, particularly for smaller businesses that use paper-based systems. I am not seeking to confound this matter, but I think that is a risk.

I will go through this in pretty short order. When we look at the storage of entry registration records, we see that the penalties are extremely stiff. We were reassured in the briefing that the officers carrying out the inspections are

reasonable people and will not belt people over the head, but we should recognise that we can only suppose that. We do not know what will happen in individual circumstances. An officer may take a particularly harsh line and someone may end up in front of a magistrate who also takes a particularly harsh line. A penalty of 12 months' imprisonment and a fine of \$20 000 is certainly very stiff. That reinforces that this Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 should be very clear, and that people need to understand the requirements very clearly.

We heard, as was commented on again by the Leader of the Opposition, that there has been a significant decline in the use of the SafeWA app. As I have already stated and given the reference to *The West's* online article, I suspect there will be more not less hesitancy around the app because of this legislation, not because it is not adequate legislation but because it will raise concern in people's minds. If I recall the figures correctly, at something like the peak of people's concerns about COVID, there were around two million registrations on the app a day and now it is sitting at around 500 000. I am happy to be corrected on those numbers, but that is what I recorded.

Although it does not relate to the bill, I think this is a very important point about the collection of information. I am sure that the Western Australian app is very good in the way it records data. It is certainly very easy to use and it is very easy to add another person onto our registration when going into a place. I like all those things, but the app reader is a very poor reader. When I do the household shopping every weekend, I shop in the Claremont Quarter. Most people who go into the two supermarkets put up the app. A fair number of people walk straight through and ignore it, I will say, but a good number of people want to do the right thing. As a member of Parliament, I make sure that I do the right thing. I sometimes have to be there for a minute or more waving the app around, up and down and backwards and forwards before it eventually works. However, pretty well everyone who comes into those supermarkets has exactly the same experience. I will say that the majority of them give up and walk in.

When I went to Canberra for a conference a couple of weeks ago, I was pleasantly surprised because every single time I used that app on the QR code it worked instantly. I think there is a technical problem with our app. I was originally blaming my cheap phone that I was forced to purchase, being an impecunious member of Parliament, but I discovered that it is this app. I am sure in many ways, with the storage of data and all those things, it may work fine, but it does not read properly. In fact, I have observed in many establishments that because it does not read the QR code easily or for the first time, people give up. I observe that regularly, particularly when I am at the supermarket, and that discourages people. It is imperative that the app work well and the collection of this information is imperative. As I say, I fear that people will be deterred because of what has happened.

I asked about the initial storage period, and I thought 28 days sounded a little short, but we were reassured. In fact, the person in charge of contact tracing was in the briefing and they said that they were comforted that 28 days gave them enough time to utilise the data or request an extension of time for that data to be maintained. I take it that person is the expert in that, so if they are happy, I guess I should be happy as well.

At the briefing, given the potential severity of the penalties, I expressed concern that businesses might not know about this. Although we were told that officers would apply discretion, I think we should always be cognisant that the maximum penalty is there for a reason and it can be applied. How will people know about these requirements? We were informed that the Small Business Development Corporation would work with small businesses.

[Member's time extended.]

Dr D.J. HONEY: We were told that industry associations would also help with the rollout. The Australian Hotels Association in particular has been outstanding in the way it has helped its members work their way through the COVID restrictions, lockdowns and all those things. I guess I am more concerned about the small mum-and-dad businesses that are not members of associations and the like. How will they know about this? I hope the government will embark upon a thorough advertising process to ensure that all small businesses will be aware of this legislation. With that, I will sit down. Thank you.

MR J.R. QUIGLEY (Butler — Attorney General) [7.46 pm] — in reply: I would like to briefly reply to the second reading contributions of honourable members because I know they will want to ask some questions in consideration in detail. I am also mindful of the resolution of this chamber that all remaining questions will be put by 9.15 pm, so I do not want to take up too much time.

I also want to be moderate in my criticism of the contributions to the debate on the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 thus far. I do not know how many Western Australians are following us this evening on the internet—I dare say that on a cold night like tonight, relatively few—to hear our remarks, but we are at a unique point in the fight against COVID with this development. It is recognised by the Leader of the Opposition and the member for Cottesloe that contact tracing is a very important part of containing any outbreak of the pandemic in Western Australia. Of course, if the virus enters Western Australia, particularly the Delta variant, which we are told is a beast that is 100 per cent more transmissible, it will affect all our constituents in the country, in the cities or anywhere anyone travels. We have seen that in the eastern states with the couple who broke from lockdown in Melbourne and travelled through country New South Wales up the northern coast, I think, into Queensland.

So far, members' contributions have been directed at criticism of the government for not getting on top of this problem earlier or they have asked: when did the government first know; who knew what when; and why has it taken this long? I can give the short answers to that. The Premier said he first found out in April. I am not part of the State Emergency Management Committee, so I did not find out personally until sometime after that when a staff member came to me with a briefing note from the State Solicitor informing that Health had sought advice from the State Solicitor about notices that had been served upon Health to produce. I was asked earlier today at a press conference what I said when I was told about this. I responded exactly as I did in my office, "I need a cup of tea!" This is a serious situation and we have to think this through.

When this was mandated by the State Emergency Coordinator, who happens to be the Commissioner of Police, the government undertook that none of this information would be released other than according to law. That assurance was given to the public. The commissioner and others said at the time that this would be used only for contact tracing. When the information was first given to me, I asked what other legal avenue, besides the police using the Criminal Investigation Act, could there be. Of course, when we sit down and think about it, a whole raft of avenues are available. The member for Cottesloe referred to my media statement earlier today. There could be a subpoena, although there has not been one. There could be an application under the Freedom of Information Act or a notice to produce by the Corruption and Crime Commission. None of this has happened, and if those applications had been made, the government would have vigorously opposed them.

The reason for the time lag between when the Premier first knew, which was well in advance of me knowing, and the matter coming to me and, ultimately, to the cabinet as draft legislation was that the Premier, quite rightly, entered into discussions with the Commissioner of Police to see whether the commissioner could issue a directive to all officers not to do this. As the Commissioner of Police explained, each constable holds a separate independent office. They are not employees; they are sworn officeholders of the office of constable of police and, as such, have their own statutory authority and can make applications under the Criminal Investigation Act. As these discussions unfolded, it became apparent that a legislative measure would have to be introduced, because if the information could be provided according to law, there needed to be a change in the law.

I am not on bended knee; I am not pleading with nor am I challenging the opposition, but I am saying that this is one of those times in this Parliament's history when we should unite. I am not trying to avoid scrutiny of the government's actions in any manner. That is an opposition's task. The opposition leader asked me what I can do to assure the community going forward. I invite the Leader of the Opposition, the member for Cottesloe and other members of the opposition and its alliance, to join with the government to reassure the community that this legislation will keep sacrosanct that information. That is up to the opposition. No doubt tomorrow morning talkback radio will reach out to either me or members of the opposition for comment on this. The opposition has two choices. The first is that it can get stuck into the government and criticise the government for what has happened—that is, there have been two disseminations of information—or it cannot go to the default position of an opposition but say that opposition members have sat in Parliament, and although it was short notice, they have been briefed and as far as they can see, because they have supported this legislation, this bill's passage through the Assembly tonight will ring-fence that information. We will build a steel fence around that information and it will not be further disseminated. When the opposition asks the government what we are doing to reassure the public, I throw the challenge back to the opposition: what is the opposition doing to join us in reassuring the public? It is all about constituents being at risk if the pandemic comes here. This is not a matter of party ideology. I accept that when electoral reform eventually comes before the Parliament, there will be a clash of ideals; however, this is not one of those occasions. This is not a matter of ideology; this is a matter of the health and safety of all our constituents. When we go into consideration in detail, I hope it will not be, as has been hinted at least, questions of who knew what, when and why, but, rather, questions directed at the clauses of the legislation to test their sufficiency at protecting the opposition's constituency from the pandemic.

Tomorrow morning, when approached by the media, I implore the opposition, the member for Cottesloe, the Leader of the Opposition and other members opposite, to seek to reassure the public that as far as they have been able to scrutinise the bill in the short time available that their constituents' data, when they check in at the Merredin or the Northam supermarkets, will be protected and held sacrosanct by the Department of Health. They will be able to say that this bill that the government has brought before the Parliament achieves that, as far as they can determine after the briefing. In the briefing, the opposition learnt that there have been seven applications. I said there have been two occasions upon which information has been disseminated. Sure, there have been more applications, but those applications were not satisfied by the dissemination of information, so the public should not be misled into thinking that there was greater leakage or greater dissemination of information than these two particular cases. The opposition will be able to say that they have seen the clause in the bill that says that even if this information was hacked, it will not be admissible in any court of law. The opposition will be able to say that it has seen the clause which says that if any venue or business holder disseminates that information, they are liable to a \$25 000 fine and 12 months' imprisonment, and that it has seen the clause that says if it is a corporation like Coles or similar that has disseminated the information, officers of the business, who knew or should have known, are up for a \$250 000 fine and two years' imprisonment.

I throw out the gentle challenge to the opposition to join with the government in reassuring the community that in the time available, as far as they are able to determine from this bill, their constituents' information will be protected going forward. It is quite another thing to spend time here this evening to attack the government. I am not trying to avoid scrutiny. I have gone out to a press conference that went for an hour. I answered every question the media put to me, and I am happy to do the same tonight with members. But where is the profit in that? The opposition should be going to clauses of the bill and asking whether those clauses are sufficient to protect their constituents.

The member for Cottesloe made the comment that he was approached at a polling booth by someone who said that he was approached by the police to give them their whereabouts. He did not say that it was a business and he did not say that it was a venue, and he has never raised it before in Parliament as a concern. I join with the Leader of the Opposition and share her concern about community confidence, but we can join together to build that community trust, not to let the government off the hook. That is not the issue here. The issue is the protection of our constituents going forward, and that is best protected if the community has trust in this application.

Mr R.S. Love: You failed to do it. You failed to protect their information. You brought the original bill in here. It didn't protect their information.

Mr J.R. QUIGLEY: The member for Moore can go out and do this and further try to undermine community confidence. Several members interjected.

The ACTING SPEAKER: Minister for Finance! Member for Moore! The Attorney General has the call.

Mr J.R. QUIGLEY: This discourse is sad.

Mr R.S. Love: Don't try to attribute to us particular motivations that are actually inaccurate.

The ACTING SPEAKER: Member for Moore, the Attorney General has the call and I will hear from the Attorney General in silence to finish the second reading debate.

Mr J.R. QUIGLEY: In answer to the interjection, as the Leader of the Opposition knows, I have not tried to attribute to the opposition any slump in confidence in this application. I have appealed to the opposition to join with the government and —

Mr R.S. Love: That is directly what you said.

The ACTING SPEAKER: I call the member for Moore to order for the first time.

Mr J.R. QUIGLEY: As the Leader of the Opposition knows—she is not interjecting—at no time have I said —

Mr R.S. Love: But I'm a member of Parliament and I can interject if I wish.

The ACTING SPEAKER: I call the member for Moore to order for the second time.

Mr J.R. QUIGLEY: At no time have I said, and nor will the Leader of the Opposition accuse me of saying, that the opposition has been involved in the undermining of confidence in this application. What I have said is that the opposition has two choices with the media tomorrow: criticise the government, which will have the result of undermining it going forward, or join with the government and say that this legislation —

Mr R.S. Love interjected.

The ACTING SPEAKER: Member for Moore, you are on about two-and-a-half calls at the moment. I will hear from the Attorney General, thank you. The Attorney General has the call. There will be no debate entered into.

Mr J.R. QUIGLEY: It can join with the government. I will be interested to hear what the member for Moore concentrates on during consideration in detail, and whether it is to ensure that this bill delivers for his constituents in Moore and he is prepared to help build confidence in the application for his constituents in Moore, because if contact tracing is compromised by a slump in community confidence and he does not help in a positive way to shore up public confidence, he will bear responsibility.

Point of Order

Mr R.S. LOVE: Acting Speaker, if I am going to be called to order for interjecting, surely you must also protect me from deliberate attack from the Attorney General when I am doing nothing except sitting here.

The ACTING SPEAKER (Mr D.A.E. Scaife): I have heard from the member for Moore. There is no point of order, but I do encourage the Attorney General to conclude his remarks.

Debate Resumed

Mr J.R. QUIGLEY: I would have more to say in this regard, but I want to give members of the opposition, in view of the chamber's resolution earlier today, sufficient time this evening during consideration in detail to satisfy itself clause by clause that this bill will deliver what they and their constituents want. I suggest that what their constituents want at this point in time is reassurance that this bill will deliver security for the information supplied under the SafeWA app and, as the legislation refers to, in entry registration, because it can be in hard copy.

I do not shy away from the task that is before me at the ministerial table this evening. I hope not to avoid questioning about what happened in April, but to ensure what the public expects of this Parliament, of us combined—that is, to deliver legislation that will shore up confidence in the application, not for the benefit of Labor or the opposition, but for the benefit of the public, for heaven’s sake. That is what the task should be about this evening. I shall resume my seat with that request of the opposition; whether it will be accepted, I do not know.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Ms M.J. DAVIES: I thank the Attorney General for his response to the second reading debate. I understand very clearly the point that he was trying to make, but I also think it is incumbent on the opposition to try to understand how we have arrived at this situation. Although we will do our best, the cut-off time is 9.15 pm, so I think the Attorney General’s call for us to walk out of here with the confidence to assure our constituents that this piece of legislation will actually do as it says is optimistic. When we had the briefing not less than an hour ago, there were, at my count, probably eight advisers in the room who have no doubt been working with the government for some time—at least since April—and we have had an hour and a half to think about this with no access to any kind of legal counsel. I want to be very clear about this. The government has the numbers in this house and the other house. It has the opportunity to make sure that it gets this right this time around.

For the record, I was asked today whether I would continue using the app and my answer was yes, but I think it is important that we understand how we got here. Rather than indignant responses from the Premier and the Attorney General imploring that we focus on the detail of the bill, which we will get to, we would like to understand how it got to this point and why it took this long to get here. A number of undertakings were provided during the briefing on this bill to help us understand how we arrived at this position, including the number of requests that were made by the police to the Department of Health, an understanding of what type of protocol was put in place, when this issue was first brought to the attention of the government and what the time line was for when it was first brought to the government’s attention to when the Attorney General came to a position to be asking for legislation to be drafted. I raised all these issues during the second reading debate. I understand that there was probably not time to provide answers to the questions that were asked during the briefing and I assume that if they are not provided here, they will be provided in due course at some point during the debate in the other house, but it would be good to have some enlightenment on these issues as we move into the detail of the bill, to understand how we remedy the situation that has arisen.

Mr J.R. QUIGLEY: I just move that clause 1 be accepted as the short title of the bill.

Dr D.J. HONEY: I share similar concerns as the Leader of the Opposition on this matter. The Attorney General has been deliberately offensive to members on this side. He does this periodically. He was deliberately offensive to the member for Moore. I believe he was deliberately offensive to me in his reply to the second reading debate. We have approached this good-naturedly.

Mr P. Papalia interjected.

Dr D.J. HONEY: We have approached this, Minister for Police, with concern that we will not have time to scrutinise this bill properly. We have done that with good intentions and I reinforce the questions of the Leader of the Opposition. One of the things that we were concerned about with this government was that we would see hubris and arrogance coming into this chamber. I believe we are seeing exactly that now. The Attorney General refused to answer an extraordinarily reasonable request for information from the Leader of the Opposition. There is this ridiculous contention that somehow it is our job to sell this legislation because the government failed to put in place proper checks and balances in the first bill. I ask whether the Attorney General will be able to provide that other information that the Leader of the Opposition has asked for. They are very reasonable requests and we have approached this whole debate and this whole matter in a very reasonable way.

The ACTING SPEAKER: The question is that clause 1 stand as printed.

Dr D.J. HONEY: I want it noted in *Hansard* that the Attorney General is simply refusing to answer the question. We are about to see worse tomorrow, but what we are seeing here is the worst behaviour I have seen in the chamber and, I suspect, that the Leader of the Opposition has seen in this chamber. What a disgrace!

Mr J.R. QUIGLEY: Madam Acting Speaker, we are debating the short title of the bill, “Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021”. There has been no comment made in relation to the short title. I have no further comment.

Dr D.J. HONEY: I have been in this chamber for only a short time, but I can say that for every bill I have debated in this chamber, which is a considerable number, this has been the opportunity to ask questions of a general nature.

I can say that every other minister that I, or my colleagues, have ever asked these questions of a general nature to has had the common decency and courtesy to answer them. I believe it is not unreasonable for the Attorney General to answer the questions that were put to him. They were very simple, reasonable questions and the short title debate is the appropriate time to ask questions of a general nature.

Mr J.R. QUIGLEY: I have no further comment in relation to the short title of the bill.

Ms M.J. DAVIES: Attorney General, this is quite extraordinary. It is not unreasonable for us to ask questions that we asked during the briefing and were given an undertaking that we would be provided information on. We are now going to consider the detail of the bill without access to that information. I do not think it is unreasonable that we understand how it is that we arrived in this situation. I can rephrase and break down the questions if it makes it easier. We requested a time line for when the requests from the police were first made. What was put in place and how was it dealt with from that point forward in the government's response? At what point did the government seek to take action to have a piece of legislation drafted to respond to this? A number of questions were raised in the briefing. I am not sure why we would have been provided the briefing and given an undertaking if we cannot actually have access to that information. To me, that is not transparency and I think that the people of Western Australia expect, at the very least when something like this happens, that we understand how it happened and why we are now debating a piece of legislation that has been rushed into this chamber, which the government has had some time to consider. The government has had plenty of advice on how to deal with this, so it is extraordinary to me that the Attorney General cannot answer these questions and that they could not be answered during the briefing that we had not less than an hour ago.

Mr J.R. QUIGLEY: I have no further comment to make on the short title of the bill.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Terms used —

Ms M.J. DAVIES: Under clause 3, "Terms used", can the Attorney General explain the term "entry registration information" and how it applies? My understanding from the briefing is that this is a delineation as to whether —

Mr J.R. Quigley: Thank you, Leader of the Opposition.

Ms M.J. DAVIES: The Attorney General does not need any further information; righty-ho, I will not ask a question.

Mr J.R. QUIGLEY: Thank you. We are now getting down to the business of the bill. The term "entry registration information" means relevant information about the presence of persons at a place, obtained, on the occasion of their entry to the place, for the purposes of contact tracing in relation to an infectious disease emergency by the use of the mobile application known as SafeWA, or by some other contact tracing register or system, whether or not obtained under the Emergency Management Act 2005 or under the Public Health Act. This means, for example, that the relevant information provided by individuals upon their attendance or entry at a place, because they are required to provide this under a direction issued by the State Emergency Coordinator for the purposes of contact tracing, is entry registration information. Likewise, when individuals are not obliged to provide relevant information but voluntarily provide relevant information upon entry or attendance, this will also be entry registration information. Voluntary provision of relevant information for contact tracing purposes would occur, for example, when a business or private venue has a policy of requesting relevant information for contact tracing.

Entry registration information does not include information obtained in the ordinary course of carrying on a business or undertaking if the information would have been attained even if not for the purposes of contact tracing. This means that when a business or workplace possesses records of attendance—for example, airline manifests; workplace swipe cards, as used in Dumas House or here in Parliament; or booking records for health services—and these records are subsequently provided for contact tracing purposes, these ordinary business records are not entry registration records. Entry registration information does not include statistical or summary information. Statistical or summary information is de-identified information. This means that the relevant information, such as an individual's name, phone number or address, and the name and contact details of persons accompanying an individual, is removed to derive statistical or summary information. The term "entry registration record" means any record of entry registration information, including a record in the form of data, text, images or sound. Images or sound have been included in the definition of "entry registration record" in case any future contact registration methods—not the ones currently used—employ the use of images or sound for the registration of relevant information.

Dr D.J. HONEY: At line 17 on page 3, under "entry registration information", paragraph (b) defines that information collected in the ordinary course of business is not subject to this legislation. In my contribution to the second reading debate, I gave the example of a number of establishments that I have been to—I have been to a good number of them—that record contractor details when they come into a location. Those establishments have now extended that to a general registration for all people who come on site as part of their requirements for contact tracing registration. I was told by the Attorney General's officers that those records would not be defined as information collected in

the ordinary course of business. Can the Attorney General confirm that that would be the case? The other practical part of that is, in most cases, that information is collected in a booklet or some form of paperwork, so it is a mixture of contractor information and other visitor information. What is the expectation around destroying that information? It would seem that the only way that could be done would be for a proprietor to go through with a thick pen or to have some other way to determine whether the information collected was for contact tracing or for a contractor coming on site.

Mr J.R. QUIGLEY: Each case and each entry will depend upon its facts. If the information is being collected for the purposes of contact tracing, it will be defined as entry registration information and it will be captured and protected by this legislation. If, however, it is entry information in the normal course of business, it will not be captured by this legislation.

I can refer only to my life's experience. A swipe card that I regularly use, three or four times a week, is for the Marmion Angling and Aquatic Club. It has a membership swipe card and it also has a QR code. When I enter with my swipe card, that is not entry registration information because it is in the normal course of business of that club that I have to swipe to enter. That information is not being collected for the purposes of contact tracing. A QR code is also on the glass door and I am required to scan the QR code. That information is being collected for contact tracing. If the WA Police Force or any other authority or subpoena wishes to make a request or a demand of the Marmion Angling and Aquatic Club, that information transmitted to the club by my swipe card to open the door will be available under the Criminal Investigation Act or civil subpoena, but the information from scanning the QR code will not be available because that will be entry registration information. The difference is that when I open the door with the swipe card, I can take visitors in and I do not have to notify the club of all those visitors. I just swipe the card and open the door. However, when I do the QR code scanning, I have to either add another person or have that person separately scan themselves in, all of which is entry registration information and will be protected. If a tradesperson wants to come onto the premises, the club might want to record which tradesperson is coming onto the premises. That is not for contact tracing. But if it is for contact tracing, and if it is for compliance with the emergency management order issued by the State Emergency Coordinator, it is protected by this legislation as entry registration information.

It is probably the same when the member goes down to the Weld Club. I have never been in the Weld Club myself. But when the member goes to the Weld Club, he probably has to register his entry. There is probably also a QR code. But when a member enters the Weld Club, their entry is not entry registration information but scanning the QR code is. There is a difference and that is the best that I can explain it. Each case will turn upon the purpose for which the information was gathered.

Dr D.J. HONEY: I understand the difference between the examples that the Attorney General gave, but that was not the question that I asked. I am not trying to make an obscure point. Trades-type businesses have a system in which they collect information on contractors coming into their location and they have extended that to be a general register that they use to capture the information for contact tracing. Those registers are physical. It has the information of contractors that come on site, which is what is collected in the ordinary course of business, but it also has information that is being collected from visitors only because the business is now required to collect that additional detail, that additional information, for the purposes of contact tracing. What I am trying to elicit from the Attorney General is how that will be dealt with.

Mr J.R. Quigley: I can give you the short answer.

Dr D.J. HONEY: As the Attorney General knows, when we are interrogating legislation, the intent is usually pretty straightforward and agreed by both sides. The difficulty we have is at the edges, but people can get into trouble and people's lives can be made a misery because of that, and we want to avoid that. I would appreciate an answer. Perhaps, if it were difficult for a business to separate that data, if it then stored that data, would that fit within the definition of "as soon as reasonably possible", as it may not be reasonably possible for the business to remove that data from the other data that it safely stores?

Mr J.R. QUIGLEY: It will be the business's legal obligation to do so because, in the example cited, it has extended the requirement for registration upon entry for contact tracing. That is what the member specified in his question. The business used to collect this data simply to record who was coming onto the premises; now it has extended it for the purpose of compliance with the mandated emergency management order. Therefore, it is entry registration information. The business will be required to keep the data for 28 days and required to destroy it as soon as reasonably practicable thereafter.

Dr D.J. HONEY: I thank the Attorney General. During the campaign period, I went to locations I do not commonly go to—certainly not the esteemed exclusive fishing club that the Attorney General referred to—and I observed that a number of those businesses, particularly engineering businesses and the like, had indeed done that. They are required to keep their contractor information because that is part of their other essential record keeping, but it would seem that those organisations would need to, in fact, implement two separate systems, if this is not going to be onerous.

Mr J.R. QUIGLEY: That is up to the business. If it is collecting information for the purposes of contact tracing, once this bill commences operation, it will have a legal obligation to keep the information that it is required to keep and that people are mandated to provide upon entry to those venues. The task before both the opposition and the government is to ensure that this provision means that that information is kept secure for 28 days and is destroyed thereafter.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Relationship of this Act to other written laws —

Ms M.J. DAVIES: I understand this is one of the key clauses in the bill on how the act will interact with the Freedom of Information Act and the State Records Act, which relates to the disposal of records. Could the Attorney General perhaps provide some greater detail to the chamber on how this interacts with those particular pieces of legislation, and why it is important that that is included in the legislation?

Mr J.R. QUIGLEY: I welcome the question from the Leader of the Opposition and I welcome this interrogation of the bill. I welcome it because it is important for the public to understand, and it is an important question that the Leader of the Opposition asks.

Both the Freedom of Information Act and the State Records Act relate to access to and retention and destruction of information or records, and their effects are inconsistent with the policy objectives of this bill, which is to protect personal information provided by an individual for the purposes of contact tracing and related purposes and provide for the destruction of records. As the Leader of the Opposition knows, the State Records Act requires information to be retained. This legislation will override the Freedom of Information Act and the State Records Act. The explanatory memorandum states —

Clause 5(1) makes it clear that access under the FOI Act and retention under the SR Act is overridden by the provisions of this Bill.

An example of a provision where an Act has effect despite the FOI Act is section 585 of the *Mental Health Act 2014*.

Clause 5(2) provides that to the extent that there is an inconsistency between a provision of this Bill and a provision of the *Criminal Investigation Act 2006*, the *Emergency Management Act 2005*, the *Public Health Act 2016* or any other written law, the provision of this Bill prevails. This means that these Acts will continue to apply and be read together with the provisions of the Bill except where there is any inconsistency.

An example of the approach taken to the relationship with other written laws in this Bill, that is, where an Act has effect despite the FOI Act and where the Act also prevails despite inconsistency with other written laws, is section 5 of the *Health Services (Quality Improvement) Act 1994*.

This legislation will override all the other provisions in written law in Western Australia concerning access to information. When the information falls within the category that we have already discussed when we were debating clause 3—that is, when the information is entry registration information—then this legislation will override all other written law so that that information is kept secure and sacrosanct.

Ms M.J. DAVIES: Thank you, Attorney General. Just so I am very clear, this is really the crux of the legislation in trying to remedy the fact that the police have been able to access this information. This is the clause that will prevent the police from accessing the information that they are currently able to access; am I correct in saying that?

Mr J.R. QUIGLEY: Without criticism, partially. Yes, and the next clause, clause 6, which is what the information can be used for. When we read clauses 5 and 6 together, that is what I would call the crux of the bill. Clause 5 overrides all other laws for access to entry registration information, and clause 6, which we will discuss in a moment, deals with what the information can be used for. There is also another proposed section in the legislation that will prohibit its admission into evidence in any proceeding, but clauses 5 and 6 together could be fairly described as the crux. I was not trying to diminish the Leader of the Opposition's question in any way, but I would not say that clause 5 on its own is the crux.

Ms M.J. Davies: I'm not a lawyer; I'm here to take advice.

Mr J.R. QUIGLEY: No, and I am not here to argue an ideological point. I was just trying to make it clear that I would regard clauses 5 and 6 read together as the crux of the legislation, as the Leader of the Opposition framed it. We will interrogate clause 6; it is very important.

Clause put and passed.

Clause 6: Protection of entry registration information —

Ms M.J. DAVIES: The Attorney General foreshadowed that clauses 5 and 6 together will essentially, to my understanding, remedy the issue that has resulted in us arriving here today; that is, the Western Australia Police Force

lawfully accessing information collected as part of the SafeWA COVID app. We understand that a number of requests have been made, seven at least, directly to the Department of Health, but only three reached a sufficient level of—I do not know what the right word is—relevance or threshold that allowed information to be shared with them.

Mr J.R. Quigley: In relation to two cases.

Ms M.J. DAVIES: Two cases; I understand. I did say that in my second reading contribution. The briefing was very clear on that. Seven requests have been made to the Department of Health. I do not understand whether they were all made by the same officers or whether they came from different parts of the department and whether or not at that stage the protocol was in place with Western Australia police. I am trying to understand, essentially, how we got to that point without flags being raised earlier. Perhaps the Attorney General can explain to us now how clauses 5 and 6 work together to prevent the further sharing of that information.

Mr J.R. QUIGLEY: Certainly. Of course, clause 6 deals with the problem that the government is confronted with; that is, the lawful way for police to access entry registration information. When we talk about there being a protocol, it was a protocol put forward by the police, not by government, and it did not provide a solution that the government would accept or was comfortable with in any way. This was part of the delay, with the police saying, “We’ll do this” and that is why the other five applications were never dealt with. We were going to stand them up; and, if warrants were issued, we would have challenged them on behalf of the community. But that was not going to deal with the problem overall so there was a period when requests were coming in but they were not being complied with. The protocol that was put forward by the police was not an acceptable solution for the government, and that protocol involved going to higher officers or a superintendent and the superintendent authorising the officer to make the application under the Criminal Investigation Act 2006 to triage any small requests and only have the information for certain cases. That was not acceptable to the government on behalf of the community. This information is information that people are not just voluntarily writing in and giving; this information is information that citizens are required to provide by law and a penalty is applied if they do not provide it. That sort of information that is taken from a citizen under mandated law has to be held sacrosanct. We did not accept the solution put forward by way of a protocol. It was not acceptable. I cannot imagine that it would be acceptable to the Leader of the Opposition, the member for Cottesloe or the member for Moore, for the police to have an internal protocol. Clause 6 was drafted to have wide prohibition on the use of the information. It can be used only in accordance with the provisions laid out in clause 6(1) to (6).

Ms M.J. DAVIES: My next question goes to something that the Attorney General raised in his response. Perhaps the Attorney General can shed some light on this and perhaps he cannot. This is simply an observation of mine. The Commissioner of Police is in charge of the response to the COVID-19 pandemic; he is the officer in charge.

Mr J.R. Quigley: He is the State Emergency Coordinator.

Ms M.J. DAVIES: Correct. Sorry, that was the wrong language, but the Attorney General knew where I was going. It is an interesting challenge for the Commissioner of Police to be in charge of the emergency response coordination, building people’s confidence in using the app and acquitting his role as police commissioner. I imagine there was quite a conflict about that proposal. There was clearly a difference of opinion between the Premier and the Western Australian Commissioner of Police on this front. We have made it clear that we understand that the Commissioner of Police was acting well within the law, but the police commissioner is also responsible, as part of the government’s response, for building confidence in our processes and protocols. Has the government considered whether, in the longer term, the Commissioner of Police should continue in the role of State Emergency Coordinator? It is a genuine question. I know there was debate earlier on about whether or not such a role should come under the purview of public health or the Emergency Management Act 2005. We have now come across a problem. We are not right in the middle of the emergency as such, like we were in the very early days. Does the Attorney General envisage that other issues might come up as a result of conflicts between the way the police commissioner acquits his role in policing and his role in building community confidence? The Premier, the Department of Health and everyone else have no doubt set out to build people’s confidence to continue to use this type of app. Whether or not this has happened inadvertently, we find ourselves now debating legislation at short notice to deal with the problem. Perhaps it comes back to whether we need to consider whether that role is the correct one going forward. Has the government contemplated this at any point?

Mr J.R. QUIGLEY: I thank the Leader of the Opposition for the question. I will start with the end of my answer and go backwards. There is no conflict of interest with the State Emergency Coordinator being the Commissioner of Police; in fact, the emergency management framework in a number of jurisdictions assigns responsibility of the state emergency coordinator or similar roles to the Commissioner of Police or other police force personnel. In this particular case, it was pursuant to, from memory, section 56 of the Emergency Management Act 2005 that the police commissioner had the authority to make directions. As the Premier said, this was an evolving situation. At the time the direction was made, it was a direction that information was mandated to be collected and would be used only in accordance with the law that it was given for contact tracing. Subsequently, some investigator has come up with the Criminal Investigation Act 2006; “Whoa; there’s another law that is now being used.” I do not think it was the Commissioner of Police sitting behind his desk who did this. As reported in today’s *The West Australian* online—

I did not release the information—it first came to consideration during the Perth Motorplex assassination case during which some investigator used all efforts and every avenue of inquiry to come up with this, which is within the law under the Criminal Investigation Act. Someone asked me during the press conference whether passing this law and not allowing the police to access information will impede future investigations like that. We took advice and looked at it all on balance. At the end of the day, the SafeWA app only locates a person. It does not tell us what they were doing, like CCTV cameras can. People can be located through the triangulation of a phone. It is extremely unlikely that a person going about the business of an assassination would first of all check themselves in with a QR code going in the gate.

Mr R.S. Love: They do not want to break the law.

Mr J.R. QUIGLEY: They do not want to break the law, and then go in and shoot someone dead?

Mr R.S. Love: Apparently not. Otherwise, why would the police commissioner seek to use that information?

Mr J.R. QUIGLEY: I take that as a hypothetical question. If the police wanted to locate me now, they could do so in a flash by triangulating my mobile phone, which is sitting over there on the chair, just the same as they could locate the member.

On the question of the balancing of public interests—are we impeding police investigations or are we protecting the public?—we do not believe that we are impeding police investigations. The Commissioner of Police has not raised an objection to this legislation and has not asked the government to stop proceeding with this legislation. At all times, the Commissioner of Police has said, to his credit, that the police will operate in accordance with the written law, and this will be written law once it passes this chamber and the other place. We hope that tomorrow the opposition will be able to say, “Well, after reading clauses 5 and 6 of the legislation, as far as we can determine, the public’s information will be protected and used in a very, very limited circumstance as set out in clause 6”, which we are currently considering.

Ms M.J. DAVIES: My question then becomes: have other jurisdictions come across this issue? Various apps have been introduced. I know that the Leader of the Liberal Party talked about one in Canberra. I understand that there is different legislation in different jurisdictions, but we have at all times been told by the government that it is taking learnings from other jurisdictions. I wonder whether this issue has been raised and how it has been remedied; whether other jurisdictions have the Commissioner of Police in charge or whether the Public Health Act is being used; and whether this needs to be revisited.

Mr J.R. QUIGLEY: I thank the Leader of the Opposition for the question. There are differences between the jurisdictions. Some jurisdictions already have privacy legislation and a privacy commissioner, which goes some way to addressing the problem of entry registration information. The commonwealth privacy legislation legislated some of the provisions that we have now included here, and we looked at that when we drafted this bill. But the situation applies only to the commonwealth app, and the commonwealth app does not work properly anyway. Our SafeWA app seems to be the most effective contact tracing app in the nation. Some other states have tried to protect the information by directions given by the emergency management coordinator, but none of them go as far as this legislation in protecting the information. Other jurisdictions could learn off us. But, as I said, it is hard to compare because in some other jurisdictions there is general privacy legislation, which we do not yet have, with a privacy commissioner.

Ms M.J. DAVIES: We have been told the legislation has been complex to draft. When this became a known issue, could the Commissioner of Police have issued a direction that would have sent a clear message to the police to get the same effect in the intervening period before the legislation was introduced, to shore up the confidence of the public that the information was not being used inappropriately?

Mr J.R. QUIGLEY: I understand the question and that is the very question that I asked myself, and it has been part of the delay in this process, but the Commissioner of Police took this stand. I believe yes, but I am not the Commissioner of Police. The Commissioner of Police would dissent from my view and say that each officer has a sworn statutory duty and is not his employee. There is case law that a constable and the commissioner do not have an employer–employee relationship. They can issue regulations for the administration of the force, what uniform they are going to wear et cetera, but when it comes to enforcing statutory law, each constable has his own sworn office. The commissioner would say, “I cannot direct a sworn officer not to use a written law. It is beyond my jurisdiction to direct a constable not to avail himself of a written law when investigating a criminal offence. I cannot do that as the commissioner.” Therefore, there was an impasse. The commissioner said he cannot direct it. I am with the member. I said, “Well, why not?” I am with the Leader of the Opposition, but the commissioner would dissent from both of us and say that no, as long as it is within the law, his officers proceed and he is not going to tell them not to use a written law. Therefore, we have to change the law.

Ms M.J. DAVIES: Just help me understand. The commissioner has the powers under the state of emergency to issue directions that essentially can direct everyone to do what we need them to do in an emergency for the safety of Western Australia, but the view is that he is not able to issue a direction that could prevent WA police from using that legislation under the laws that he is afforded under the Emergency Management Act?

Mr J.R. QUIGLEY: Under the Emergency Management Act, the commissioner can issue a direction that overrides other laws and requires people to provide information. The commissioner said that he cannot, and now this has cropped up. I do not think this was embraced at the time by the commissioner or anybody else until this terrible case happened at the Motorplex. The startling case happened at the Motorplex and he said, “We will throw everything at this.” Then some investigator, I assume, said, “Well, what about the Criminal Investigation Act?” Then he said that he did not have the authority as Commissioner of Police to tell another sworn officer not to obey the law and avail themselves of the law. I do not criticise the Commissioner of Police for that. He has a different view from what the member and I hope for, but he is the Commissioner of Police and he knows his function better than I know his function. If he says his officers are going to proceed in accordance with the written law, we say fair enough; we will change the law and put a prohibition on it. He could not, for example, issue a direction that the Information Commissioner could not pursue an application or the Corruption and Crime Commissioner could not issue a notice; it is beyond his jurisdiction. We therefore wanted to ensure that this could not happen. Various statutes established power to require or permit information to be disclosed. There is significant legal difficulty in restricting the use of this information completely under an emergency management direction. Enshrining these requirements in legislation rather than imposing the requirements via direction also means that these protections cannot be weakened or in any way amended without parliamentary scrutiny. It is not up to the commissioner to amend them. If it were by the commissioner’s direction, he could amend it at any time.

Ms M.J. Davies: I am not suggesting it is not the right avenue; I am just saying that in the short term there might have been an avenue for that.

Mr J.R. QUIGLEY: I wish! The Leader of the Opposition has been a minister and she knows that to pass legislation we first have to get approval from cabinet to draft the legislation. We have to take to cabinet what we intend to draft and then we have to get the parliamentary draftsman to draft it and then, as the Leader of the Opposition knows, we have go back to cabinet.

Ms M.J. Davies: A direction would have been handy.

Mr J.R. QUIGLEY: It would have been handy, member. Then we have to go back to cabinet to get permission to print, as the Leader of the Opposition knows, and once we have permission to print, we can bring it into the Parliament. I have had to do all that because the commissioner has a divergent opinion from what I think, and, obviously, what the Leader of the Opposition thinks, would have been handy.

Ms M.J. Davies: I’m just asking the question. I will keep asking the questions. That is what I was asking during my second reading contribution.

Mr J.R. QUIGLEY: I think it is a good question. The community deserves an answer to the question and I hope I have provided a sufficient answer.

The DEPUTY SPEAKER: Members, there are 12 clauses and we have 15 minutes left.

Dr D.J. HONEY: Thank you very much.

Clause 6(1) states in part —

Entry registration information cannot be used or disclosed for any purpose other than —

It lists those purposes. Subclause (3) indicates that there are very substantial penalties for individuals, bodies corporate and the like. An excellent member of the fourth estate, who is clearly watching the proceedings this evening, was kind enough to furnish me with some information. For example, a shop owner had some material stolen from their shop. As they knew the person had come in, they used the register to identify that person so they could retrieve the goods or at least get recompense for them. In that situation, would the shop owner who has said they have done that, be subject to the penalties outlined in this law if they used the information in that way?

Mr J.R. QUIGLEY: They would be liable to prosecution if they used the entry registration in that way. Furthermore, the information could not be used in court in any event. It would be an arid exercise that bore no fruit because the information could not be used. If the police are operating according to law—I have faith that they do—they know that they could not use that information coming from entry registration information because subclause (2), the one above, states —

Without limiting subsection (1), entry registration information is not admissible in evidence in any criminal or civil proceedings other than proceedings in relation to an offence referred to in subsection (4).

That is, misusing the information. As most businesses do now, they would have to rely on their own CCTV.

Dr D.J. HONEY: Thank you, Attorney General. I was certainly aware of the issue about the police but it may be that that shop owner decided on their own cognisance to pursue the individual rather than go through the police. If the owner did that, I assume the Attorney General is saying that they would still be subject to those penalties.

Mr J.R. QUIGLEY: Without question. If the owner is using the entry registration information for any other purpose than giving it to an authorised officer under the Health Act for the purposes of contact tracing, it will be an offence.

Dr D.J. HONEY: I know the Attorney General does not want it, but one of the things we always worry about in laws is unintended consequences. On the information register of many of the establishments I have attended, particularly clubs—not that I frequent many, but I do occasionally—are all the names, addresses and telephone numbers for the world to see. We heard earlier tonight an example of someone who did not go into a venue because they looked at the register and saw an ex-boyfriend was there whom they did not want to see, and they used that information. Clause 6(1) states that entry registration information cannot be used or disclosed for any purpose. I want to elicit a little detail about what is meant by “disclosed”. If someone comes in and sees the register, as I have—I have seen a whole list of people, with phone numbers and other contact information, because it is a register that contains multiple entries and everyone adds to the end of the list—is that disclosing that information? As another person coming in, I can clearly see all that information. As I say, Attorney General, I am not nitpicking; I am trying to make sure there is no unintended consequence for an owner of an establishment, given the way they utilise their register.

Mr J.R. QUIGLEY: The definition of disclosure is “ordinary disclosure”, which requires an intent by the shopkeeper or the venue provider to disclose the information to another person in the ordinary meaning of the term “to disclose”. If I go to an IGA store that has a QR code or a clipboard where I register, there is no disclosure by the IGA manager on the registration form. He is not disclosing that to anyone; it is there for people to register. To disclose requires an act and an intention by the manager of the store to publish that information. By just maintaining a register, he or she is not disclosing.

Dr D.J. HONEY: Thank you very much, Attorney General. To burrow into that point a little more, is it possible to disclose by omission; that is, the owner has omitted to protect the information and thereby disclosed it? If someone obtained that information and used it for some other purpose, such as a nefarious purpose or whatever, could they have disclosed because they omitted to keep that information confidential?

Mr J.R. QUIGLEY: That is right. The venue proprietor, be it a corporation, an officer of a corporation or an individual, has an obligation to keep that confidential. Each case obviously will turn upon its facts. If the person puts that information in the bin out the back, with all the names and addresses on it, they will be liable. I will take the member to clause 7, “Storage of entry registration records”—I am mindful of the time—which states —

The responsible person for an entry registration record must, so far as reasonably practicable, ensure that the record is stored in a secure manner until it is destroyed.

There is an obligation to keep it secure. Under clause 8, “Destruction of entry registration records”, the person has an obligation to keep it for 28 days and destroy it as soon as practicable after the expiration of the 28 days. Clause 8(8), which goes to carelessness, states —

An entry registration record must be destroyed either —

- (a) in the manner approved by the CEO; or
- (b) if no approval under paragraph (a) applies to the record — by taking all reasonable steps to ensure that the entry registration information contained in the record cannot be retrieved.

It can be burnt, shredded or whatever, but it cannot be done in such a manner that it can be retrieved, so there is another obligation upon the record holder.

Dr D.J. HONEY: Thank you, Attorney General. I understood those points. My concern is about the record that is viewable on the table at a venue and if the owner has not hidden the existing entries, those entries are available for other people to see. I am not saying someone would do this intentionally, but I do not want the unintended consequence to be that someone is guilty of disclosing information because they did not prevent that information from being observed by other people.

Mr J.R. QUIGLEY: The bill requires that all that is reasonable and practicable is done to keep that information secure. It states —

The responsible person for an entry registration record must, so far as reasonably practicable, ensure that the record is stored in a secure manner until it is destroyed.

It would not be reasonably practicable for the venue owner to hide the record line by line. That would not be reasonably practicable. We have to be sensible about this. Both the opposition and the government have to join together to reassure the community that all reasonable steps have been taken with this legislation under clauses 5, 6, 7 and 8 to keep that information sacrosanct and secure. That is why we want to get this bill through quickly, to not allow this to go on—to not lay it before the chamber for the required 21 days under standing orders and have a further delay—given that the Commissioner of Police takes the view that he cannot issue what the Leader of the Opposition characterised as a “helpful direction”. That is not available.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Destruction of entry registration records —

Dr D.J. HONEY: I covered this point in my second reading contribution, but I would like the Attorney General to confirm that 28 days is an adequate period. I know that in this state we have not had too many examples to worry about, but certainly in New South Wales, and in Victoria in particular, there have been a lot of cases. Is that 28-day period a sufficient length to ensure that we do not lose necessary information for contact tracing?

Mr J.R. QUIGLEY: The Chief Health Officer advises that 28 days is the appropriate period because it is two incubation periods. We are told that the incubation period is 14 days, hence the 14 days' quarantine, so 28 days is appropriate. If a person was infectious on day 14 when he visited a store, the incubation period for a close contact would be a further 14 days, hence making up the 28 days. I draw the chamber's attention to subclause (3) which states that under the Public Health Act or the Emergency Management Act, the period can be extended. If there was a sudden blowout of the Delta variant and the contact tracers were working overtime, they might say that they needed the records held for a little longer and that direction could then be issued. But we believe, on health advice, that 28 days is the appropriate time.

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Regulations —

Dr D.J. HONEY: We were given an answer to this in the briefing, but I want to clarify this because clause 12 provides that the Governor may make regulations. Does the Attorney General anticipate any regulations for this matter or that in the future there might be a requirement for regulations to be developed for this particular bill?

Mr J.R. QUIGLEY: Clause 12 contains a regulation-making power, and states —

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

No regulations are required before the commencement of the act. The only matter that may be required to be prescribed under the bill in the future is in relation to clause 8(1), whereby an initial storage period different from the current 28-day initial storage period may be prescribed. However, this relates to potential future infectious diseases; it is not necessary to make any regulations currently. When this bill becomes law, it will not be limited to just the COVID-19 pandemic; there may be a disease in the future that requires a longer period to hold entry registration. The bill will stand on its own without any regulations. We have no intention at this point to introduce them.

The DEPUTY SPEAKER: Pursuant to the order of the house, the time has arrived for me to put the following questions necessary to complete the stages of the bill with no amendment or further debate allowed. The question is that all remaining clauses—that is, clause 12—and the long title be agreed to.

Clause put and passed.

Title put and passed.

Third Reading

The DEPUTY SPEAKER: The question is that the bill be now read a third time.

Question put and passed.

Bill read a third time and transmitted to the Council.

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2021*Remaining Stages — Standing Orders Suspension — Amendment to Notice of Motion*

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [9.17 pm] — by leave: I give notice that at the next sitting of the house I will move —

That so much of the standing orders be suspended as is necessary to enable the Corruption, Crime and Misconduct Amendment Bill 2021 to proceed through all remaining stages without delay between the stages.

The amendment is to correctly name the bill. My previous notice of motion inadvertently missed out the word "Amendment" in the name of the bill.

House adjourned at 9.17 pm

