



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2020

LEGISLATIVE ASSEMBLY

Wednesday, 17 June 2020

Legislative Assembly

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THE SPEAKER (Mr P.B. Watson) took the chair at 12 noon, acknowledged country and read prayers.

STIRLING HIGHWAY — NOISE WALL

Petition

MS S.F. McGURK (Fremantle — Minister for Child Protection) [12.02 pm]: I have a petition that has been checked by the Clerk and complies with the standing orders. It has 39 signatures and reads as follows —

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

Noise Wall Petition to the Western Side of Stirling Highway

We the undersigned of Duke Street East Fremantle, say

That extending along the eastern side of Duke Street, from the Marmion Street intersection to the Brush Apartments, petition for a noise wall along the western side of Stirling High to reduce the traffic noise generated along this section of Stirling Highway. The works could be carried out concurrently with the works for the High Street upgrade, whilst the contractor is on site and the establishment and availability of resources available and in place.

Some Facts to support the petition

- Western Side of Stirling Highway from High Street to Canning highway is identical to Logger locations B, C and D, (GHD Report 2018 page 16). Noise levels exceed the acceptable maximum. 55 Dba daytime criterion.
- Truck traffic now often extends beyond 10pm and from 4am.
- Travel speeds frequently exceed 60kph
- Traffic noise and frequency now significantly exceeds 2018 levels.
- Noise levels exceed 77dBA. Values as high as 101Dba recorded.
- **Paragraph 4 of GHD Report 7.1 Modelling Results is misleading.**
- Significant verge width available for all of the works.

Now we ask the Legislative Assembly that a 5 metre Noise Wall be researched, designed and installed to the Western Side of Stirling Highway extending from the Marmion Street intersection to the Brush apartments, with the work being carried out as part of the current High Street upgrade scope.

We also petition for a response and timetable proposed.

[See petition 180.]

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

*Inquiry into the Monitoring and Enforcing of Child Safe Standards —
Extension of Reporting Date — Statement by Speaker*

THE SPEAKER (Mr P.B. Watson) [12.05 pm]: Members, I have received advice that the Joint Standing Committee on the Commissioner for Children and Young People has resolved to extend the reporting date of its inquiry into the monitoring and enforcing of child safe standards to 13 August 2020.

COMMUNITY MENTAL HEALTH, ALCOHOL AND OTHER DRUG COUNCIL

Statement by Minister for Mental Health

MR R.H. COOK (Kwinana — Minister for Mental Health) [12.05 pm]: I rise to inform the house about the Community Mental Health, Alcohol and Other Drug Council that has been established to ensure that lived experience is central to policy development and service delivery, and to strengthen system-wide partnerships. The council is part of a new governance structure and will include representation from community services peak bodies, major strategic advisory groups and the WA Primary Health Alliance, as well as consumers, carers and families. The council will contribute to reform by providing high-level leadership on issues including more person-centred care across services, catering for co-occurring issues and integration of the system. The new council will complement the work of the Mental Health Executive Committee, which I announced in March, bringing together leaders from across the public hospital system. Both the council and the committee will be chaired by the Mental Health Commissioner. Expressions of interest are currently open for the positions of consumer representative and carer/family representative.

The successful applicants to these two positions will sit on both the Community Mental Health, Alcohol and other Drug Council and the Mental Health Executive Committee.

The council and the committee will be supported by the new Chief Medical Officer, Mental Health. The Mental Health Commission is currently in the process of filling that position. The McGowan government recognises the importance of community mental health, alcohol and other drug services. Last week, we announced \$56 million for the sector. This includes, in a first for Western Australia, \$25 million for a new 20-bed adult community care unit, which will provide high-level support and rehabilitation services in a home-like environment for adults with mental health issues. Another \$25 million has been invested to develop a 16-bed youth mental health and alcohol and other drug homelessness service in the metropolitan area. This service will provide stable transitional supported accommodation for young people aged 16 to 24 years. Additionally, I announced last week a further \$6 million COVID-19 recovery funding package to help support people who are accessing community mental health, alcohol and other drug services during the pandemic. This funding package will assist services adjust to the new environment and maintain infection control standards.

WORLD BLOOD DONOR DAY

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [12.08 pm]: World Blood Donor Day was on 14 June 2020. It was a day to celebrate the countless lifesaving gifts of blood made by voluntary donors throughout the world. This day provides us with the opportunity to thank our blood donors and raise awareness of the need for new and regular blood donors in Australia and across the world. Last year in Australia, over half a million blood donors generously gave their time, energy and blood to provide 1.5 million separate donations through the Australian Red Cross Lifeblood service. To meet the needs of our fellow citizens, Australia requires 29 000 donations per week. This demonstrates not only the incredible need for blood donation, but also highlights the amazing commitment of Australians and Western Australians in supporting patient and hospital care through donating their blood.

The SPEAKER: Attorney General, acknowledge the Chair when you come in.

Mr R.H. COOK: This year, Australian donors have continued to support blood donation despite the challenges and restrictions associated with the COVID-19 pandemic. In an Australian first, Lifeblood has also begun collecting convalescent plasma from donors who have recovered from COVID-19 for clinical trials examining the treatment of patients severely affected by this virus.

One of the aims of World Blood Donor Day is to encourage and inspire more people to donate. It takes only one hour to donate blood, yet a donation may well serve to save someone's life. If people are thinking about donating blood, please visit www.donateblood.com.au to find out how easy it is to donate.

CORRECTIVE SERVICES — HEPATITIS C TREATMENT

Statement by Minister for Corrective Services

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [12.10 pm]: I rise to inform the house of the Department of Justice's continuing role in contributing to the global and national elimination targets for hepatitis C and in continuing to overcome inequities and health outcomes experienced by the prison population. The advent of the new direct acting antiviral—DAA—treatments is the most significant advance in the clinical management of hepatitis C in decades and has brought with it an unprecedented opportunity to change the course of the epidemic.

The concern about access to hepatitis C treatment in prison was first raised with me in 2017 by organisations such as HepatitisWA, which sought to ensure that prisoners had access to the direct acting antiviral treatments that had been placed on the pharmaceutical benefits scheme in 2016. Risk factors for contracting hepatitis C in prisons include receptive needle and syringe sharing, unsterile tattooing and body piercing, and other blood-to-blood contact.

I am pleased to advise the house that all prisons in Western Australia continue to have systems in place for the scripting and treatment of chronic hepatitis C for prisoners. Care pathways have been developed based on local design, utilising partnerships between the Department of Justice and Department of Health service providers South, North and East Metropolitan Health Services, WA Country Health Service and local physicians. Prior to this initiative, prisoners could access treatment only via referral to the Royal Perth Hospital hepatology clinic, which had a nine-month waiting list.

As at June 2020, the hepatitis C prevalence rate in the WA prison sector is 9.49 per cent. There has been a drop in prevalence of 7.7 per cent since June 2016. In 2018, 89 patients were scripted for hepatitis C treatment. In 2019, this number increased to 210 prescriptions for treatment. Currently, 54 per cent of prisoners with active hepatitis C are receiving treatment or awaiting cure results, whilst the remainder are preparing for treatment. Although challenges remain in initiating people on hepatitis C treatment due to a range of factors, including the transient nature of the population, indeterminate periods of imprisonment and voluntary uptake, I am pleased to see such positive results from this initiative. On 17 February 2020, South Metropolitan Health Service endorsed the extension of the memorandum of understanding with the department for one year.

I wish to congratulate the health services and the Department of Justice for their work and their continued effort to eradicate hepatitis C in prisons, and I thank the Department of Health for its work on this initiative.

**“AGEING IN MULTICULTURAL WESTERN AUSTRALIA:
A LONGITUDINAL STUDY OF DIVERSITY TRENDS, CHALLENGES AND POLICY IMPERATIVES”**

Statement by Minister for Citizenship and Multicultural Interests

MR P. PAPALIA (Warnbro — Minister for Citizenship and Multicultural Interests) [12.13 pm]: I would like to inform the house that the McGowan government through the Office of Multicultural Interests has released a report that gives new insight into demographic, social and economic data for older Western Australians from culturally and linguistically diverse backgrounds. The report, titled “Ageing in Multicultural Western Australia: A Longitudinal Study of Diversity Trends, Challenges and Policy Imperatives”, reviews and analyses this data and identifies the major trends and issues over a 10-year period. The report also looks at policy essentials in the context of these developments and recommends changes to relevant policies. This report will assist all levels of state government to plan and develop culturally appropriate policies and programs for older Western Australians from culturally diverse backgrounds to help us ensure that services meet their needs.

The report pinpoints rapid changes in the demographic and cultural composition of older people in Western Australia, as well as the many socioeconomic factors that impact their everyday lives. Importantly, this includes their health and wellbeing needs, aged-care services and social connectivity. The report also highlights that older Western Australians from CALD backgrounds often suffer disadvantages that may not be experienced or are experienced to a much lesser degree by other older members of the community. This vulnerability is a result of low English proficiency, low or no education, low employment and income, and a high need for assistance in core activities. The report draws attention to the fact that all these challenges increase as people age, and are especially marked for women.

The report is based mainly on census data and extensive consultation with the community, and is the result of collaboration between the Office of Multicultural Interests and the University of Western Australia. “Ageing in Multicultural Western Australia” is available on the Office of Multicultural Interests’ website, and I encourage public sector agencies, policymakers and service providers to refer to this report to ensure that policy and programs appropriately address the needs of older Western Australians.

MUTUAL RECOGNITION (WESTERN AUSTRALIA) BILL 2020

Introduction and First Reading

Bill introduced, on motion by **Mr M. McGowan (Premier)**, and read a first time.

Explanatory memorandum presented by the Premier.

Second Reading

MR M. MCGOWAN (Rockingham — Premier) [12.16 pm]: I move —

That the bill be now read a second time.

The purpose of this bill is to continue Western Australia’s participation in the national mutual recognition scheme by adopting the commonwealth Mutual Recognition Act 1992 under section 51(xxxvii) of the Australian Constitution for another 10 years. In 1992, Western Australia signed an intergovernmental agreement with the commonwealth, other states and the territories, which established the framework for the national mutual recognition scheme. Western Australia has participated in the scheme since 1995 and does this by adopting the commonwealth Mutual Recognition Act 1992 for specific periods of time. The current act, the Mutual Recognition (Western Australia) Act 2010, will expire on 28 February 2021, and this bill will continue Western Australia’s adoption of the commonwealth act until 28 February 2031.

The national mutual recognition scheme reduces regulatory barriers to the interstate flow of goods and labour between Australian jurisdictions. The scheme is based on two principles, which are subject to exceptions. Firstly, for goods, the general principle is that goods produced in one jurisdiction may be sold lawfully into a second jurisdiction without meeting further regulatory requirements. Secondly, for occupations, the general principle is that a person registered to practise an occupation in one state or territory can practise an equivalent occupation in any other state or territory.

Western Australia also participates in the trans-Tasman mutual recognition scheme and adopted the commonwealth Trans-Tasman Mutual Recognition Act 1997 in 2007. In January 2015, the Productivity Commission conducted a review of the national and trans-Tasman mutual recognition schemes and released its final report in September 2015. The Productivity Commission found that the national and trans-Tasman mutual recognition schemes are generally working well. The schemes make it easier to do business across borders and give consumers a wider and more competitive range of goods and services.

Mutual recognition schemes provide many benefits for states and territories. They provide benefits to workers by allowing them to work in other jurisdictions; they provide benefits to businesses by improving access to skilled labour and reducing compliance costs; and they provide benefits to consumers by increasing competition in markets.

The bill will adopt the commonwealth Mutual Recognition Act 1992 as originally enacted and any amendments made to it before it receives royal assent.

In keeping with past practice, this bill includes a termination date of 28 February 2031, unless the Governor determines an earlier date. Changes to the schedules to the commonwealth act can be made by regulation, and this bill includes a provision that requires the tabling of those commonwealth regulations in this Parliament. The commonwealth Mutual Recognition Act 1992 is not attached as a note to the bill, which is consistent with the approach recommended by the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review for the Trans-Tasman Mutual Recognition (Western Australia) Act 2007. Western Australia derives many benefits from being part of the national mutual recognition scheme, and therefore it is the government's view that it should continue participating for another 10 years. I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.

**ROAD TRAFFIC AMENDMENT (IMMOBILISATION, TOWING
AND DETENTION OF VEHICLES) BILL 2020**

Introduction and First Reading

Bill introduced, on motion by **Ms R. Saffioti (Minister for Transport)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS R. SAFFIOTI (West Swan — Minister for Transport) [12.20 pm]: I move —

That the bill be now read a second time.

The Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020 will prohibit wheel clamping and other means of vehicle immobilisation as a tool for private parking enforcement and regulate the removal and detention, or towing, of parked vehicles.

In February this year, I announced these measures, in conjunction with the Premier and the Mayor of the City of Stirling at the Scarborough Beach foreshore. For quite some time, Scarborough has been a hotspot for questionable private parking regulation practices. In the development of this bill, we have heard from local business owners, explaining how predatory practices have driven away customers completely. We have heard from local shoppers who have been penalised for extremely minor infractions such as parking in front of one shop and then being penalised for visiting another shop within the same complex. We have also heard from the wider community, which is overwhelmingly calling for this draconian and unethical practice to be outlawed. The practice of wheel clamping can be extortionate and predatory, as we have seen in many examples across Western Australia. At a time when we are actively trying to encourage people to shop at local businesses more than ever, it is vital that we remove practices that scare them away.

This bill is not about removing the rights of private property owners; it is about putting in place a just and proportionate framework for dealing with illegally parked vehicles. The new legislation will protect the rights of landowners and small businesses, and allow infringements to continue to be issued as normal. As a matter of last resort, vehicle removal procedures could occur, but conditions will be in place and costs will be capped. The Parliamentary Counsel's Office advised that the best approach to banning vehicle immobilisation was to amend the Road Traffic Act 1974. This bill amends the Road Traffic Act to allow the Minister for Transport, assisted by the Department of Transport, to become responsible for the administration of the prohibition of vehicle immobilisation and the regulation of vehicle removal and detention.

The Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020 draws from existing legislation from Queensland. Queensland has prohibited vehicle immobilisation since 1997 and has a thoroughly regulated towing industry. Vehicle immobilisation is already explicitly prohibited in the Northern Territory, New South Wales, Victoria and Queensland. Although there is no explicit ban in Tasmania or the Australian Capital Territory, other legal mechanisms limit the use of vehicle immobilisation devices. This bill will bring Western Australia in line with other states by banning the use of vehicle immobilisation as a way of controlling parking. This bill will ban vehicle immobilisation across Western Australia. The new legislation means that the use of all vehicle immobilisers, such as wheel clamps, will be banned as a way of controlling parking. The bill also covers new technologies such as barnacles that immobilise vehicles by attaching to the windscreen. The bill covers all the ways in which vehicles can be immobilised, which is why I refer to vehicle immobilisation in general rather than wheel clamping specifically.

This government committed to banning wheel clamping as a means of controlling parking. The media continues to report wheel clamping cases that have led to a rise in community concern that vehicles are being clamped improperly and in a way that coerces payment. One of the issues raised by the community is that wheel clampers sit and wait for an opportunity to clamp parked vehicles in a predatory and intimidating fashion. This bill will ban that practice. However, it should be noted that even after the ban is implemented, some forms of vehicle immobilisation will be permitted. Members of the public will be able to use wheel clamps on their own vehicles. For example, if they want to clamp their caravan or trailer to keep it secure, that will continue to be legal. Also, state-appointed enforcement officers will continue to be able to immobilise vehicles when authorised to do so in the course of their duties.

Currently, this practice is undertaken by sheriffs, police officers and some agents of courts acting under written authorisation. But the objectionable practice of preying on people parking in private parking areas will be ended. The Western Australian community has made its voice heard on this issue. This government has listened, and we are acting to stamp out the unfair practice of vehicle immobilisation.

There is a second and very important aspect to this bill. Experiences in other states suggest that when vehicle immobilisation is banned as a means of controlling parking, some parking owners turn to having vehicles removed from their lands. For this reason, this government intends to regulate vehicle removal as a way of controlling parking. We do not want members of the public to find that their vehicles have been towed away instead of clamped, with the result that they must pay more to retrieve their vehicles than the cost of vehicle immobilisation. This bill therefore regulates the ways in which vehicles that are parked without authorisation can be towed from private parking areas.

Currently, there is no regulation of private parking towing. Under this bill, the parking owner can choose to enter into a towing arrangement with a towing service provider. These arrangements will be recorded in a form approved by the CEO of Transport. If a problem with parking at the site cannot be controlled by the use of education, signage or ticketing, the parking owner can call a towing service provider to remove the vehicle. This would particularly be the case if the vehicle was parked in a dangerous way—for example, if it was blocking a fire exit. Although the intention is to allow vehicle removal and detention only as a last resort, it must be acknowledged that the costs of towing and the release of vehicles will be greater than the costs of wheel clamping. Such instances will be minimised through regulations that specify signage, capped charges, requirements to attempt to locate the vehicle driver or owner, and other measures to disincentivise predatory behaviour. For instance, prominent signage about the penalties and consequences of breaching parking conditions will be required at the site.

A tow truck driver must make an effort to find the driver of the parked vehicle. If the driver returns before their vehicle is fully loaded, and they agree to move their vehicle, their vehicle can be returned without charge. However, if they do not return until after the vehicle is loaded or if they refuse to move the vehicle, it will be taken to a storage yard. The regulations will provide a fixed fee—proposed to be \$200 and indexed to the cost of living—to be paid by the driver to the towing service provider for the return of the vehicle. This fee will be set in line with the fees used in Queensland for private property towing; it is also in line with modelling commissioned by the Department of Mines, Industry Regulation and Safety. This is not an overly generous fee and, again, the intention is that the removal of vehicles will be a parking management measure of last resort.

The bill will be supported by regulations to regulate the rare cases of vehicle removal and detention, including requirements for signage, fees, geographical exclusions and administration. It is planned that removal and detention will not be authorised until the regulations are in force. Depending on time scales and the competing priorities of a full legislative agenda, there may be a small delay between the implementation of the prohibition of the immobilisation and the regulation of removal and detention.

The scope of these regulations will mostly affect small parking areas, such as shopping strip centres with small businesses. It is not considered reasonable or necessary to impact on the operations of local governments and large shopping centres, given that community concerns have related to limited problems at smaller facilities. These reforms will also exclude parking facilities with physical infrastructure such as entry and exit barriers, as drivers can reasonably expect consequences for non-payment at those types of facilities.

Department of Transport wardens will undertake the enforcement of parking provisions and will also have the authority to appoint wardens in local government areas who can also ensure that vehicle removal and detention is enacted in line with the bill and the regulations. The bill sets out the enforcement powers needed to undertake this work, with the intention that Department of Transport wardens will undertake the enforcement. This expansion of powers means that the powers to enforce the regulation of private parking towing are in line with existing departmental powers to enforce mass, dimension or loading requirements of heavy vehicles, including tow trucks.

These changes will not impact on most work undertaken by the tow truck industry. The regulations will apply only to vehicle removal and detention as a means of private parking control. This will not affect all other forms of towing, such as picking up vehicles involved in crashes or breakdowns. Most of the work undertaken by tow trucks is roadside pick-ups, and that will not be affected by this bill. Some forms of vehicle removal will also continue to be legal and necessary. Tow trucks will continue to pick up and move cars that obstruct or cause a hazard on public roads. For instance, cars parked in clear zones or special event clearways, transit lanes and bus lanes or on a freeway can be moved. Local governments will be able to remove cars that have been left abandoned on the streets without numberplates. Sheriffs, police or other state-appointed enforcement officers exercising their functions will be able to authorise the towing of cars, and courts can order the removal of cars.

But the overarching framework of this bill is the regulation of parking management, including regulating the towing of vehicles from private parking areas. This is important because the intention is to improve the regulation of parking. Parking operators report that a small proportion of drivers require some form of deterrent from abusing parking arrangements. This bill will ban vehicle immobilisation as a way of controlling parking. Vehicle removal from private parking areas and vehicle detention will be regulated. The government's position is that the best enforcement option is for parking operators to enter into a local parking arrangement with the relevant local government. This will allow

local government parking wardens to issue infringements, and those who park without authorisation can be fined. Under such arrangements, local government wardens can patrol private parking areas and issue fines, just as they can on local government properties. Unfortunately, not all local governments have adopted the model local parking law, and the Department of Transport is encouraging local governments to adopt this policy to provide consistency.

The new legislation will protect the rights of landowners and small businesses by encouraging parking fines through local parking agreements. It protects the rights of drivers by banning vehicle immobilisation. As a matter of last resort, vehicle removal could occur, but costs will be capped in accordance with the associated regulations.

I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.

CRIMINAL LAW (UNLAWFUL CONSORTING) BILL 2020

Second Reading

Resumed from 20 February.

MR P.A. KATSAMBANIS (Hillarys) [12.32 pm]: I am the lead speaker for the Liberal Party on this legislation. Right from the outset, I indicate that the Liberal Party will be supporting this legislation, save and except for one small provision contained in clause 9(2)(a)(viii), which I will explain as I proceed in my discussion on this bill.

At the heart of it, this bill aims to disrupt convicted offenders from their organised criminal activities by stopping them from associating with each other so that they cannot carry out ideas, schemes and the like. We know, unfortunately, that organised criminal gangs operate in our state and across our nation, and really across the world. Some have links that go beyond state and national borders and are increasingly becoming multinational criminal groups, as well as the more locally based groups that we have come to know. Many of those groups style themselves as outlaw motorcycle gangs, even though many of their adherents or members, if we want to use that term loosely, and in particular their hierarchy, may never have owned a motorcycle or may not even ride a motorcycle. Colloquially, a lot of those criminal groups have been known as outlaw motorcycle gangs. Organised criminal activity is not restricted in any way to those sorts of motorcycle gangs; they are just one subset of the totality of organised crime.

I do not think there would be anyone in this Parliament or any law-abiding member of our society who would not want to restrict and, hopefully, one day eliminate organised criminal activity in all its forms. Criminal activity seeps into almost every part of everyday life, from drug dealing to standover tactics, more organised attempts at fraud and, increasingly, electronic crime as well. That is when some of the multinational nature of the offending comes into play. We all want to stop that. We want to stop the illicit drug trade on our streets, in our suburbs, across our state and across the world. We want to stop fraud. We want to stop the smuggling of human beings—the human trafficking, including child trafficking, that goes on. We want to stop money laundering. We want to stop standover tactics from being used. The community expects us as legislators to pass legislation that gives our police force and our legal system the ability to better deal with these highly organised, well-funded, often very well-advised people who are up to no good, and they are up to no good in a highly organised way. At the heart of the questions is: why are the vast majority of them doing it? They are doing it for the massive profits that they can make. It is a lazy way of making big money, but at the expense of law-abiding citizens. We are all in unity on this issue; we all want to make it work.

Our laws have been around for a while, but they really have not caught up. The Attorney General has spoken about the Western Australia Police Force not effectively using consorting legislation that has existed since 2004. There was an attempt by the previous government with the Criminal Organisations Control Bill 2012, which I think was introduced into this place in 2011 and became law in 2012, to better articulate the law in that regard. What happens every time any state government, or any federal government for that matter, passes this sort of legislation? Very quickly, organised criminals with extremely deep pockets take these sorts of laws to the High Court and claim that they violate human rights. They claim that they violate the implied freedom of communication on political and government matters that has been read into our Constitution. They utilise to their advantage the constitutional protections that are properly in place to protect law-abiding citizens. Laws of other states that have been subjected to debate in the High Court have been struck down. I think the fear around the introduction of the Criminal Organisations Control Act in Western Australia in 2012 was that it, too, would be subject to a High Court challenge if it were used, and that it might not survive a High Court challenge.

This Attorney General and this government have looked at what has happened in other states and at the legislation that perhaps has been a bit more robust and able to survive High Court challenges. They have used that as a guide to inform the drafting of this bill. The jurisdiction that seems to have had the best success in surviving a High Court challenge is New South Wales. Its consorting legislation was considered in the High Court case of *Tajjour v New South Wales*. I hope I have done justice to the pronouncement. The High Court found that New South Wales' provisions on consorting were not invalid. It found that they did not contravene the freedom of communication about government political matters that was implied into our Constitution by the High Court, and it found that it did not offend that implied freedom because it was reasonably appropriate and adapted to serve the legitimate purpose of the prevention of crime in a manner compatible with the maintenance of the constitutionally prescribed system of representative government. The High Court said, "New South Wales, you've got these laws into a state that can meet the tests that

we apply to see whether they offend natural human rights and the implied constitutional freedom of communication on political matters that are implied or inferred into our Constitution.” This government has taken those laws and tried to adapt them for the purposes of Western Australia. Just as the Attorney General expressed during discussion on the Criminal Organisation Control Bill in February 2012, when he was the shadow Attorney General, we as an opposition wish these laws every success. We do not want to barrack against them. We wish them every success because, again, this is not a partisan political matter. We want to get criminals off our streets. We want to stop organised criminals from consorting with each other to get up to no good. We could use some other colourful phrases that the Attorney General is really good at coming up with. We want to hinder their activities. In an ideal world, we want to stop their activities completely, and consorting laws are a powerful tool in the arsenal that our law enforcement agencies could utilise to stop organised criminals from getting together for the purposes of concocting and executing criminal schemes.

This bill creates a system that is essentially in two tiers. Firstly, it relies on unlawful consorting notices that would be issued to these people. Secondly, it relies on the offence of unlawful consorting if these people breach the notice that they have been issued. There are three essential prerequisites in issuing an unlawful consorting notice. Firstly, the person who is issued with a notice needs to be at least 18 years of age. They need to be a convicted offender who has consorted, is consorting or is likely to consort with another convicted offender. It relies on one convicted offender dealing with another convicted offender. The prescribed officer who issues the notice—I will get on to who can be a prescribed officer in a minute—needs to consider that it is appropriate to issue the notice in order to disrupt or restrict the capacity of the convicted offenders to engage in conduct constituting an indictable offence. It is a pretty high hurdle for a prescribed officer to meet. They need to consider that it is appropriate to issue the notice so that they can disrupt or restrict the capacity of the convicted offenders to engage in conduct constituting a serious indictable offence. The types of offenders who would fall into this scheme are a little broader than the existing law. It would cover people who have committed the following: an indictable offence in Western Australia; a child sex offence; an indictable offence against commonwealth law; an offence against the commonwealth that, if committed in Western Australia, would constitute a child sex offence; and, if it has happened in another state, territory or country, the offence that was committed in Western Australia would constitute an indictable offence or a child sex offence. I think that shows that we are dealing with very serious criminals who have the capacity, the ability and the desire to move between jurisdictions. We are covering off the fact that they may have committed the offences in another jurisdiction. The prescribed officer who can issue the notice is given some significant discretion and also has to weigh up some heavy considerations that I discussed a minute ago. As a result, that officer cannot be a constable or even a sergeant; it needs to be someone who is a commander, more senior than a commander or someone who is acting in the role of a commander. To issue a notice, the minimum role of a “prescribed officer” is a commander.

Mr J.R. Quigley: It is because it is an impediment on freedom.

Mr P.A. KATSAMBANIS: The Attorney General says it is because it is an impediment on freedom. I think that is one of the reasons. Let us be honest; we need to defend these laws in the High Court. These laws will be litigated in the High Court. I would imagine that they will be litigated in the High Court relatively soon after they are given royal assent. Yes, we need to show that not anyone can issue the notice; it is a very restricted group of people. I also think the criteria that a prescribed officer needs to weigh up when considering the issuing of the notice is just as important in ensuring that someone of seniority within the police force is someone who is able to make that judgement.

Then there are some service requirements. The notice needs to be prescribed as soon as practicable, and it can be prescribed either orally or in writing. That is important because sometimes these people are well worded and well versed, and they can avoid service if it is in writing. The capacity to deliver the notice orally is an important matter. If the notice is served orally in the first instance, it needs to be confirmed in writing and served via a prescribed service method within 72 hours. That is outlined in clause 13 of the bill. I have had a look at that and I think it works. I do not know that it will cause any constitutional problem. The High Court might want to turn its mind to other issues. Service is important, because the notice only takes effect when it is served. It remains in force for a period of three years. It should also be pointed out that in the construction of this legislation, the notice can prohibit someone from consorting with one individual or more than one individual. It could be a list of one or a list of many. I will seek clarification from the Attorney General; I do not think it can be a class of people. It cannot be members of the South Fremantle Football Club; it has to be people who are actually named in the notice, not that I am casting any aspersions on that club whatsoever—that is just the first thing that came to my mind as far as a class of membership. I did not want to refer to outlaw motorcycle gangs in that regard. The notice is in place for three years. Once someone is served with that notice, they are under some onerous obligations and they are subject to being prosecuted for the new crime of unlawful consorting. That offence is committed when, on two or more occasions within that three-year life of the notice, the convicted offender who is the subject of the notice consorts with a convicted offender with whom they are not to consort—that is, someone listed on the notice that they are given as being someone with whom they cannot consort. If they do it on two or more occasions, they can be prosecuted for the crime of unlawful consorting. Under the legislation, the crime carries a maximum penalty of five years’ imprisonment and, for a summary conviction, a maximum of two years’ imprisonment. It is a pretty serious penalty. Of course, if

someone were subject to it and they had deep pockets and were so minded, they would want to make sure that they litigated it to avoid the punishment, if they possibly could. Again, it is important for us to look at this to make sure that it is all properly calibrated.

The offence can happen when people consort face to face, such as two scallywags standing on the corner outside the pub having a chat to each other. However, it can also include consorting by electronic or any other form of communication. I think that recognises the reality that today people do not need to get together to consort and concoct or even execute a scheme. They can be in different places. They can be in different countries or different states. They can communicate electronically. They can do it by email or SMS. They can do it in many ways. I am not sure whether our friends in the outlaw motorcycle gangs have taken to having Zoom meetings during the COVID-19 crisis, but I would imagine that, like the rest of us, they certainly are aware of the electronic means by which they can communicate.

The ACTING SPEAKER (Ms M.M. Quirk): Member, I think they probably use Google Hangouts!

Mr P.A. KATSAMBANIS: Google Hangouts—okay! I take that interjection from the Chair. It is a very technical term.

Quite rightly, the Attorney General has indicated that he has included a series of defences to the charge of unlawful consorting. That is important because, again, this has to stand up to scrutiny in the High Court that we are not denying them their human rights in a circumstance in which it was inappropriate and it was not properly calibrated or, as the High Court said in *Tajjour*, it was not reasonably appropriate and adapted to suit the legitimate end of the prevention of crime. We need to give people defences, and they are outlined in clause 9 of the bill.

The Attorney General has also stressed that some of the defences that he has incorporated take into account the review of the New South Wales act that was conducted by the New South Wales Ombudsman in 2016, which suggested improving the legislation by particularly considering how it may be applied discriminately against Aboriginal and Torres Strait Islander people, people experiencing homelessness, children or any other vulnerable members of the community. Obviously, this law cannot be applied against children, because, as I outlined earlier and is outlined in the legislation, the minimum age for someone who can be served with an unlawful consorting notice is 18 years. That is an important safeguard.

The defences are in separate subclauses. Clause 9(1) provides that it is a defence if the consorting was between persons who are family members. That is a starting point, but that is not the only criterion for family members. There is another test, so there is an “and”. It must be between persons who are family members and it must be reasonable in the circumstances. There needs to be a determination of reasonableness. We understand that in many families, unfortunately, criminality is common. They may be members of families. They could be siblings, a husband and wife, or cohabiting partners who are convicted criminals, and they would meet the criteria. We need to take into account family relationships. Those people who are family members and are consorting with each other need to prove that their consorting was reasonable in the circumstances. I have absolutely no doubt that that provision of “reasonable in the circumstances” will end up being heavily litigated. I think the judges in our courts are well versed and experienced in this. They will set some boundaries around what is reasonable or unreasonable in the circumstances. As an example, family members or partners who are separated but are still legal partners may need to get together to determine family law matters or to provide the other partner with access to the children of their partnership, so we can see why that sort of defence would be needed.

Clause 9(2) lists nine separate types of activity that would be covered if two convicted criminals were consorting. I should stress that with each of these, it still has to be necessary in the circumstances. That is a higher test than reasonableness, and I acknowledge that. I will spell out what they are, but I will not read them all word for word. The activities include engaging in a lawful occupation, trade or profession; attending an educational institution to take part in a higher education course or an approved VET course; receiving a health service or social welfare service; obtaining a service mentioned in subparagraph (iii), which is a health service or social welfare service, for a person who is dependent upon the person charged for care and support; and the provision of legal advice, although in those circumstances, the question that arises is: if a person attends a legal office for the purpose of getting legal advice and they are consorting with someone who has been convicted of an indictable offence, is that person the one providing the legal advice?

Mr J.R. Quigley: It could be two people charged in the waiting room together.

Mr P.A. KATSAMBANIS: It could well be two people charged, yes. It could be in the course of the provision of legal advice. They could be sitting in a waiting room waiting for the poor busy junior Legal Aid lawyer or the duty lawyer at the Magistrates Court. I can see that. It could also occur in the course of lawful custody. Of course, in some circumstances, unfortunately, we cannot separate these bad people in lawful custody. They are there; they are in lawful custody. That is why they are there; they are being detained. They could also be complying with a written law, an order made by a court or tribunal, or any other order, direction or requirement made under a written law. That will ensure that we are not binding our courts from making an order. There may well be circumstances in which courts need to issue a compliance order, so we do not want to fetter our courts in that way. I will skip over the eighth activity and go to the ninth, which is if the person charged is an Indigenous person fulfilling a cultural

practice or obligation of the customary laws or traditions of the Indigenous person's community. That goes back to the recommendations of the New South Wales Ombudsman. I know that it is crafted to make sure that it is broad enough, but perhaps during consideration in detail we might tease out some of those circumstances with the Attorney General or he might do it in his summing up. It is not a catch-all. It is not, "I'm in an Indigenous community; I need to consult with these people." It needs to be necessary in circumstances when "fulfilling a cultural practice or obligation of the customary laws or traditions of the Indigenous person's community". That might be attendance at a funeral or something of that nature. Perhaps to guide the courts in the future the Attorney General can spell out the nature of what that that might be. However, I think it is an important protection. Indigenous people who are fulfilling cultural practices or obligations should not be subject to this law if it is necessary in the circumstances. The one exception, the one defence, that has raised the ire of community members, which I have spoken to, is the eighth subparagraph. I will read out clause 9(2)(a)(viii) in full —

activities undertaken by members of an organisation of employees registered under the *Industrial Relations Act 1979* Part II Division 4, or the *Fair Work (Registered Organisations) Act 2009* (Commonwealth), for the purposes of the business of the organisation;

Essentially, this is a carve-out for union activity. It is spelt out in the second reading speech: two outlaw motorcycle gang members can get together for the purposes of union activity. It is interesting that it is union activity and union activity only. Both the Industrial Relations Act and the Fair Work (Registered Organisations) Act regulate organisations of employees and organisations of employers. If people are getting together for the purposes of union activity, it is okay to consort with criminals. If people are getting together for the purposes of an employer association, that is not okay. That in itself is clearly discriminatory. It is picking one class out of the Industrial Relations Act and the Fair Work (Registered Organisations) Act and giving them a special carve-out but not picking out the other. I could stand here for the next half hour and talk about the Labor Party and trade unions, but this is more important than just that, and I will get to that in a minute.

This is a carve-out for members of that particular type of activity—trade union activity. There is no carve-out for members of a football club, or a netball club, or an elderly citizens club from getting together for the business of that organisation.

Mr A. Krsticevic: Not-for-profit sector.

Mr P.A. KATSAMBANIS: There is no carve-out for anyone in the not-for-profit sector or for charity work. There is not a carve-out for a Lions club or a Rotary club, but there is a carve-out for a trade union. A trade unionist can use this as a defence. I accept that, yes, they will have to prove it is necessary in the circumstances, but a member of an employer organisation or a member of any other not-for-profits will not have that same defence. That raises the question: why? Apart from the umbilical cord that ties the Labor Party to the trade union movement, we could say that it is unfair and discriminatory, but we could just shrug our shoulders and say, "That's what a Labor government would do." If that were the only reason why, perhaps we could just simply shrug our shoulders and say, "That's what a Labor government would do"—give their union mates a special carve-out.

But when we go back to the history between the link between some trade unions and organised criminals, we realise that this will be an open front door for some organised criminals to take advantage of this bill and to continue to conduct their unlawful activities. We need to go no further than the Royal Commission into Trade Union Governance and Corruption, which found, quite clearly, that there had been a significant interrelationship between some trade unions, particularly in the construction sector, and outlaw motorcycle gangs. *The Australian* on 8 January 2016 reported what Commissioner Dyson Heydon said —

Last week Commissioner Dyson Heydon said thugs and bullies were involved in unions around Australia and misconduct had taken place in every jurisdiction, except the Northern Territory.

He referred more than 40 union figures and organisations to authorities ...

They included a Victorian member of Parliament and former Health Services Union secretary, Kathy Jackson. The evidence that the royal commission heard was damning of the links between organised crime and, particularly, the Construction, Forestry, Maritime, Mining and Energy Union. According to a report on ABC news on 18 September 2014, Victorian Assistant Police Commissioner Stephen Fontana told the Royal Commission into Trade Union Governance and Corruption —

... police have begun several investigations into allegations of violence, intimidation and debt collection carried out by outlaw bikie gang members for the union.

Outlaw bikie members were conducting violence, intimidation and debt collection for the union. Go back to our legislation: "for the purposes of the business of the organisation". The CFMEU was hiring bikies to run their debt collection for the business of the organisation. This is what Mr Fontana, a senior police officer, an assistant police commissioner, submitted to the royal commission —

"That group is heavily involved in debt collection and they just go there and stand over people and bypass normal civil process,"

They bypass the courts and the legal system. The article continues —

He said police had been unable to make any arrests because alleged victims had withdrawn their statements in fear of their own safety.

...

Assistant Commissioner Fontana told the hearing in Melbourne that bikies and corrupt union officials knew they could get away with their crimes because the industry was not regulated.

“People have been called to places where they’ve been assaulted, threatened and a whole range of other things have taken place,” ...

Without better protection laws for whistleblowers, following through with arrests would put people at risk, Assistant Commissioner Fontana told the hearing.

We have direct evidence to a royal commission of the inextricable links between bikie gangs and the CFMEU. It went further. Victoria Police put in a submission to the inquiry in 2015. Again, on 8 January 2018, the ABC news reported —

In its 2015 submission to the Royal Commission into Trade Union Governance and Corruption, the force identified a “culture of fear” in the construction industry.

Victoria Police has asked for additional powers to tackle the use of bikies as “debt collectors” by unions, and has called for the construction industry watchdog to be reinstated.

Thankfully it has been. The article quotes the submission to the royal commission —

“There is a climate of fear amongst people who are either the victims of trade unions’ unlawful activity, or who uncover unlawful activities within their unions, making them unwilling to speak to any authorities for fear of retribution,” the submission said.

Victoria Police has identified Outlaw Motor Cycle Gang (OMCG) members being used by union officials as “hired muscle” for debt collection, with “standover” tactics used to intimidate victims.

The submission said a number of known bikie gangs, including the Rebels, Comacheros and Banditos, had been identified as being actively involved in trade union activities like strikes of picket lines, or debt collecting.

It said some of the activities amounted to “debt collecting in the broadest sense and is really more akin to blackmail, since it involves demanding money with menaces”.

It goes on —

... submission also detailed a number of cases of alleged standover tactics ...

They included at least one incident in which two bikie gang members, and others, attended the home of a person who owed money to a building subcontractor.

“All the attendees wore tops with the insignia of the OMCG of which these two people were members,” ...

The royal commission received other evidence that this is happening in every state except the Northern Territory, so that includes Western Australia. When a royal commission uncovers a direct link between outlaw motorcycle gangs and construction unions, how in good conscience can we give a specific defence to those people because they were conducting union activity for the purposes of the business of the organisation? How in good conscience can we justify that to the public of Western Australia when we do not give that same carve-out for employer groups, sporting clubs, community groups or not-for-profits? I am not arguing that we should give that carve-out; I am highlighting the very special treatment being given by this government that always talks tough on crime, even though I can list its litany of failures in delivering, and this is another one. This government is tough on crime and tough on outlaw motorcycle gangs, except when they collect debts or use standover tactics for the trade union movement. That does not pass the pub test or any test of decency. This is one more example of a government risking the safety of the general public to protect its mates in the trade union movement. I acknowledge that this does not apply to every trade union; it is a minority of trade union members and types of trade unions that do this.

We are trying to break the link between organised criminals and their nefarious activities, but giving them this sort of carve-out, particularly to groups like the Construction, Forestry, Maritime, Mining and Energy Union, highlights that this government is not serious about tackling all types of organised crime. It highlights that this government is hamstrung in going to the heart of the problem inside some trade unions. I know that all sorts of fun and games are going on in the Labor Party with factional alignments and realignments, walkouts such as the one we saw last year at the Labor Party state conference, and the attempt to take some unions into one group and then the other group and hoping that they can come back and, in some cases, hoping that they do not come back. I recognise that all sorts of factional shenanigans are going on, and I also recognise, as I said, that the vast majority of trade unionists and their leaders would be aghast at having OMCG members within their trade union. I recognise that, and good on those people who are trying to keep them out—or perhaps they should not bring those OMCG members in in the first place. More power to those union members; I support them 100 per cent.

Some trade unions or subgroups within trade unions think it is okay to hire outlaw motorcycle gangs to rough people up, threaten them and blackmail them, as the Victoria Police submission to the Royal Commission into Trade Union Governance and Corruption outlined. This is not me or some group of ideological warriors from the Liberal Party making this stuff up. A police force has submitted this information to a royal commission and asked for action. A few years later, this government is walking away from that and leaving an open door for OMCGs to walk into trade unions and, in some cases, control them. I know of good trade unionists, many of whom are in this chamber, who do not want that to happen, so do not allow it—block this provision and stop it from happening. I have an amendment on the notice paper that I will move during consideration in detail to remove this clause. This clause harms the government's argument rather than strengthening it, because the government is creating a specific carve-out from consorting laws for the thugs, criminals and bullies who have infiltrated trade unions. They are not helping the trade union movement; they are hindering it. Why would a government, who is there to represent the legitimate interests of workers, want to be associated with outlaw motorcycle gangs? I think that most government members would not want that, so this is their opportunity to make a change. I do not know how this clause got into the Criminal Law (Unlawful Consorting) Bill 2020, but here is an opportunity for the government to take it out and close one more window of opportunity for an activity that the police tell us is actually happening—it is not ideological or theoretical.

Royal Commissioner Hon Dyson Heydon said that he had found evidence that it was happening in every single state or territory except the Northern Territory. Do not let it happen! If this government is going to be tough on crime, it should be tough on all crime. If it is going to be tough on these sorts of criminals and stop them from consorting with each other, then stop them! Do not give them an open door to walk through and do not let the legitimate trade unions be taken over by thugs, bullies and serious criminals—people who have committed indictable offences and child sex offences. Do not let them in. I look at this clause and I shake my head. Even if the government is totally wedded to the trade union movement, why would it give it a carve-out for this activity? Government members will get the opportunity to stop this. In many ways it will be an opportunity to protect a trade union movement that is left exposed by this sort of provision and at the mercy of these thugs who want to infiltrate and take over. If the unions need a debt collector, there are plenty of legitimate people out there—do not hire OMCG members.

Let me talk about the construction union in particular. I do not have to tell people in the Labor movement about the problems they currently have with the hierarchy of the CFMEU at a national level and Mr Setka, his influence in the union and the inability of the Labor movement to wedge him out of the position that he has taken up. I am sure he is embarrassing to all Labor Party members. I am sure Mr Setka is a total and utter embarrassment to the Minister for Prevention of Family and Domestic Violence, the Attorney General, the Premier and everyone involved in the Labor movement. The federal Labor leader has said how much of an embarrassment he is, but he is still there.

Mr J.R. Quigley: Who?

Mr P.A. KATSAMBANIS: Mr John Setka. He is still in the union.

Mr J.R. Quigley interjected.

Mr P.A. KATSAMBANIS: They managed to get Mr Somyurek out, but they have not got Mr Setka out. The government should show that it is not beholden to these people. If we say that it is okay for criminals to consort if they hang out in the union, we are delegitimising the trade union movement. They cannot do that at a footy club because we will issue them with a notice—thank goodness. They cannot try to infiltrate a service organisation or a not-for-profit group because they will be issued with a notice, and if they do it again, we will charge them with a criminal offence subject to five years' imprisonment. We are treating this very, very seriously—except when they are in a trade union! I think I have made my point on that. The Liberal Party will not tolerate that. We are not anti-trade union. I am certainly not anti-trade union. We are anti-criminal. We do not care whether it is the footy club or the trade union movement, or the Liberal Party, for that matter, if that were to happen. We should root that out.

In addition to the defences that are provided in the bill, the bill provides some safeguards. One safeguard is oversight by the Ombudsman. Part 3 of the bill gives the Ombudsman particular powers to scrutinise the actions that are taken by the police. The Ombudsman will be empowered to inspect police records, and obtain any relevant information. The Ombudsman will also be empowered—curiously—to recommend to the Commissioner of Police that an unlawful notice should be revoked. I am interested to explore that. That is an extraordinary power to give to the Ombudsman, although the Ombudsman does have reporting obligations to the Parliament, which is good. I therefore ask the Attorney General to address two questions in his summing up: firstly, why is this power necessary and how would it be exercised; and, secondly, would this power be extended to the amendment of a notice? The Ombudsman could say to the Commissioner of Police that a notice should be revoked. Could the Ombudsman also say to the Commissioner of Police that a notice should be amended? Perhaps the Attorney General would address those questions.

The Ombudsman is tasked, by this legislation, to provide an annual report to the Parliament documenting the outcome of his monitoring activities, and including any impact of the scheme on a particular group, if such an impact has come to his attention. The Attorney General could clarify this, but I imagine that the Ombudsman could

report that as a result of issuing a series of notices, or even some criminal charges, there has been an impact on a bikie gang, or, conversely, that a particular social group in society has unfortunately been targeted wrongly, either because of the way the bill is constructed or because of the way police have enforced their powers under the legislation. We look forward to seeing those Ombudsman reports.

One of the overriding issues in this bill is that it will provide the Ombudsman with a heap of new powers. I do not think that a bunch of people are currently sitting around in the Ombudsman's office doing nothing. In fact, I think they are working very hard. I have made this point in other cases in which oversight bodies have been given additional powers: what additional resources will be made available to the Ombudsman's office to enable it to properly exercise the duties and powers that it will be given under part 3 of this bill? I would expect an answer that goes beyond, "We have spoken to the Ombudsman, and if his office needs some resources in the future, we will give that to them." I do not think that is good enough. We are setting up a scheme under which supervision or oversight by the Ombudsman will be a critical component of legitimising this legislation in the eyes of the High Court of Australia. I do not think I need to tell the Attorney General that without the inclusion of part 3, the High Court would pay no attention to any submission by the government of Western Australia suggesting that it was okay to pass this legislation and to give the police these additional powers. I do not think the High Court would wear that for more than about 30 seconds. Part 3 of the bill is a critical component to ensure that this legislation is given appropriate third party oversight, with a report to Parliament, and therefore will stand up to constitutional scrutiny in the High Court and be found to be lawful. Therefore, the Ombudsman's office must be properly resourced to perform its role and duty to scrutinise the powers that will be conferred on police. It is also not good enough for the government to say, "We do not think this will be used much, so the Ombudsman will not have too much to do."

The Attorney General has thundered in this place that the government is going to use this legislation to smash the bikie gangs. Therefore, implicit in the Attorney General's argument is that this legislation will be a tool that the police will wield on a regular basis—and so they should. We know that bikie gangs exist. We saw a report on 6 February about the good work our police have done. Sorry; I am looking at the wrong reference. It is very difficult to speak from here when I am used to speaking from my chair over there. There have been many reports recently about police activity to break up motorcycle gangs, raid their clubhouses and stop their nefarious activities. Our police are doing a wonderful job with the limited resources that they have. However, these mobs are out there, consorting with each other, and getting up to no good. We want this legislation to work, and it will be used. Therefore, the Ombudsman will need to be resourced to oversight its use. Heaven forbid that we had a High Court appeal couched in terms that the legislation ought to be struck down because the Ombudsman is not overseeing it and reporting to Parliament; therefore, it does not meet the test of maintaining the constitutionally prescribed system of representative government. That is what representative government is about, is it not? It is about reporting to Parliament.

Mr Z.R.F. Kirkup: Yes, from time to time.

Mr P.A. KATSAMBANIS: I must concur with the member for Dawesville's interjection. He said "from time to time". It is from time to time under this government.

As I have said, an important consideration is the resources that will be given to the Ombudsman's office to enable it to perform its oversight duty.

I also want to raise my concern about a pattern that I see emerging in this state in the sentencing of outlaw motorcycle gang members. If those members are charged with criminal offences, they are often sentenced to a non-custodial term, or if they have breached the conditions of post-sentence supervision orders or bail, or other conditions imposed upon them, they are often not returned to prison. In the last few years, there have been a number of such cases. We see the regular appearance of Mr Troy Mercanti at court for breaching a supervision order, and we see him walking into court and then walking out of court. In November 2018, we saw the report of a horrific incident in which a bunch of Rebels bikies brutally assaulted Jack Talauega in Subiaco. One of those bikies, Peter Michael D'Abreu, was not sentenced to a term of imprisonment but walked out of court with a suspended jail term. Earlier this week, on 15 June, we saw a report in *The West Australian* about Mongols bikie Clovis Chikonga, who had been caught red-handed flushing a stash of drugs down the toilet, prompting the police to seize the water in the bowl so that they could test it for cocaine. He was handed a suspended jail term. We see many, many examples of this. This case of Mr Chikonga gave rise to the commitment that the then Labor Party opposition gave to mandatory minimum sentencing for drug dealers, which it broke when in government in another example of it talking tough on crime and not delivering. I am not criticising any individual sentence or judicial officer, but the pattern of sentencing gives rise to legitimate concerns by the public that even if criminals are issued with notices under this regime, yet they continue to offend and they are prosecuted for their consorting, when they go to court they will walk in the front door in the morning and walk back out and smile at the cameras in the afternoon, which would completely and utterly defeat the purpose of this legislation. If a bikie, the organised criminal, is taken to court for breaching section 8 of what will be this act, is charged with unlawful consorting with convicted offenders and walks out the front door of the court with a slap on the wrist, he will think there are no teeth in this legislation.

I have covered a wide range of issues today. I believe we will cover a few more in consideration in detail. The Attorney General gave me some amendments this morning, which I will try to work through. There is an amendment

from the Liberal Party that I believe will make this legislation stronger and better. It will fix up an anomaly of a carve-out for trade union activity, which is mind-boggling. Apart from that, we wish this legislation success, because we are a party that genuinely believes that we need to stand up for law-abiding citizens, and when there is unlawful activity in our community, we stamp it out as soon as possible.

MR I.C. BLAYNEY (Geraldton) [1.32 pm]: Firstly, it is the intention of the Nationals WA to support this Criminal Law (Unlawful Consorting) Bill 2020. By way of background, criminal groups are becoming more organised, hierarchical and well funded. The Australian Criminal Intelligence Commission states that criminal syndicates in Australia are diverse and flexible, with high-threat organised criminal groups sharing a range of common characteristics—in particular, transnational connections, activity spread across several markets and the intermingling of legitimate and criminal enterprises. This makes them increasingly difficult to police, and this bill intends to disrupt networking between such criminal enterprises, thus ensuring it becomes more difficult for criminals to commit organised crime.

The bill draws upon the consorting legislation introduced in New South Wales. This legislation was thoroughly examined by the New South Wales Ombudsman in 2016, who found that the law impacted negatively upon Aboriginal and Torres Strait Islander people, people experiencing homelessness and other vulnerable people in society. The new consorting legislation in New South Wales was introduced because provisions for consorting under the New South Wales Crimes Act 1900 were constitutionally challenged in the High Court in *Tajjour v NSW* [2014] HCA 35. The provisions were found to potentially breach the implied freedom of political communication.

In overview, the intention of the bill is to disrupt the communication and networking between convicted offenders who engage in organised criminal activity. The bill will provide the Western Australia Police Force with additional powers to enforce the unlawful consorting scheme. Defences to the charge of unlawful consorting protect vulnerable groups in society such as children, those experiencing homelessness, and Aboriginal and Torres Strait Islander people. This is laid out in clause 9, whereby the difference between “reasonable” in subclause (1) and “necessary” in subclause (2) recognises that a broader scope of dealings with family members is allowable, whereas consorting in other circumstances is restricted to only what is necessary in those circumstances. It is a defence if the person charged is an Indigenous person fulfilling a cultural practice or an obligation of the customary laws or traditions of the Indigenous person’s community. The offence of unlawful consorting arises if an unlawful consorting notice has been served and during that notice a person consorts with the convicted person stated on the notice on two or more occasions. The maximum penalty is five years in prison and the summary conviction penalty is two years.

We had some discussion about this bill. We are interested in how police will be able to keep up with the advances in encryption technology over time, which I think is already an issue with a couple of the systems we use on our phones for communication within closed groups. We are interested in how convictions in other countries will be used here, if that is possible. The example that I used was someone coming to Australia who had been convicted of an offence in Robert Mugabe’s Zimbabwe or in Syria under Mr al-Assad. Would the conviction that that person brought with them be used against them in this country?

Clause 11 relates to the content of the unlawful consorting notice. The clause provides that an unlawful consorting notice must specify the name of each convicted offender with whom the restricted person must not consort. We are interested in how that list will be kept up to date.

The bill does not mention how consorting will be policed, particularly in the disruption of electronic communications. How will electronic consorting be monitored and detected? As I said, encryption is already an issue. That technology is going ahead in leaps and bounds, so I see an issue there for the police in trying to keep up with the advances in encryption.

The intention of the bill is to disrupt communications between criminals. Criminals usually recruit for criminal organisations while they are in prison. Some regional prisons, such as Greenough Regional Prison in my electorate, have a range of criminals who have committed various levels of crime, as opposed to high-security prisons where they have all been convicted of serious crimes. This means that someone who has committed an indictable offence may have the opportunity to recruit someone who has committed a much less serious offence. When both of these offenders are released from prison, the individual who committed the less serious offence may not be listed on a consorting notice when in fact they should be. This may put the community at risk, and we are curious to know whether this was considered during the drafting of the bill. With that, I reiterate the National Party’s support for this legislation.

MR S.A. MILLMAN (Mount Lawley) [1.37 pm]: Madam Acting Speaker —

Mr Z.R.F. Kirkup: Woo hoo!

Mr S.A. MILLMAN: I thank the member for Dawesville! I will try not to disappoint!

When we talk about organised crime, as we do with this Criminal Law (Unlawful Consorting) Bill 2020, we sometimes focus on the criminals and we lose sight of the human impact of their crimes. Today, I want to focus on one particular crime to which this act, once amended, will apply—slavery. Some people call it trafficking, others bonded servitude, but it is slavery plain and simple. In doing so, I want to focus on one particular aspect of slavery in Australia, and that is sexual slavery. As the world’s attention focuses on issues of race and exploitation,

it is worth remembering that contemporary slavery is a lucrative industry for organised criminal networks in our region. The Australian Federal Police have all too many examples of prosecutions brought against Australian brothels for detaining and abusing women and girls, because it is a crime that almost universally affects women and girls. Women and girls are brought to this country largely, but not exclusively, from the region of South-East Asia under false pretences, and they are subject to horrendous abuse. Poverty makes these women and girls vulnerable to exploitation. Dislocation from their homes and families exacerbates that vulnerability. Imprisonment by their slave masters makes this vulnerability almost total. This is not just some edgy storyline for an engrossing crime fiction novel; it is a shameful undercurrent in our society. It is incumbent on all of us who have the power to make life difficult for organised criminals to use whatever lawful means are at our disposal to do so.

I want to highlight a couple of recent stories—one that speaks to the extent of the problem and another that highlights the sort of devastating personal stories that abound. The first article I will refer to is by Andrew Brown. It was published in *The Sydney Morning Herald* on 24 February 2019. Mr Brown tells us that just one in five cases of modern slavery is known to police. His article tells us that an estimated 1 300 to 1 900 people are slaves in Australia at the moment, but only 414 cases are known. I quote —

For every human trafficking and modern slavery victim that gets reported to police in Australia, there are four more that go undetected.

The findings were outlined in a new report released by the Australian Institute of Criminology, the first time the true extent of modern-day slavery in the country has been revealed.

Between the 2015–16 and 2016–17 financial years, the report estimates there were between 1300 and 1900 victims of slavery in Australia, such as those exploited into labour or sex and forced into marriage.

In the two-year period, just 414 of those victims were known.

“There are estimated to be four undetected victims for every detected victim in Australia, meaning that between 928 and 1493 victims remain undetected,” the report said.

Although it is well, good and important for us to focus our attention on the perpetrators of these crimes, we must consider the impact on the victims of the crimes as well. Considering that between 928 and 1 493 victims of modern slavery in Australia are undetected gives us all the motivation we need to do more to tackle this issue.

The Attorney General quite rightly said in his second reading speech —

Organised crime entities are heavily involved in domestic and global illicit drug markets, —

We have seen evidence of the McGowan government tackling the scourge of meth —

as well as fraud, smuggling of goods and people, sexual exploitation of children, violence and intimidation, corruption, money laundering, firearm offences and cybercrime. The nature of those offences can be highly organised and sophisticated, with reliance on trusted networks and modern communication technologies to organise, plan and execute crimes.

Those crime entities operate under a veil of secrecy designed to avoid law enforcement attention and to ensure their criminal operations can continue. The very nature of an organised crime group requires considerable communication and networking. This bill targets that very reliance on communication and networking.

Communication and networking provides the mechanism by which these organised crime gangs can achieve their nefarious purposes of engaging in human trafficking and modern slavery. In that regard, I want to highlight to members two excellent resources from the Parliamentary Library. One is titled “Human Trafficking and Slavery” from the *Issues in Society* series. It is getting a bit dated now, but a number of excellent articles were produced by authorities in this field. One article is from World Vision Australia in 2012, titled “Trafficking for the Purpose of Sexual Exploitation”. It outlines that combating human trafficking for the purpose of sexual exploitation requires grassroots, national and international efforts. Governments need to address the contributing factors to engage with and empower vulnerable communities. Factors on the supply side need to be addressed along with efforts to reduce demand and end the impunity of traffickers—those profiting from the exploitation of others.

I said I would mention the story of one of those people who profited from the exploitation of others. This is a terrible story, from an article by Joanna Menagh on 28 November 2017 on the ABC news website, titled “Malaysian woman jailed after trafficking friend for sex work in Perth brothel”. This story demonstrates that this is not a matter far removed from our experience here in Western Australia. It is not a matter that occurs on the other side of the country or the world. These sorts of things are happening right here and right now, and need to be tackled. By taking out the knees of organised criminal networks, we will be striking a blow against human trafficking. I will tell members about this terrible story. I quote —

A former prostitute has been sentenced to more than three years’ jail for the “sexual servitude” of a childhood friend who she lured from Malaysia to Perth to work in a brothel.

Lay Foon Khoo, 38, was found guilty by a District Court jury of arranging for the 26-year-old woman to fly to WA in December 2015.

The woman told Khoo’s trial she believed she was coming to Australia for a 10-day holiday, however she said she was taken straight to Sarah’s Massage Parlour in East Perth where “it was made clear” to her that she had to work as a prostitute to repay the cost of her travel.

Her passport was also taken and she was told she would not get it back until she had repaid all her debts.

The woman testified she worked at the brothel for the next seven days and, in that time, Khoo arranged for her get loans with exorbitant interest rates through “loan sharks” and also demanded she hand over her mobile phone to cover her costs.

The woman also paid \$900 for the cost of her airline ticket—double what Khoo had paid.

She decided to go to police on January 4 last year after talking to a friend in Malaysia.

...

Judge Julie Wager said the offences of slavery and people trafficking were “amongst the most abhorrent of all crimes” and were “major violations of human rights”.

She said the victim was “engaged in sexual servitude from the night she arrived” and must have felt “helpless”.

The court heard Khoo—who worked as prostitute after coming to WA in early 2015—was friends with the woman because they had grown up in the same Malaysian village.

Khoo had discussed the possibility of her working in the sex industry, but she said she was not interested.

Despite that, before the woman’s arrival in Perth, Khoo had texted the boss at the brothel saying: “I have a friend arriving tomorrow. Will bring her to 124 ...

I will stop reading the article there because it is very heavy material and it goes into detail. It speaks in incredible volume to exactly why it is incumbent upon us to take the steps to make life difficult for organised crime networks so they cannot continue to perpetuate this pernicious scourge on Western Australian society.

The second resource from the Parliamentary Library that I want to refer members to is *Trafficked*. I commend the author of this text, Kathleen Maltzahn. She is a leading activist on behalf of trafficked women. The book contains personal stories, to which I referred. They highlight in no uncertain terms exactly why any steps that we can take to tackle this scourge will be for the greater good of the community of Western Australia.

Modern slavery is not a new issue for the Parliament of Western Australia, or even the fortieth Parliament. Last year, my good friend Hon Matthew Swinbourn, member for East Metropolitan Region, introduced a motion without notice into the other place. The motion was —

That this house notes the existence of modern slavery in Western Australia, the pernicious form that it takes in practices like domestic servitude and forced labour and the need for both the state and federal governments to stamp it out where it occurs and to remain vigilant to ensure it does not ever become prevalent.

In his contribution, the honourable member went through the lengthy history of slavery in Western Australia. He talked about the repugnant Atlantic slave trade in the south of the United States of America in the eighteenth and nineteenth centuries, and commended the work of the Minderoo Foundation’s Walk Free initiative. He said that the Minderoo Foundation’s Walk Free initiative estimates that there are 40 million people living in various forms of modern slavery across the world, including traditional chattel slavery, forced labour, debt bondage and human trafficking. The sexual slavery that occurs in Western Australia takes some of the attributes and elements of debt bondage and human trafficking.

The honourable member spoke at great length about something that is dear to his heart, which is the exploitation of indentured labour in the construction industry. Hon Samantha Rowe, another good friend of mine and another of our excellent representatives from the East Metropolitan Region, spoke in support of the motion that was moved by Hon Matthew Swinbourn. She said that in 2012, the then United States President back in the good old days, Barack Obama, commented at the Clinton Global Initiative annual meeting that the fight against modern slavery is one of the great human rights causes of our time. Unfortunately, that is still the case today. She referenced statistics from the International Labour Organization website—these are the same statistics that Hon Matthew Swinbourn referred to—that at any given time in 2016, an estimated 40 million people are in modern slavery, including 25 million in forced labour and 15 million in forced marriage. It means there are 5.4 victims of modern slavery for every 1 000 people in the world. Of the 25 million people trapped in forced labour, 16 million are exploited in the private sector in areas such as domestic work, 4.8 million are in forced sexual exploitation and four million are in forced labour imposed by state authorities.

Returning to the point that I was making before about sexual slavery affecting women and children disproportionately, according to the International Labour Organization website —

- **Women and girls are disproportionately affected** by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors

I want to highlight for members two of the case studies that Hon Samantha Rowe referenced in her contribution to the motion that was moved by Hon Matthew Swinbourn. The first is about Maria, who is 24 and originally from the Philippines. The article states —

Why did Maria come to Australia?

In the Philippines, Maria worked in a factory earning \$10 a week. She had split up with her husband and had to support her young son and her mother. A family friend said she could help Maria get work in Australia. This friend had relatives in Australia and said that they would give her a job in their shop and enrol her in English classes in her spare time. In return, Maria was to marry an Australian man and she would have to give him some money for the visa and airfares.

What happened when Maria got to Australia?

When Maria arrived, her Australian fianc took her passport. Maria had to work in the family shop seven days a week and wasn't enrolled in English classes as promised. Maria was only given \$20 every fortnight or so but was never paid a wage. Maria spent all her time at the shop or at her fiance's house cooking, cleaning and gardening.

Maria wasn't allowed to leave the house and felt like she had to do whatever they told her to do. If she didn't, Maria's finace threatened to hit her or made threats about hurting her family in the Philippines. Maria had no money, and was told that if she contacted her family or tried to go back to the Philippines, they would find her and hurt her. She didn't want her mother to worry. Maria didn't speak much English and she didn't know anyone else in Australia. She was trapped.

That is just one example. Another example is that of sex workers. This is an article from the Anti-Slavery Australia website, and it relates to Sun, who is a 22-year-old from South Korea —

Sun had started studying Chinese language at a University in Korea but dropped out because she wasn't able to afford to continue. Sun started doing sex work—the pay was reasonable and the hours flexible. However, sex work is illegal in Korea, so there was the constant threat of being arrested, fined or imprisoned.

Another sex worker introduced Sun to an 'agent' who promised to help her in finding safe and legal sex work in Australia with a place to live, good working conditions and a fair rate of pay. Sun thought this would be a great opportunity. Sun calculated that if she worked in Australia for 1 year she would be able to save up enough to pay for her studies and still have some left over. Sun also wanted to experience a different culture and learn some English. The agent said he would organise everything.

What happened when Sun got to Australia?

When Sun got to Sydney, she was placed in a sex parlour where the owner told her she had to repay a \$25,000 debt for her flight and visa. Sun would not be paid any money until her debt was paid off. Sun worked 14 hours a day, 6 days a week. Sun was also pressured to work on her day off and to perform sexual services without a condom. Sun lived in an apartment adjoining the parlour and was not permitted to leave the premises unsupervised.

The boss threatened Sun with deportation if she complained too much, refused a customer or tried to go to the authorities for help.

These stories highlight the depth of human depravity that is on display in the activities of these outlaw criminal gangs. They highlight exactly why it is imperative for us to act decisively.

[Member's time extended.]

Mr S.A. MILLMAN: I am grateful for the extension. They highlight why I am speaking in support of this legislation and they highlight why it is important that this legislation receives the support of this chamber.

Since 2001, we have seen significant efforts by the Western Australian state government and other state governments, particularly New South Wales, and by the federal government to tackle the issue of modern slavery. I want to talk about a refugee who died at the Villawood Detention Centre in 2001, whose death served to highlight the issue. Puongtong Simaplee's death at the Villawood Detention Centre in 2001 put the issue of trafficking for prostitution in Australia on the national agenda for the first time. That was almost 20 years ago. Gradually, the full extent of the problem and the details of the web of criminals who trade in women was revealed. Within months, the federal government had introduced a \$20 million package of policing initiatives, promised to change the law, and offered support to trafficked women. Seven years later, more reforms were introduced. Then, in 2018, the commonwealth Parliament passed the modern slavery law. We still have the provisions within division 270 of the commonwealth Criminal Code Act that deal with slavery and sexual servitude crimes.

The issue is that although excellent efforts have been undertaken in other jurisdictions and this jurisdiction to tackle modern slavery, and there is work that can be done here to do the same, we need to not only send that message to the community, but also take away the ability of criminals to engage in this behaviour. In passing this unlawful consorting legislation to target criminals who engage in this behaviour, we will make life incredibly difficult for them

to continue to achieve their aims and objectives. Every time we make those criminals struggle and every time we make life difficult for them, we are making life better for people like Puongtong Simaplee and Sun. We are making life better for people like Maria. We are making life better for all these victims.

I started my contribution by saying that oftentimes, when we come to debate criminal law amendments or crime legislation, we spend so much time focusing on the perpetrator. One of the great things about serving in the McGowan government is that this government has assiduously worked towards balancing the scales of justice to the victims as well. It is worth highlighting these stories so that the suffering of victims is put front and centre as we consider this legislation. If nothing else, it provides us with the incentive to do the right thing. It is always the right time to do the right thing. With this legislation, provided we do not get distracted with side issues, provided we remain focused and see it through and provided we carry this legislation, we will be contributing to doing the right thing. The evidence we have to continue that endeavour is the evidence that I presented today, and it is not evidence from far away, overseas or other jurisdictions. Tragically, it is evidence from Western Australia. It is evidence of stories from the Western Australian District Court. It is evidence of cases and convictions. It is evidence of what is happening in our very own community. When we make decisions about whether this legislation is worthwhile, we should not have regard to evidence from faraway places or far-off jurisdictions but we should have regard to what is happening in our own community. Fundamentally, we are here to make sure that we represent the interests of our constituents and, by doing so, the interests of the community of Western Australia. If we take that task to heart and we apply ourselves with vigour and dedication, we can only but serve the people of Western Australia who have sent us to this place. If we do it in a way that takes the knees out of these outlaw criminal gangs, that disrupts their operations, that makes it impossible for them to continue in this vein and makes it impossible for them to engage in this pernicious behaviour, the base disgraceful activity that ruins people's lives, how much better are we at our job and how much more worthwhile is our contribution to the community of Western Australia?

I am more than happy to once again support fantastic legislation that has been brought to this place by the Attorney General and I am more than happy to speak at great length about the consequences of that legislation and the positive benefit that it will have for our community. If I focus the attention of this chamber, even if it is just for one small contribution, on the effect of sexual servitude and sexual slavery in Western Australia and the dramatic effect that has on people's lives, I will have made what I hope to be a worthwhile contribution.

Debate adjourned, pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — TOURISM INDUSTRY

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

I refer to today's *The West Australian*, specifically the article referring to Simon, the owner of Inspiration Outdoors, who cannot survive on just intrastate tourism.

- (1) What does the Premier say to Simon and all the other small business owners who have been flattened by his interstate border closures?
- (2) On what date will the border restrictions be lifted so that Simon and others can plan for their future?

Mr M. McGOWAN replied:

- (1)–(2) Obviously, the government and I are very sympathetic to those people who are suffering from all the measures that we put in place to combat the pandemic. We have an enormous amount of sympathy and understanding towards those businesspeople. We have done our best to get economic activity back in a COVID-safe way in Western Australia. It has not been an easy period.

Obviously, we have an interstate border in place to protect Western Australians. We have had border restrictions in place since late March. They were put in place to ensure that COVID in the eastern states was not able to spread into Western Australia. The measures that we have put in place over the last three or four months have been successful. We have not had a case of community infection in Western Australia since mid or early April this year. That has allowed us to better open up our economy. I want to make sure that people across Western Australia fully understand what the difference is here for the hospitality industry in particular, which employs tens of thousands of Western Australians, compared with the eastern states. In Western Australia, people who own or run a venue can have up to 300 patrons, with 100 people in a room, in their venue, subject to the two-square-metre rule. That is the rule across Western Australia. In New South Wales, people can have up to 50 people in their venue subject to the four-square-metre rule—that is, one person per four square metres. In Western Australia, venues can have one person per two square metres. In Victoria, there can be up to 20 people in an enclosed space, subject to the four-square-metre rule. A cafe or restaurant in Victoria can have 20 people at the moment. A cafe or restaurant, pub or hotel in Western Australia can have up to 300 people, subject to 100 people per room.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse.

Mr M. McGOWAN: That is subject to the two-square-metre rule. In Queensland, restaurants, cafes, pubs and registered clubs can have up to 20 patrons at a time. In Western Australia, it is 300 patrons. Tasmania is allowing up to 80 people to gather indoors—one person per four square metres. In South Australia, up to 80 diners are allowed in restaurants, cafes, wineries, pubs, breweries and bars as long as 20 people can be contained within a room, subject to one person per four square metres. As members can see, the measures that we have put in place have been far more progressive in allowing for economic activity within Western Australia by a huge amount than any other state in Australia.

If the member wants to quote *The West Australian*, today we saw the headline “WA leads in spending”, an article by Meilin Chew on page 23 of the West Business section. This basically says that the measures that we have put in place have allowed far more consumer spending in Western Australia than any other state in Australia. Of course, consumer spending creates jobs.

Although I understand that the border arrangements have been difficult for many businesses to deal with, in an overall sense, what we have put in place has created more activity, more vibrancy, more employment and more consumer spending than any other state by a very big margin.

CORONAVIRUS — TOURISM INDUSTRY

421. **Mr W.R. MARMION to the Premier:**

I thank the Premier for the answer. I have a supplementary question. Can the Premier confirm that in the same article I referred to, Lucid Economics revealed that there are 42 job losses every single day he keeps the interstate border closed? What is the Premier doing to help these struggling businesses that have been disproportionately impacted by his decision?

Mr M. McGOWAN replied:

We have put in place a whole range of measures—payroll tax cuts, a freeze on fees and charges, and a \$14 million tourism package to be shared amongst businesses, which is more generous than any other state.

Mr W.R. Marmion interjected.

Mr M. McGOWAN: The member asked me the question. We have put in place a range of measures across Western Australia to support industry. The most important thing we are doing is protecting Western Australians from the spread of coronavirus. Every businessperson I have spoken to says that although it is difficult, it would be far more difficult if the virus comes back. If the virus comes back and we have to shut down the economy, imagine what would happen then. It would be absolutely devastating for businesses across Western Australia. The member seems to be advocating for that. We are going to bring down the border arrangement when it is safe to do so. I understand that it is difficult for some businesses, but the border arrangement has allowed us, as I said, to open up the economy far more than any other state in Australia. Imagine if we were in South Australia, which is allowed 20 people in a room, subject to the four-square-metre rule. Very few cafes, bars or restaurants can even open. It is the same in Victoria, New South Wales, Queensland and Tasmania. Here we have relative normality back in the hospitality industry. The hospitality industry understands that. The pubs, clubs and the Australian Hotels Association understands that. Our arrangements in Western Australia have allowed that to occur because we have had the security of a border arrangement.

We will bring down the interstate border in due course. The international border—from the tone of the member’s remarks, he seems to be suggesting it should also come down—keeps us safe from the spread of the virus internationally. I support that closure as well. Although we have a very strong export economy and we have very strong international relationships, our international borders help protect us as well. Both the interstate and international border will only come down when it is safe to do so because we are protecting the health of Western Australians and we are protecting Western Australian jobs at the same time.

CORONAVIRUS — RESOURCES SECTOR

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

- (1) Can the Premier update the house on the likely role that Western Australia has played in supporting the national economy through COVID-19?
- (2) Furthermore, can the Premier outline to the house what work the McGowan Labor government has undertaken to ensure our mining and resources sector continues to operate through COVID-19?

Mr M. McGOWAN replied:

I thank the member for Pilbara for the question and for his advocacy for the Pilbara over the course of his time in Parliament.

- (1)–(2) I was very keen to ensure that when the COVID-19 period hit Australia, we protected our export industries as much as possible. I convened a series of round tables with a range of industry sectors at the very beginning of this, back in, I think, early March. The first one I convened was with the resources sector immediately after the international travel bans were announced, and certainly the travel ban with China.

At that stage, there was still a lot of uncertainty and it would be fair to say that some of the people from the companies who came along were a bit perplexed about what they were doing there. It would be fair to say that they are not perplexed now about what it was about. We took the view that continuing to work closely with all industry sectors, including our exports sector and the resources sector, was very important right from the beginning. We worked with the industry to ensure that critical staff from the eastern states were moved to Western Australia, and thousands of people who ordinarily would fly in and fly out from Brisbane, Sydney, Melbourne or Hobart came to Western Australia and are now based here. They are now operating in Western Australia and many of them are with their families. According to Paul Everingham from the Chamber of Minerals and Energy, about 5 000 to 6 000 workers from other states are now living in Western Australia. Obviously, we are taking steps to try to make as many of those people stay in Western Australia as possible. We decided to do everything we could to keep our export industries, in particular the resources sector, operating, which supports not only WA, but also the entire country.

The federal Treasury Secretary, Dr Steven Kennedy, whom I speak to basically on a fortnightly basis, said this on 28 April to the Senate committee that is examining these issues —

... Western Australia ... deemed mining an essential service in the sense in which they were imposing their restrictions. These were important, carefully calibrated decisions ... our capacity ... to allow those activities to continue while putting in place the social-distancing arrangements has been very helpful in putting a floor under what would otherwise be a much larger fall.

In other words, our government's decision to support that industry has protected the entire national economy. That is what Dr Steven Kennedy, the head of the federal Treasury, had to say on 28 April.

Maybe some of these things are not particularly well appreciated in some of the capitals over east in this country. In March, Western Australia's exports hit an all-time monthly high; that is, \$17.7 billion worth of goods were exported from Western Australia in March this year. We had our highest 12-month total export on record in March this year. In the 12 months up until March, Western Australia exported \$184.4 billion worth of goods. Currently, Western Australia accounts for about 49 per cent of all the goods exported from Australia, with 11 per cent of the nation's population. By comparison, Victoria's share of goods export is 7.4 per cent, with 30 per cent of the nation's population, and New South Wales' share is 12 per cent, with nearly 40 per cent of the nation's population. I do not think that how Western Australia provides that incredible ballast to the national economy is particularly well appreciated in the eastern states. In annual terms, WA accounts for 65 per cent of all Australian exports to China, 42 per cent of the nation's exports to Japan, 42 per cent of the nation's exports to South Korea and a whopping 82 per cent of the nation's exports to the United Kingdom. It is absolutely clear to me and the government that Western Australia is carrying the rest of the country. Our state does all the heavy lifting. Jobs in Sydney, Melbourne and Canberra are dependent on the workers of Port Hedland, Karratha, Kalgoorlie, Newman, Perth, Busselton, Bunbury and communities all over Western Australia. The entire Western Australian workforce contributes an enormous amount to the eastern states, and I think it is time that they understood and appreciated exactly what Western Australia does for them. The figures do not lie; these figures are very clear. Our state supports the rest of the country, and it is about time the rest of the country appreciated what we do for it.

CORONAVIRUS — BUILDING BONUS

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

I refer to the Premier's \$20 000 building bonus. Given that the building bonus is only for new homes, what is he doing for the thousands of tradies who rely on smaller home renovations in established homes or do they completely miss out?

Mr M. McGOWAN replied:

We are spending \$319 million on upgrades and new builds of public housing. What members have to understand is that the work that goes into public housing is subcontracted out to tradies, subcontractors and workers in firms all over Western Australia. They are the beneficiaries of the biggest spend on public housing across Australia. They are the beneficiaries of the biggest public housing effort certainly in living memory. When we build on the \$200 million or so we announced late last year, it is a massive effort in building and construction in public housing and renovations across Western Australia. As time goes by, public housing, of course, like any housing, starts to have wear and tear. Some of it needs maintenance and some of it needs renovation. My memory is that it will be a \$319 million total spend on public housing new builds and renovations. Of that, there will be 250 new builds and the remainder will be spent on maintenance and renovations, which I think is the larger amount of the spend.

Mr B.S. Wyatt: It is \$117 million for refurbishments and \$80 million for maintenance.

Mr M. McGOWAN: It is \$117 million for refurbishments and \$80 million for maintenance. All that work will go to tradespeople and subcontractors all over Western Australia. On top of that, our \$20 000 grant, combined with the commonwealth's \$25 000 grant—that is \$45 000, but ours is not means tested or capped on the value of the spend—is creating a huge amount of work for subcontractors and builders all over Western Australia.

A lot of firms that work on renovations or maintenance also work on new builds. A firm that fixes a roof in an existing home is often the same business that puts a roof on a new home. A plumber who works on an existing home often installs plumbing in a new build. I do not think creating an artificial distinction between the two reflects the reality of the building industry in Western Australia. I was advised over the last couple of days by a couple of builders that the measures we have put in place have resulted in a massive increase in interest, a massive increase in land sales and a massive increase in contracts being signed across our state. The measures we have put in place are clearly working to create jobs and opportunities for Western Australians in the building sector and apprenticeships, and we are very pleased with that.

CORONAVIRUS — BUILDING BONUS

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

As a supplementary question, when will the Premier announce a comprehensive economic recovery plan that assists a broader cross-section of the economy and not just pick winners in individual industries?

Mr M. McGOWAN replied:

In the first question, the member attacked me on the basis that I was not doing enough for one industry and in his second, he said that I am focused on only one industry. I cannot win with the member for Bateman! Clearly, the government has done an enormous amount to create economic opportunity and activity over a very difficult period. In my earlier answer, I outlined to the house that in this state at this time, we have far greater consumer spending and a far greater opening up of businesses than in any other state in Australia—multiples of the other states. Have a look at the numbers of people who are allowed to go to a bar, restaurant or cafe in Victoria, New South Wales, Queensland, South Australia and Tasmania.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman!

Mr M. McGOWAN: What is the member's latest criticism?

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman, you are drifting from one subject to another. That is enough.

Mr M. McGOWAN: It is a difficult period and a lot of people have done it very tough, and we understand that. But it always is good if the opposition is constructive. I do talk to the other Premiers and chief ministers. Unfortunately, we have the least constructive opposition in the whole country.

Several members interjected.

The SPEAKER: Excuse me!

Mr M. McGOWAN: Mr Speaker, you might have noted—I think the Minister for Planning should take note of this—that on Monday the Prime Minister called for the upper house of state Parliament to support our planning reforms; an important economic reform. I urge members of the upper house, in particular the opposition in the upper house, to take note of what the Prime Minister said. I will be speaking with him again shortly and I will let him know what the opposition has been up to and how it has conducted itself.

Several members interjected.

Mr M. McGOWAN: I have a good relationship with the Prime Minister.

The SPEAKER: Members!

Mr M. McGOWAN: I have to say that over the last three years, we have secured a GST deal that had been talked about for 20 years. It was never secured. It was secured by this government because we actually worked with Canberra. That is something members opposite did not understand when they were in government. They did not understand the concept that the state government should work with the federal government when it is in its interest to do so and point out points of difference when it is in the state's interest to do so as well, which is what we are doing with our hard border with the east.

We have an economy that is far more open and far more vibrant and active, with far higher levels of consumer spending and a far less fall in employment than in any other state in Australia over this period of time, as the ABS has confirmed. Members will have seen the housing package that we released recently and they will see that we have launched a further recovery plan. We are currently going through an extraordinarily large set of consultations with industry groups, not-for-profit organisations, businesses and various bodies across the state—regional and in the city—as we speak. On Thursday last week, I was part of a five-hour round table with virtually every peak body in Western Australia, and on Friday I did a two-hour round table with the resources industry. Every minister is doing the same. We are collating that information and ideas, and they will form part of our recovery initiatives, building on what we have already done to date.

The SPEAKER: Members, I just advise that we have had only three questions in 20 minutes. There is an MPI today so we have to be finished by five to three.

CORONAVIRUS — SOCIAL HOUSING RECOVERY PACKAGE

425. Mr K.J.J. MICHEL to the Minister for Housing:

I refer to the severe impact COVID-19 has had on jobs and businesses, particularly those in regional Western Australia. Can the minister outline to the house how the McGowan Labor government's \$444 million social housing recovery package will support regional businesses and workers, particularly those in the Pilbara?

Mr P.C. TINLEY replied:

It is with great pleasure that I answer the question of the member for Pilbara. I was just in the Pilbara with him last week. I really enjoyed my time up there and getting out of Perth for the first time since the lockdown. I will pick up from where the Premier left off just now and with something the Treasurer said yesterday when he was talking with immense pride about something that this government holds; that is, the \$444 million housing stimulation package. This package is a result of consultation right across the industry and is testament to the fact that this government has had its ears open and eyes up and is ready to play what is in front of it. That is what was proposed to us.

I will outline to members the challenges facing the housing industry. Private builders represent about 66 000 jobs in Western Australia; in fact, housing construction activity represents about 120 000 jobs. The agreed arrangements around the residential construction sector in the current market conditions identified that within about three short months the deal book would close—the deal flow of housing construction in Western Australia would fall off a cliff. The Housing Industry Association identified that there would be as much as a 44 per cent drop in employment in that sector. That is something that no government could hear and do nothing about. The McGowan government, through strong leadership, identified the capacity of the budget discipline of three years to bring to bear on the challenges for that industry and came up with \$444 million package, \$319 million of which will be for social housing. As the Premier correctly identified, that will build 250 new homes, but, more importantly, it will renovate 1 500 homes.

The point I make about the renovation as opposed to maintenance, which is another part of the package, is that this is not about painting and papering; this is about deep renovation of properties—walls, roofs, electrical, plumbing, you name it. That will take up multiple trades. The important point here is that a large percentage of those 1 500 homes—I will get the numbers in due course—are actually at the end of their life. The average age of 36 500 social housing dwellings in Western Australia is about 44 years. Some of those dwellings are at the end of their economic life and needed to be disposed of. We now have an opportunity to turn that around. We will turn those houses into new houses, virtually, and turn them back into stock and get 20 or 30 more years out of them. It is a fantastic package that has identified a requirement to maintain support in the industry whilst building jobs. As a Labor man, I am proud to be part of a government that actually takes social housing seriously.

This goes on top of the \$150 million the Premier's announced on 9 December as part of a \$220 million housing and homelessness package, and on top of the \$394 million for the Metronet precinct program, which we announced when we came to government. This government takes housing seriously. It takes social housing seriously. It knows that the interaction between public capital and private capital needs to work in tandem. When private capital is timid, public capital needs to be brave. It has been very brave here. We have seen the uptick and we are thanked by the industry.

My final point is directed to the member for Pilbara, whom I enjoyed travelling with recently. The \$80 million maintenance package is separate; it is for all government housing, including GROH housing. We will be attending to 2 500 dwellings within the Pilbara and will be doing 130 refurbishments. That will equate to over 400 jobs in not just the Pilbara but the wider region. Again, this is a demonstration that the government understands the link between capital and words.

REGIONAL CONTRACTS — TENDERING

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

I refer to the recently announced stage 1 works at Geraldton hospital, the contract for firefighting appliances to be manufactured in Collie, the Esperance TAFE rebuild, the design of the Hedland Senior High School and the contract for the Kalgoorlie Renal Hostel, each of which should have provided a massive jobs boost to local communities. Why has the government awarded these to Perth-based or interstate businesses, overlooking local businesses and local jobs?

Mr M. McGOWAN replied:

We have tender processes and the tender processes under the Western Australian Jobs Act ensure that there is a focus on local content. Often we find that the businesses that win those tender processes, in fact under the law, are required to demonstrate how much local content is part of the actual contract. As part of the contracting arrangements, the local content component is written into the contract. What we find with some projects—I am

pleased that the member was able to outline some of those wonderful projects this government is doing around regional Western Australia—is that local businesses are a large part of the work undertaken. I was in Geraldton recently. We are doing a \$73.5 million upgrade to Geraldton hospital—a wonderful project. The first part of the tender, as I recall, went to an earthmoving company that demonstrated the highest levels of local content. That was about an \$8 million component and it demonstrated the highest levels of local content.

Ms M.J. Davies interjected.

Mr M. McGOWAN: The Leader of the Nationals WA can interject. I am explaining what took place. A Western Australian company actually subcontracted the highest amount of local content and is setting up its office in Geraldton as part of that. Other bidders had lower levels of local content. I cannot win with the Nationals WA. As the Leader of the Nationals WA outlined, we are doing all these marvellous projects all over regional Western Australia—in Esperance, Hedland, Geraldton, Collie and other communities all over the state—ensuring that we have under the jobs act the maximum amount of local content —

Ms M.J. Davies interjected.

The SPEAKER: Leader of the National Party!

Mr M. McGOWAN: What was that one?

Ms M.J. Davies interjected.

The SPEAKER: Leader of the National Party, I call you to order for the first time.

Mr M. McGOWAN: What was that one about Collie?

Ms M.J. Davies interjected.

The SPEAKER: Leader of the National Party, I call you to order for the second time.

Mr M. McGOWAN: We are creating a new industry in Collie with —

Ms M.J. Davies interjected.

The SPEAKER: Leader of the National Party! I call you to order for the third time.

Mr M. McGOWAN: — one of the best firefighting appliance manufacturing firms in the entire country relocating a large part of its operations to Collie, and the member is complaining! That Western Australia company is going to do far more work there than it currently does, and it won an independent tender process. As a result, it is moving its operations to Collie. It is going to become a maintenance centre for the region and because of the scale and ability of this company, the Department of Biodiversity, Conservation and Attractions or other government organisations will be able to do work in Collie that they were not able to do before. That is what we have done in Collie and the member is whingeing about it; it is extraordinary! If I was not seeing it with my own eyes, I would not believe it was happening!

Never has more effort been put into diversifying the Collie economy than now, regardless of whether it involves firefighting appliance manufacturing; components of bushfire training and the like; the trails project; the giant mural on the Wellington Dam wall, which I am looking forward to seeing; or the Department of Mines, Industry Regulation and Safety's call centre being moved to Collie. All these things will diversify the Collie economy and make it stronger for the future. I can guarantee members this: there will be a lot more. I might add that in the case of Collie, I have had questions from the National Party that attack us for moving work to Collie.

Ms M.J. Davies interjected.

Mr M. McGOWAN: I do not want the member to answer. I can look at her, but maybe I should not. The member for Warren–Blackwood has attacked me before for trying to get jobs into Collie—remember that? He stood in this house and attacked me for it. I note with the current state opposition that it is very difficult to win.

Dr A.D. Buti: Who is the National Party candidate for Collie?

The SPEAKER: It is certainly not you, member for Armadale. I call you to order for the first time.

Ms M.J. Davies interjected.

The SPEAKER: I thought I heard a noise coming from outside the chamber, but I will still call you to order. I call the member for Armadale. Leader of the National Party, you are on three.

REGIONAL CONTRACTS — TENDERING

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

I have a supplementary question. Does the Premier concede that his government's current approach to analysing and weighting local content provisions in tenders is failing regional Western Australia when at least four of the projects that I have listed went to interstate or Perth-based businesses?

Mr M. McGOWAN replied:

No, I do not; and never has more effort been put into getting local content under the Western Australian Jobs Act than now. I just explained all that to the member. I explained what has occurred in Geraldton where we maximised local content. As I recall, the unsuccessful tenderer in Geraldton won contracts all over the state outside of Geraldton, including one to build a school in Baldivis. I want to ensure that regional businesses get those opportunities in the city as well. If the member is suggesting that somehow a regional business should be restricted to winning contracts only in the area in which it is based, that does not allow them to grow or be broadly successful. Under our jobs act, we have ensured that we maximise local content and that it is written into contracts with successful tenderers so that they have to deliver. Wonderful projects are going ahead all over regional Western Australia because of this government's work.

CORONAVIRUS — TRANSPORT PROJECTS**428. Dr A.D. BUTI to the Minister for Transport:**

I refer to the McGowan Labor government's record investment in road projects and the key role they will play in supporting the state's economy as it recovers from the impacts of COVID-19. Can the minister update the house on the work underway to deliver vital upgrades to Thomas Road and can the minister outline to the house what these upgrades will mean for motorists and residents in the south-eastern suburbs?

Ms R. SAFFIOTI replied:

I thank the member for Armadale for his question and also the member for Kwinana for his interest in Thomas Road. Thomas Road is a major east-west connector and the traffic on that road in particular is increasing because of not only freight transport, but also significant residential development. Last week, the Premier and I visited Thomas Road and we stopped off at Oakford where the Premier visited the lunch bar. He had a very good reception there.

Mrs A.K. Hayden interjected.

Ms R. SAFFIOTI: I am glad the member for Darling Range interjected.

Mrs A.K. Hayden interjected.

The SPEAKER: Can we just get on with answering the question, please.

Ms R. SAFFIOTI: The reception was quite incredible not only at the lunch bar but afterwards at the Roleystone Fresh IGA. I remember visiting the IGA a lot as a kid, but also more recently during the by-election. The reception there at the time was 50-50—geez, hasn't it changed a lot at that IGA in Roleystone!

Several opposition members interjected.

Mr D.A. Templeman: What have you got against the IGA in Roleystone?

The SPEAKER: Member for Mandurah! It is not even anywhere near your electorate. I call you to order for the first time.

Point of Order

Mr Z.R.F. KIRKUP: I believe that the question was about infrastructure projects, Thomas Road and the like. I do not see how this relates to the question.

The SPEAKER: That is not a point of order.

Questions without Notice Resumed

Ms R. SAFFIOTI: A lot of people who use the IGA actually use Thomas Road too, so there is a direct correlation, member. What a reception at that Roleystone IGA!

Mr B.S. Wyatt interjected.

The SPEAKER: Order! I said before that we are on a tight schedule because at five minutes to three I am stopping questions. Treasurer, I call you to order for the first time, but it is good to see that everyone is happy today.

Ms R. SAFFIOTI: Investment in those south-eastern suburbs has never been greater than it has been under this government. Our priority on Byford and Thomas Road, and as the member for Kwinana —

Mrs A.K. Hayden interjected.

The SPEAKER: Member for Darling Range, that is enough.

Ms R. SAFFIOTI: The member for Kwinana will be able to testify how much was spent on Thomas Road when we were in opposition.

Mr R.H. Cook: Nothing.

Ms R. SAFFIOTI: Nothing was spent. What has happened so far? We have done some significant works including safety upgrades to about four kilometres of the road east of the Kwinana Freeway. We have secured funding for the Thomas Road-Nicholson Road roundabout and we have also funded the Thomas Road-Kargotich Road intersection through the black spot program and —

Mr B.S. Wyatt: There's more.

Ms R. SAFFIOTI: We hope there is more. We are currently in negotiations with the commonwealth government. We hope there is more because we know that the good folk of Darling Range need a Labor government to deliver for them, because under the previous government they got nothing!

HUAWEI — METRONET

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

I refer to the ongoing delays and blowouts on the Metronet project. What is the precise reason the \$200 million Huawei Metronet radio replacement project was abandoned; and, importantly, how much taxpayers' money was lost as a result?

Ms R. SAFFIOTI replied:

Firstly, I do not accept the premise of the member's question because we know that the member for Vasse is not good with detail or telling the truth. Do members remember that picture of the crowded train?

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse! You have given it, now you have to take it.

Ms R. SAFFIOTI: Do members remember that picture of the crowded train that she put out?

Several members interjected.

Ms R. SAFFIOTI: She was saying, "Look, everybody —

The SPEAKER: Minister, use the member's name, please.

Ms R. SAFFIOTI: Sorry. The member for Vasse was saying, "Look, everybody. Look how crowded our trains are! This is very, very bad." That is what she was telling everybody, undermining public transport.

Several members interjected.

Ms R. SAFFIOTI: She said that is what we were allowing. It was not happening. I mean, this was just her crazy logic. I know opposition members went to bat for the member for Vasse, and of course today we have the leadership aspirants here, as outlined by *The Sunday Times*.

Point of Order

Mr I.C. BLAYNEY: The minister's answer has absolutely no relevance to the question.

Several members interjected.

The SPEAKER: Members! There is a point of order.

Ms R. SAFFIOTI: Can I provide some advice?

The SPEAKER: Can I rule on it? Minister, you will get back to the point of the question, please.

Questions without Notice Resumed

Ms R. SAFFIOTI: The question included a premise. If the member starts to put premises that are completely false, then I will attack the premise of the question.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman!

Ms R. SAFFIOTI: In relation to the radio replacement program, as answered in the upper house, we are continuing to negotiate that project in relation to one half of the consortium. We are currently in negotiations, and once those negotiations finish, I will be able to provide full details.

HUAWEI — METRONET

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

I have a supplementary question.

- (1) Has the radio replacement project gone back to tender yet; when does the minister expect the tender to be awarded; and when does the minister expect the project now to be completed?
- (2) Can the minister give any indication of what the cost to the taxpayer is?

Ms R. SAFFIOTI replied:

(1)–(2) I refer to what I just said, which was when the negotiations finish with part of the consortium, as was outlined in the upper house.

Member, I just do not get it. When we provide answers in the upper house and when we provide media statements, does the member read them? It does not appear that she does. So we are always starting from scratch—every question is starting from scratch.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse!

Ms R. SAFFIOTI: The member should use the information that is out there, and then ask questions, but do not keep starting from scratch, because she will not get anywhere. Again, we have outlined the information in the Parliament. In relation to the premise of the member's question, Metronet is going so well, and we are so proud to be delivering Metronet across the suburbs.

CASUARINA PRISON — EXPANSION

431. Mr R.R. WHITBY to the Minister for Corrective Services:

I refer to the McGowan Labor government's investment in expanding Casuarina Prison, which will include the state's first supermax unit. Can the minister outline to the house how this supermax unit will help corrective services in keeping staff safe and the state's prisons in good order?

Mr F.M. LOGAN replied:

I thank the member for Baldivis for that great question. I remind the house about what the McGowan government inherited back in 2017 in the Department of Justice's corrections arm, which was nothing short of a train wreck. We had not enough beds for prisoners, we had no money and the policies were not working properly. It was an absolute train wreck. Over the last three and a half years we have completely transformed the corrections arm of the Department of Justice to make it one of the leaders in Australia. We have not only put more beds into place, with 212 beds immediately in 2017, but also expanded Bunbury Regional Prison, using 92.5 per cent local content; the 512-bed expansion at Casuarina Prison is now complete; the Wandoo Rehabilitation Prison for women is absolutely world-leading in what it is doing at the moment; and of course we now have the 344-bed expansion for Casuarina Prison. Part of that expansion will be another 128 mainstream beds. Some of it will be for the issues that we have with mental health in prison. Of course, a significant number of prisoners have mental health problems. They have not been looked after well in the past. We will be building a facility to actually help alleviate some of their problems as part of the rehabilitation process. There will also be a facility for the ageing prisoners, who are currently in our infirmary in Casuarina as well. The ageing population in the prison system across Australia is rapidly growing, and we need to have proper facilities to look after those people.

The most important part is that what was left to us as a government was a failure to have enough beds in disciplinary units to deal with violent, out-of-control prisoners, those gangsters and criminals who stand over other prisoners. There were simply not enough beds in the system to allow us to actually separate them off and incarcerate them somewhere else, and change their behaviour. That is the basis of the supermax. The supermax will have 40 beds. Twenty of those beds will be effectively isolation. They will not be allowed to mix with the other prisoners. They will not be allowed to have visits. Those visits will only be via Skype from the front visitor centre. They will not be able to have their recreation. They will effectively have cages at the back of their cells in which they will have their recreation. If they change their behaviour and if they understand the discipline of prison, they can move into the other part of the prison, which is a slightly more relaxed environment—only slightly more relaxed. It will be completely isolated from the rest of the prison. Anybody who goes into the supermax will not want to be there. It will not be a place of any rehabilitation. It will not be a place of programs. It will not be a place of education. It will be a place of, "If you go there, you change your behaviour or you'll remain there until you learn that."

The people who will be incarcerated in there will be those who are an extreme threat to the state's security, with offences such as terrorism-related offences, serial criminality, high-risk escapes, extreme level of threat and violence in prisons, and high-end organised crime that requires management. Those are the types of people, member for Baldivis, who will be incarcerated in this facility. It will be the only one of its kind in the whole of Australia. It has been much needed. It has been called for for many years by prison officers, and we are going to deliver. Once again, it is the McGowan government that actually not only creates jobs, but creates jobs in such a way that it delivers a good outcome for taxpayers, and rehabilitation for prisoners.

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale! I call you to order for the second time. Being on that front bench there has certainly excited you today!

TOURISM — PUBLIC LIABILITY INSURANCE

432. Mr I.C. BLAYNEY to the Minister for Tourism:

- (1) Is the minister aware that adventure tourism operators offering experienced-based activities like quad bike tours, fishing, whale watching and abseiling are being refused public liability insurance, or being hit with massively increased and unaffordable premiums?
- (2) Does the minister agree that this will significantly impact the tourism sector's ability to recover from COVID-19, and what is the minister doing to support the sector to address this issue?

Mr P. PAPALIA replied:

- (1)–(2) I thank the member for his question. Yes, I am aware of those matters. With respect to motorcycle adventure tourism, I can tell the member good news, and we have passed this on, by the way, to the sector: motorcycle adventure tour operators can seek insurance through Motorcycling WA. That is a great

organisation. It is not focused on adventure tourism but focused on motorcycling activities in the recreational sector. It has its own insurance capacity, and it offered this. When we made some comments in the media with regard to this matter, it contacted my office and we passed that advice to the adventure tourism operators who contacted us.

With respect to other adventure tourism operators, this is a serious issue. Insurance is being impacted right around the globe by the reluctance of underwriters, primarily Lloyds and institutions of that calibre or scale, to extend insurance in a whole range of areas in the manner they have in the past. That has created issues right down to the adventure tourism sector here. I initially asked the Small Business Commissioner to investigate and provide advice to me as to what might be done, and within government now we are just working on whether or not there is a mechanism for us to assist.

TOURISM — PUBLIC LIABILITY INSURANCE

433. Mr I.C. BLAYNEY to the Minister for Tourism:

I have a supplementary question. I am told that, for example, the abseiling company in Kalbarri can no longer get any insurance. Does the minister think this is acceptable, and what is he going to do about it?

Mr P. PAPALIA replied:

As I just said, I am aware of this matter. We are working within government to see whether there is something we might be able to do to assist, but this is not a government matter. It is not normal government practice to provide insurance to the private sector for this particular activity. We are investigating whether there is some means of assisting. I make the observation that it is a terrible situation. It is appalling that insurance companies in the midst of a pandemic are responding in this fashion to their clients, to people who have been loyal users of their services in many cases for decades. Right around the world, but particularly in Australia, support has been sought from every sector to contribute to trying to ease the pain and assist our economy to get through this challenge, the likes of which none of us alive on the planet have witnessed before. Many sectors have contributed, even banking—who would have thought? All tiers of government are asking private landlords and every part of the community to contribute, and to see insurance companies turn their backs on their clients at this time is really disappointing.

WA SCREEN FUND

434. Ms J. FARRER to the Minister for Culture and the Arts:

It is good to be back!

I refer to the McGowan Labor government's \$16 million investment in supporting WA's creative industry through the WA Screen Fund. Can the minister outline to the house what this investment will mean for jobs and businesses in WA's creative industry as it begins to recover from the impacts of COVID-19, and in particular those throughout regional WA?

Mr D.A. TEMPLEMAN replied:

I thank the member for Kimberley for her question, and it is great to have her back!

As the member is well aware, the great region of the Kimberley has been a magnificent backdrop for many, many regional films, particularly over the last couple of years. Some of those have included television series such as *Mystery Road*, of which we have seen the second series. The member for Kimberley, the Premier and I visited the set of *Mystery Road* in Broome late last year.

Mr M. McGowan: I did some directing!

Mr D.A. TEMPLEMAN: The Premier did some directing, and let us just say that he should stick to his day job!

The fact of the matter is that we are very proud that the McGowan government has now committed to the continuation of the film fund for regional Western Australia, with \$16 million over the next four years. This means we will see more films made, more documentaries made and more series made, such as *Mystery Road*. There will be more films filmed in regional WA, such as *Dirt Music; His for Happiness*, filmed in Albany; and *Breath*, filmed in Denmark. Mr Speaker, as I turn to you, I say that this plays a very important part in broadening our economy. One thing we need to understand is that the film and cinema industry in Australia, and Western Australia particularly, is now very, very well placed to maximise the fact that we are the safest place on earth. We now have a lot of interest throughout the world and nationally to see more film activity taking place here in Western Australia. This film fund, this investment by the McGowan government, ensures that that channel of work that we need to see so that our own creatives—those who are raised and trained here, whether it be through the Western Australian Academy of Performing Arts, our education system or our training system—continue to be able to do their work here. That is happening now because of the McGowan government's efforts. I am very proud, and I know that the member for Kimberley is particularly proud, because her wonderful region of Western Australia, like all of the wonderful regions of WA, get to be showcased, and that plays a critical role in the work that the Minister for Tourism is focused on, which is promoting the state of Western Australia to the world. As our new Western Australian Museum is about to open in November, we know some very exciting things are happening in culture and the arts in Western Australia. We are leading.

CORONAVIRUS — TOURISM — INTERSTATE TRAVEL RESTRICTIONS

435. Mrs A.K. HAYDEN to the Premier:

I refer to data from the Tourism Council of Western Australia that 34 per cent of tourism businesses have stated that they do not believe they are viable with interstate travel restrictions. What is the government doing to help these businesses?

Mr M. McGOWAN replied:

As I said earlier, we are obviously very sympathetic to businesses across the state. We have launched the \$14.5 million fund to provide support to tourism-related businesses, with two categories—one for those businesses registered or accredited with a relevant regional tourism organisation, and a bigger funding package for large tourism businesses, which any business can apply for. Clearly, most tourism businesses are hospitality businesses, and we have allowed for more patrons, guests and people to be seated and to visit these businesses than has any other state in Australia, by multiples. That is clearly a benefit to tourism businesses across the state. The other day I was at the IGA in Roleystone. I had a great visit to Roleystone and I intend to go back there many times. The people at the IGA were very appreciative of the fact that this government has worked cooperatively with the Western Australian community to keep the coronavirus out of Western Australia. That is an enormous benefit to industry and small business across Western Australia, and we intend to continue to take measures on health advice to protect the health and welfare of the people of this state.

CORONAVIRUS — TOURISM — INTERSTATE TRAVEL RESTRICTIONS

436. Mrs A.K. HAYDEN to the Premier:

I have a supplementary question. Given that there is a strong economic justification to open the borders to the Northern Territory and South Australia, as their health risk profile is the same as that of WA, when will the government open the borders and stop the 42 job losses we are having every day?

Mr M. McGOWAN replied:

Mr Speaker —

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: I do not really understand the logic, because South Australia is very restrictive in terms of what people can do in that state, whether it is playing contact sport or anything else. I am advised that people cannot even play a game of pool. There is a rule about 80 people in a venue, with 20 people per room. We allow for 300 people, with 100 people per room. Therefore, the idea that somehow there is some consistency and we should open up the border to South Australia, when that state is very locked down, is not especially logical, particularly considering the fact that it would be unconstitutional to do so. We are not of a mind to do that. I am sure that the people of Darling Range, and certainly the people of Roleystone when I was there the other day, are very pleased that we took the steps to protect the health and welfare of Western Australians with those border arrangements, which has meant that we could open our economy more than any other state in Australia has been able to do. We have taken the steps to protect the health of Western Australians. I just wish that the Liberal Party in Western Australia would stop trying to undermine these efforts.

The SPEAKER: That is the end of question time.

CORONAVIRUS — SMALL BUSINESS — McGOWAN GOVERNMENT

Matter of Public Interest

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

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

MR D.C. NALDER (Bateman) [2.59 pm]: I move —

That this house condemns the McGowan Labor government's failure to properly support small businesses during the COVID-19 crisis.

Mr Speaker —

Several members interjected.

The SPEAKER: Members, I want to hear this in silence, please.

Mr D.C. NALDER: Let me remind members that prior to the COVID-19 outbreak, Western Australian small businesses were already struggling, with many on their knees because of government mismanagement and poor policy. Business investment fell seven per cent in 2018–19, continuing a six-year decline in which each year was

worse than the one before. Construction work also continued to decline under the McGowan government. Our retail sector remained stagnant, growing only three per cent in three years. As a direct result, the vacancy rate for buildings in Perth's CBD is the worst in the nation, with almost 20 per cent of stores empty.

The Chamber of Commerce and Industry of Western Australia's chief economist, Aaron Morey, summed up the state of Western Australia's domestic economy in January 2020 by stating that it was trapped in "survival mode", in which businesses were hesitant to invest and take risks. Sadly, in the 12 months from March 2019, 850 Western Australian businesses went bankrupt. Meanwhile, in the six months prior to the pandemic, Western Australia's unemployment rate averaged 5.6 per cent, which was well above the 5.2 per cent national average. This equated to an average of 80 500 unemployed Western Australians every month for the six months from August 2019 to February 2020.

What has the McGowan government done to support small businesses during the COVID-19 pandemic and help their recovery? The health crisis is now a jobs crisis. The latest Australian Bureau of Statistics figures show that in April, 62 000 people lost their jobs and 200 000 people in Western Australia were underemployed. Struggling small businesses have been left confused. There has been no community transmission of the virus, so the government has started to roll out measures to open up the state, but not with a lot of logic. The government said it was safe to have an unlimited number of people on public transport, but no more than 20 people in a restaurant or bar. This is when we witnessed that it was safe for people to have a meal and a drink at a bar, but not a drink on its own. This is when we heard the logic that it was safe to go to a hair salon but not to a beauty salon. Where is the health advice about why all other states can open their borders but Western Australia must remain closed? Small businesses have been left hurting and confused.

I wish to raise what we heard on the weekend regarding school camps. We were advised that it is safe for our children to commingle at school but not to commingle at a school camp. Like every member in this chamber, I go to numerous year 6 graduations and the most prominent memory for the students leaving school is their school camp. It gets more confusing for the school camp industry. It has been told the government is following health advice. It is fascinating that the health advice, according to the Premier, is that we can now have groups of up to 100 people. However, state schools are relying on a national health standard and the number of students who can attend school camps is restricted to 25 per cent capacity. In a school camp with 100 beds, only 25 of them can be filled. That is not economically viable. What makes it worse is that Catholic Education Western Australia applies the rule allowing groups of 100 people. For a school camp business with 100 beds, 100 students are allowed to attend through the Catholic education system, and that is deemed to be safe. However, for the state education system, only 25 students would be allowed for the camp to be deemed safe. I call out the government for creating confusing rules for industry and business. Government members talk about requiring a safe environment and following the best possible health advice. I am saying that this is questionable. Why is it safe for 100 Catholic school children to be at a school camp, but for only 25 children in the state education system? It gets even worse. When the school camp industry rings the COVID hotline, it acknowledges the issue but states that it is a decision for the Minister for Health and tells them to raise it with him. When I speak to the Minister for Health, he says he needs to speak to the Minister for Education and Training. For goodness sake; this industry is trying to survive but the state government is creating a confusing environment that does not allow it to operate effectively. The logic the government is applying does not make sense.

According to the Chamber of Commerce and Industry of Western Australia's business confidence survey, WA business confidence plunged to a three-year low in the March quarter, with almost all Western Australian businesses—91 per cent—currently affected or expecting to be affected by the COVID-19 outbreak. Also, six out of seven WA businesses, or 86 per cent, expect the economy to worsen over the next three months. WA has about 226 000 small businesses, which represents more than 96 per cent of all businesses in our state. More than 28 650 tourism businesses, many of them small businesses, were forced to shut their doors and stand down staff on 22 March. However, the majority of businesses are not eligible for state government support, with many of the government's big stimulus announcements more smoke and mirrors than relief and support for businesses that are hurting.

Regarding rental relief, we have to look only at yesterday's newspaper to see that although the government has trumpeted a \$30 million relief program, only 17 people qualified, for a total payment of \$25 000. Government members are out there spruiking all these programs for business and government stimulus, but if we look at them, it is questionable how much the government is following through.

I will look at some of the state government's announcements. On 16 March, the government announced payroll tax measures to assist businesses impacted by COVID-19. To qualify for assistance, businesses needed a payroll of more than \$1 million per annum. As stated in the media release by the Minister for Small Business, the measure would help only 10 700 small to medium-sized businesses, which equates to 4.7 per cent of Western Australia's small businesses. That is all the government was looking to support with this measure. Sole traders and small businesses with up to a \$1 million payroll were absolutely forgotten. In other states and territories, small businesses and tourism operators that did not benefit from payroll tax relief were supported through other grants. In South Australia, tourism operators received \$10 000 grants if they were highly impacted businesses that turned over at least \$75 000 and had a payroll of less than \$650 000. On 13 May, an announcement was made that in Western Australia, just

1 600 tourism businesses—or seven per cent of small businesses—benefited from a grant of \$6 500. A one-off \$2 500 WA small business tariff offset was paid to businesses that consume less than 50 megawatts hours of power per annum. There is a small bar in my electorate. Because of its fridges, it uses over 50 megawatts. It cannot open and has not been able to have people in it; it has just started now. That business did not qualify for any relief because of the fridges, which consume more than 50 megawatts of power. That might sound like a lot to some people, but a small bar uses more than that amount of power and does not qualify for the offset. No benefit flowed through to that business.

The federal government's announcement last week that it would support an international student pilot program in the eastern states is another missed opportunity by the state government to support our local economy. The international student industry is the fourth-largest industry in Australia. It injects about \$2 billion into Western Australia's economy. Last year, it contributed \$37.5 billion to the national economy. If Western Australia had its population share, it would provide in excess of \$3.5 billion a year to the domestic economy.

There is also the issue of closed borders. While the rest of the states open their borders—South Australia from midnight last night—Western Australia remains closed. It begs the question: where is the state government's road map? The issue is not that the borders have been closed; it is about what is required for the borders to open. We can see that we have more than flattened the curve in Western Australia and around Australia. Our question is not about why the borders were closed. If it is a health and safety issue, following the best possible health advice, what is required for the borders to open in the future? The government is focused on the health and safety of Western Australians and we applaud that; we all want that. But we have to walk and chew gum. We have to protect Western Australia whilst, at the same time, planning to open the economy. What is the plan? What is required for our borders to open? That is not clear and we need more information.

The issue of international students is the same. We are not saying we should open the borders to bring in international students, but other states are trying to keep their citizens safe whilst accommodating international students. They could be kept in quarantine for an extra-long period. Whatever the process, what do we need to do to keep us safe? International students are the fourth-largest industry in Australia. They contribute significantly to our domestic economy and we want the government to think through how we can make it work, whilst keeping Western Australia safe.

That is not happening. The Labor government has failed to properly support small businesses during the COVID-19 crisis and failed to provide a road map or an explanation of when we will open our state borders.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [3.09 pm]: I am very pleased to stand and support the motion that has been moved by the opposition today. The Nationals WA are in full agreement that this government has stopped listening to the small businesses that have been impacted by COVID-19. I think the government has gone from crisis management to election mode in one fell swoop. In the last couple of weeks, we have seen it move from "We're here to help" to rolling out the announcements. We have seen the funds designed to support businesses and individuals through the COVID crisis left by the wayside.

The Minister for Tourism; Small Business responded to a question about tourism grants in an article that was published a couple of days ago. His answer was to focus on the future and not worry about those grants, and that they were for another time. In my experience, people need the most assistance in the months and potentially years after a crisis occurs. There is still far more pain to come. No matter what the government would like to think, business as usual is not going to return in any real sense. I believe the government genuinely offered the supports and grants, but its offer becomes disingenuous if those supports do not actually hit the ground—if we cannot see the money leaving the government coffers. We have asked questions in the Legislative Council over the last week or so to show that there is an undersubscription or underutilisation of those grants that are there to support small businesses through this time.

There is very real pain out there. During question time, I was disturbed to hear a minister tell us to list the businesses that are under pressure. If we were to list all the businesses that are under pressure, we would be here all day, and I do not have that much time. I can tell members that despite the intrastate borders being lifted, there is still a great deal of distress in regional Western Australia, particularly for those people who are running businesses in the north of the state, because there is still a degree of nervousness about people moving around our state. People cannot move freely around the state. Over the last couple of days, I have been trying to get out, as have government ministers, to visit regional parts of the state, and the flight schedules are fairly challenging. It is very difficult for someone who does not have a government jet to get out and visit those places. Flights are not back to full force and will not be for some time, and that restricts not only those businesses that rely on being able to bring people into those communities, but also the communities that are on the ground and want to be able to move around the state.

The government really needs to make sure that we maximise the support that is there. That means making sure that there is some flexibility in the grants that are being issued. The tourism grants were undersubscribed. We had to drag the Minister for Water kicking and screaming to put a halt on the toilet tax. He did so reluctantly; I do not know whether that was because it was a suggestion from somebody on this side, but it was such a relief for so many people when the government finally agreed it was a good idea. Why could it not have done that right at the beginning when people were saying that they needed that relief now? It is disingenuous.

The challenge is that many small businesses are now facing the cliff of JobKeeper coming to an end. Although that has been a wonderful support mechanism, for many businesses there may well be further job losses at that time, which will mean that people will have less money in their pockets and will be spending less, and we will see a flow-on impact. That is why any support that comes from the state government needs to be maximised.

Not one single dollar from the \$100 million commercial tenancies assistance package has been used to this point. That was raised in the Legislative Council in question time this week. There was also an undersubscription of the tourism support package because the qualifications were too tight, which meant that many businesses fell through the cracks and could not apply in the first instance. There was some really good coverage in the media on this the other day. I refer to the article in which the Minister for Tourism made his comments about focusing on the future. The minister said —

“I think people need to focus on getting back to business [because] that’s what business does well and focus less on whether or not there’s some Government handout coming.”

Does the minister think that any of those businesses actually want to put their hand out? They do not have a choice. So many of them are falling through the cracks. In regional Western Australia, electricity and water prices are higher and businesses are impacted by an inability to get people moving around the state. That is why there needs to be continued and real support for these businesses.

I want to finish by focusing very briefly on our regional chambers of commerce. The chambers of commerce have done an amazing job in providing support for their members, and they have worked tirelessly, many with very limited resources. I would like the government to consider providing additional support to these chambers as they go about providing this ongoing support and linking in to government and other programs as we move through this recovery phase. They are trusted organisations that understand their local economies. They have been working under enormous pressure and I suspect will continue to do so. As I said at the beginning, from experience, it is the months and years after a crisis that people and businesses need to have access to support, and those local and regional chambers of commerce are doing it pretty tough at the moment. That is the experience that I have heard about when travelling around the regions in the last two weeks. They have been really happy to help—they have stepped up and linked in with government—but they would really appreciate some additional support so that they can focus on the future and get their businesses to think about what a post-COVID world looks like, particularly in regional Western Australia, where some of the restrictions are going to be exacerbated because of the distance from population centres and the rest of the nation.

MRS A.K. HAYDEN (Darling Range) [3.16 pm]: I am very proud to stand here and support the motion before us that this house condemns the McGowan Labor government’s failure to properly support small business during the COVID crisis. I have to start by referring to the comments that were made during question time. The Leader of the Nationals WA highlighted one or two of them, but it was absolutely bizarre to sit here and listen to the Premier of Western Australia stand up and say that most people in the tourism industry are in hospitality, and that we are looking after them by opening pubs, allowing people in to have dinner and allowing them to have more people than they were before. The Premier is wrong: most tourism operators are not in hospitality. That is a section of our tourism industry; it is not the majority of our tourism industry. Hospitality does not make up the work of every tourism operator around Western Australia. The fact that that comment was made during question time just highlights how little this government understands tourism.

We also heard the Premier say that he is sympathetic and he is doing his best. I am sorry, but sympathy is not enough. He may be doing his best, but obviously his best is not good enough. The small businesses and tourism operators that are allowed to open are working their fingers to the bone for minimal income because they are restricted, but the majority of businesses that are unable to open because of the restrictions that still apply are not in hospitality. They are our events industry, our adventure tourism outback experiences, our people in regional WA who do not have people coming through the doors and our caravan park operators. Those park operators rang me over the weekend to tell me that they would normally have 100 caravans in their parks that night. Do members know how many caravans they had that night? They had two caravans checked in. This is not just one caravan park; this was three separate caravan park operators —

Mr P. Papalia: They all rang you, did they?

Mrs A.K. HAYDEN: They texted me; they messaged me.

Mr P. Papalia: You would never stretch the truth, would you?

Mrs A.K. HAYDEN: I can show the minister my phone if he likes. Does the minister think I am stretching the truth? Does he think these tourism operator stories are not true? They do not want me to tell their names. I was not going to bring this up, but because the minister is so rude and arrogant, I am going to highlight these tourism operators. I have received text messages from Twitter—I did not realise that we could text in Twitter, but we can—and messages through Facebook Messenger and emails from people saying, “We are too scared for you to list our names in Parliament because we are being threatened and intimidated.” They are being told, “If you keep going to the opposition or the media, when you apply for assistance, we will remember you.” These businesses have been told that.

Mr P. Papalia interjected.

Mrs A.K. HAYDEN: Excuse me, minister; you need to listen for a change. You are not listening.

Mr P. Papalia interjected.

Point of Order

Mr D.T. REDMAN: Madam Acting Speaker, the member is desperately trying to get her agenda out in the short time available, under heavy attack from the minister. I seek your support to allow her to make her argument.

The ACTING SPEAKER (Ms J.M. Freeman): Minister, you have made your point.

Mr P. Papalia interjected.

The ACTING SPEAKER: Minister, I am on my feet. If you continue, I will call you. The member has the floor. You will have the opportunity to speak.

Several members interjected.

The ACTING SPEAKER: I said that if people interrupted again, I would call them. I call the member for Bunbury and the Minister for Tourism.

Debate Resumed

Mrs A.K. HAYDEN: Thank you, Madam Acting Speaker. I will return to the comments I was just making. I was going to talk to the minister off the record about the comments that have been made. I do not believe they are coming from him; I would never dream that a minister would say those things. I wanted to tell him that these comments are being made and the industry is upset. Tourism operators are too scared to come forward and they are too scared to have their names announced. I am more than happy to sit with the minister and show him the proof from all these businesses.

Mr P. Papalia interjected.

The ACTING SPEAKER: Enough, minister!

Mrs A.K. HAYDEN: I am more than happy to sit down with the minister and show him the proof. It saddens me that the minister and government members do not understand and are not listening to how desperate these businesses and tourism operators are. The fact that they are saying that we are coming into this place and making up stories shows that they are not listening. The Labor Party promised transparency at the last election. It promised that it would represent the people and stand up for them. The promises it made to the tourism industry when it was flying high and was the poster boy have all been broken and thrown to the side because the government is focused on looking after itself. The Premier is more focused on his popularity contest. He is making decisions based on his popularity instead of the statistics that are killing our small businesses. Let us go back to that. Why does 37 per cent of our business community believe that it is not able to cope without the borders being opened? It is simple. The domestic visitor—the person within Western Australia who travels around and enjoys our wonderful state—spends an average of only \$474 on that visit. Interstate visitors spend \$1 048 and international visitors spend \$2 309 on average. When we take away our international \$2 309 value per visit and the interstate \$1 048 value per visit, we leave these operators with only \$474 from the local community to come and visit. That is why they are telling the minister that they cannot operate with the border closed. They cannot operate because 80 per cent of their business comes from interstate and international visitors.

The WA community cannot support and back up our tourism and small businesses alone. That is what this government is doing—it is leaving it to the WA community to fill in the gaps and support our small businesses and tourism operators. Why can our community not back it up? We do not have the population. Let us remember that pre-COVID-19, the cost of living went up by \$850 a year under this government. That impacted our businesses and tourism pre-COVID-19 because Western Australians could not afford to go out and spend money. Now this government is saying, “Oh, nothing to see here; everything’s all fine. WA community, out you get—go and support our businesses, because we are not.” Why is the government not doing that? It is because it is too busy looking after the big end of town. It is too busy looking after its bank account so it can go to the election and splash out on seats it wants to retain, because it knows it is going to lose them. It is saving its money for a rainy day—for the Labor Party in the upcoming election—and ignoring small businesses in the tourism sector. That is what it is doing.

We need a plan, like those that every other state has put together—this state is just lagging behind as usual—and we need to show that plan and direction to our businesses. Our tourism sector needs a holiday-maker plan. The Prime Minister, who led this country through this crisis, created a job-seeker plan and a job-creator plan. The WA government’s job is to devise a holiday-maker plan. It needs to do something to enable Western Australians to go out and support the businesses that it is not supporting. It has not done that. It has not set up simple plans like those that have been devised in Queensland and the Northern Territory. We have our “roadmap to recovery”, but a time line is missing. Why is a time line important to our tourism sector? It is important because tourism operators need people to book in advance. When the Premier lifted the intrastate borders in regional WA and when he lifted the restrictions surrounding the Kimberley border, there was no lead time; there was no campaign to tell the operators, “You will be opening in four or five days.” He did not tell the WA community, “You will be able

to travel up to Broome in four or five days.” There was no lead time and no preparation or campaign to enable the operators of businesses to be ready or the WA community to be ready to go out and explore our backyard. The government is asking the WA community to hop to it and support businesses, but it will not give it any time to prepare and it will not give any assistance to do it.

The stage 3 restrictions will come into force in Queensland on 10 July. A date has been given, of course subject to medical advice. That date gives businesses and the community time to prepare. The Northern Territory had a similar road map, and also provided a date and time frame. The WA road map says, “Phase 4: to be determined.” It does not give a time frame. If the government really wanted to support small businesses in the tourism sector, it could help them by saying when it will allow them to get back to work so that they could start taking bookings. No-one will hop on a plane to visit Broome two hours after an announcement is made. No-one had the car ready and the kids in the back when the government decided to let people go to Lancelin. It needed to provide a time frame and a plan and it simply did not do it. I am asking the government to not make the same mistake again. It should provide a date for when it will open the border. If that cannot be done for medical purposes, that is fine; it should add a clause saying, “Subject to medical advice, but if everything goes well, we will open our state’s hard border on this date.” That would provide certainty for our industry and for businesses and allow people to get back on track. They want to go back to work but the minister is not allowing them to do that. The pathetic assistance that it has offered small businesses relates to the size of their payroll. I am sorry, but small businesses that do not pay \$1 million in payroll got zip. So many businesses were unable to get the \$2 500 electricity rebate. The grant for tourism recovery was appalling. An amount of \$6 500 was provided to 1 600 tourism operators. There are over 30 000 tourism operators and the government is going to help only 1 600 of them. A number of tourism operators were devastated by this news. They thought that they had hope. They thought that the government had their back but it did not; the government simply let them down.

As was highlighted by the member for Bateman, we need to understand that 850 businesses went bankrupt in the 12 months up to March. I am scared to see what the figure will be in the next report in 2021. I will be very frightened to see that figure. We are hearing about businesses that are shutting their doors and not opening. When businesses shut their doors, they are unable to employ people. The unemployment rate is already up to six per cent. Over 80 000 people were already unemployed. A total of 200 000 people were already underemployed. What will the figures be? When we get the next report, businesses will be shut, jobs will be lost and the government will still be saying, “It is up to you to support our small businesses because we are not going to do it.”

I have one minute left. I received an email from someone who was happy for me to share it. I will show the minister this afterwards as well, because I think it is absolutely devastating. They wrote to the minister and the Premier and then they contacted the Small Business Development Corporation. They were told to apply for the \$1 million payroll grant, but they did not qualify for it, so they did not get it. They were told to apply for the electricity grant, but when they went through it, they were told that it did not apply to them and they could not get it. What about the tourism grant? They went through that, but they could not get that either. Does the minister know what they were told by the SBDC at the end? Finally, the person at the SBDC said that maybe they should get another job, as the owner of an ice-cream shop had come in the other day and he is now a courier driver. This is the advice that the SBDC is giving our tourism operators.

MRS L.M. O’MALLEY (Bicton) [3.30 pm]: It is not business as usual for small business. It cannot be, because these are unusual times. If the mechanisms of support are in place, where there is adversity, there will also be hope; and, if access to that support is facilitated by innovative thinking and quick action, challenge can become opportunity. It is this type of thinking and action by the Minister for Small Business and the McGowan Labor government that is helping small businesses in Bicton and beyond to not only survive, but also, in some instances, thrive through accessing new technologies to help them adapt and diversify.

Although we acknowledge that, despite this support, some small businesses may not survive the COVID-19 pandemic, it is tough running a small business at the best of times. I would like to highlight that new small businesses are opening their doors because of the work of this government and every person in this state to do what is needed, despite the difficulties to get WA through the crisis and on the road to recovery. Members will not see small business owners sitting around whinging about how hard things are, unlike some. They just get on with it. They do not want a handout; they just want a hand up. Small business owners want opportunity and access. Businesses like Attadale Travel and business owners like Christine are actively lobbying and trying to access as much support as she and others like her in that particularly hard-hit industry can possibly achieve. Business owners like Christine are speaking up and speaking out, and the Minister for Small Business is listening and is seeking ways to adapt the support that is currently available. As a government, we are actively moving on what is very much a changing feast. As issues arise, we will act and we will adapt to support.

Small business owners are adaptive and creative. I know this because I am married to one of them. Our family business has survived and thrived, and survived and thrived again, for over 15 years, and next month we will open a second retail-based store in the middle of the COVID-19 pandemic. I know it is tough. I know it because I live it. But I will not stand here and listen to members opposite paint a totally dark and gloomy picture for small business, because it is just not true.

I will finish with a quote from another new small business in Bicton. According to my notes, Ashleigh Bourne, who has just opened the Hair Hive in Palmyra, says —

This salon is the result of years of planning and saving and dreaming. I know I have a hell of a bumpy ride in the next 6 months but am so happy to have the opportunity to do it! So my advice is don't throw away your dream business just because it seems out of reach. Keep planning, saving and designing and one day the prime opportunity may just present itself in the most unlikely of times.

MR D.T. PUNCH (Bunbury) [3.33 pm]: It is very clear that this opposition has forgotten that we are in a pandemic. It is probably the most serious issue this state has faced, certainly in my memory and probably since the Second World War. A few months ago when the Premier stood and outlined the issues, we thought we were going to lose a lot of people in this state. Our hospitals were struggling to mobilise and cope with the projected influx of people if we got it wrong, and that led to the whole issue of flattening the curve. As many members in this chamber would know, when they stand in the main street of their town and look at a row of empty shops, it is devastating. It is devastating for us, as their representatives, and it is devastating for the shop owners. I have spoken to a lot of retailers in my electorate and all of them, without exception, were right behind the notion that we had to flatten the curve. They were absolutely there for it and absolutely behind what this government needed to do. That is what this government succeeded in doing—we flattened that curve far quicker than we anticipated. Flattening the curve was absolutely the best thing we could have done for our economy, for people in work, for jobs and for small business. We have achieved that in an environment in which, globally, people are still dying. I still have in my mind the images of the mass burials in New York. Is that what we want for Western Australia?

A member interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Dawesville, you need to be in your seat if you say anything, and interjections are unparliamentary. I now have put that on record and I call you for the first time.

Mr D.T. PUNCH: When the member for Dawesville first entered this chamber, I really thought he was a man of his word, but all I have found is that he is a man of words. There is nothing else there.

As I was saying, the best strategy that this government has adopted is flattening the curve and creating the environment for businesses and jobs to recover. That is what we have been working on. It may not be the pathway that the opposition would prefer, but certainly the feedback I am getting in my electorate is that people support it. The biggest supporters are the people of Western Australia. We saw that in today's headline "WA leads in spending". Consumer spending in Western Australia is up by 10 per cent year on year. People in Western Australia are getting out and supporting Western Australian businesses. They are doing that because we have been able to move through the restrictions processes so rapidly that we have maximised the opportunities for small businesses at this time, but we have done that based on Western Australian medical advice. We have proceeded cautiously and carefully, because I know that people in my electorate are still frightened of a second wave. A second wave is the worst thing we could have.

I want to talk very briefly about my main street, because I had that fear about where we were heading. I do not think anybody could have predicted where we were heading two or three months ago. It is good to know that opposition members are listening to these words. It is so good that they are interested—chattering in the corner! I want to talk about the people who have stood tall. The Rose Hotel and Motel is one of the great pubs with a great history in Bunbury. It immediately went to online trading. It moved its apps and got it through online trading. It did very well as a consequence. I know that people who had not got into the takeaway scene supported that fully. Florist Gump moved into online trading. It started delivering flowers ordered online. It competed with the big operators in the eastern states and carved out a new niche for itself. I have spoken before about Mojo's restaurant. It was able to mobilise local wineries and brewers and market a Buy Local product; it spearheaded Buy Local. These businesses are backing Bunbury and Western Australia, just like the people of Western Australia are backing Western Australia. Opposition members are not backing Western Australia; all they are interested in is petty pointscoreing.

A member interjected.

The ACTING SPEAKER: Member, you are not in your seat. I just called another member to order for it, so, for consistency, member for Mount Lawley, you are now on record as being called to order for not being in your seat.

Mr D.T. PUNCH: Commercial lease operators are a good sign of what is happening with small business. I do not think Bunbury is very different from many other regional communities. I talked to the commercial leasing agents today and they said to me that what they are seeing is encouraging. Inquiry rates are up and the number of signed leases is up, and they are for small businesses. It is about people having a go, coming back into the market and, as the member for Bicton said, opening up new retail opportunities that can be supported by Western Australians, who are getting behind small businesses. About 150 businesses have worked through the tenancy agreement support process and the WA code of conduct. They have worked collectively, through an active process with landlords, leasing agents and tenants, and arrived at an arrangement so that small businesses will have the best opportunity to succeed.

If we go around regional Western Australia and the metropolitan area, we will find those stories. Equally, we will find businesses that are doing it tough. This is the worst crisis we have been in and we know that businesses have

been doing it tough. I have seen the long list of supports that this government has put in place to support small businesses generally, but some small businesses have fallen through the cracks. Part of being nimble and able to respond is being able to see things unfold and work out the best way to address those problems. The answer does not lie in only the government. The answer lies in the Western Australian community. They will get behind small business. They will support new businesses that emerge and they will take us forward into the future. I am backing Western Australia. I am backing our community to help see us through this and I am certainly backing small business in Bunbury.

MR P. PAPALIA (Warnbro — Minister for Small Business) [3.41 pm]: I thank all members for their contributions. This is a terribly challenging and confronting time for everyone in the nation and Western Australia, particularly those in small business. I have done scores of video conferences with many small businesses across the state. I begin every one of them with a couple of observations. Firstly, I say that in my view Australia has had one of the best responses in the world to COVID-19. There are three reasons for my observation. The first reason is our governance system. Every Australian should be very proud of our governance system. They need only compare Australia with other democratic federations around the world to see far less successful attempts at countering the COVID threat. The second reason lies in the leadership provided by the Prime Minister and his move towards the national cabinet. The Prime Minister and all Premiers and chief ministers have excelled. They have demonstrated exceptional leadership in the face of a threat the likes of which no-one alive on the planet has experienced before. That is the truth. I say that to all the businesspeople I meet virtually and in person. The third and the most significant reason for Western Australia's success is that Western Australia has had the most successful response to COVID in Australia. The greatest reason and contributing factor for our success as a nation, and particularly as a state, has been the willingness of Australians, in our case Western Australians, to sacrifice self-interest on behalf of the community and to seriously make sacrifices on behalf their neighbours and fellow citizens. That willingness has stood us apart and has contributed overwhelmingly to the success of the government's response. Governments cannot respond to such health crises and subsequent economic crises without that. These things can be addressed effectively only through collaboration with the population. Australians and Western Australians have been exceptional, except for perhaps the embarrassing moment around toilet paper. All other community responses have been exceptional.

I also say that small businesses in particular have made the greatest sacrifice within the community. They know that. They have watched the Premier say it many times. They have seen members who are or were small businesspeople confirm that the hardest decisions the government has had to make—or at least equal to some of the life and death-type decisions—are those that intentionally impede or damage small business activity. I am referring to those people who have had the courage to step out on their own to either establish or buy a business that will sustain themselves and their families, and in many cases employ other people. Harming that has been the worst thing that governments have had to do. The Western Australian government, from the Premier down—he grew up in a small business and he absolutely feels the pain that people have gone through—is determined to ensure that it provides the best possible response to COVID for small business.

The first priority is always people's health. Then on the advice of the Chief Health Officer of Western Australia and our health officials our priorities are based on establishing this economy as the most effective, the freest in the nation. We have done that now.

I must address a couple of the claims made by members on the other side. The member for Bateman suggested that every other state's border is open. That is just not true and the member for Bateman knows that that is not true. Only two states are without borders; they are Victoria and New South Wales. All other states' borders have remained closed. It is true that South Australia declared that it will open its interstate borders on 20 July—that is not this month. The Queensland government has mentioned three different dates, but it has most recently suggested that it will open its borders on 10 July, I think. Tasmania has not yet set a date, but I think it may have a date in mind. I believe that the Northern Territory has also mentioned a date. But no state other than New South Wales and Victoria has dropped its interstate borders.

Beyond that, as confirmed in response to the claim that we cannot open and we need to open for small business to thrive, it is undeniably true that a fully open economy is the best possible thing we could do. But, conversely, the worst possible thing we could do is to relinquish all the benefits we have achieved through our hard borders and other measures. That could result in outbreaks of COVID-19 in this state, which would decimate our economy again and throw us back to where we started. That is the worst possible thing we could do and, rightly, the Western Australian people understand that.

There is evidence of community transmission in Victoria in particular, and New South Wales is shutting schools. Both those states have evidence of community transmission. Western Australia does not have evidence of community transmission and has not since early April. That is a good thing. As a consequence, we have been able to move ahead. We have the freest hospitality sector in the country. We have reversed all the changes to and constraints on industry that had been made in the early days of responding to the COVID crisis. We have opened all the small businesses that were specifically shut by the directive of the emergency coordinator. Now, unlike in every other state, we have the two-square-metre rule and that has enabled a significantly larger number of people to congregate in hospitality

outlets. Many tens of thousands more Western Australians are now able to go back to their employment. That is not all. The casino is not yet open as a hospitality outlet, but to my knowledge, most hospitality outlets are back in operation. I understand they are not making what they would prefer to be making, and in some cases their operations may be marginal, but they are far more operational and free to operate in a near-normal or new-normal environment than any other place in Australia. That is a good thing, and that is due to the government's response.

The member for Bateman referred to a small bar in his electorate. He said that it could not open, but then conceded that it has opened. I make one observation: that is the only small bar in the country, other than in the Northern Territory or Western Australia, that is open because of the four-square-metre rule. It is the four-square-metre rule that shut outlets.

Mr D.C. Nalder interjected.

Mr P. PAPALIA: Firstly, it was shut and subsequently —

Mr D.C. Nalder interjected.

Mr P. PAPALIA: Member, firstly, it was shut and, subsequently, the four-square-metre rule prohibited that bar from opening when we first relieved the measures that had been imposed on closing hospitality outlets.

Finally, he has opened his bar because he can under the two-square-metre rule. If it were up to the Western Australian Liberals, we would not have small bars in Western Australia. When the Premier of Western Australia was the Minister for Racing and Gaming, he changed the law to enable small bars to open. Categorically, the conditions would have been worse under the previous government, member, but that aside, I am being a bit cheeky. It is true that the Premier has created a more liberal operating environment than anywhere else in the country other than the Northern Territory.

Mrs A.K. Hayden interjected.

The ACTING SPEAKER: Member for Darling Range!

Mr P. PAPALIA: I have to move on because I want to address the other contributions. The Leader of the Nationals WA rightly expressed the concern of small businesses about the potential termination of JobKeeper payments, and this is true everywhere we go. The JobKeeper response was brilliant. It was a great contribution by the federal government, and the elevation of JobSeeker payments to a more reasonable level was also a good thing—it was appalling before; it was not good at all. That has been necessary at this time and we can only hope that it will never go back to that sort of level when the current level of funding is ceased. The state government has nowhere near the revenue capacity of the federal government. There will never be a possibility, even with all the capacity of the federal government combined with all the capacity of the state government, that the state government will be able to replace lost revenue. That is not going to happen, and I say that to every small business owner I meet. It is impossible. All members know that, and the Leader of the Nationals WA has been a minister in government so she knows that too. What the federal government has done is just incredible. It has dedicated hundreds of billions of dollars towards responses. There is no way that we could match that or go anywhere near it. On behalf of the taxpayers of Western Australia and our citizens, we have had to harmonise what we do and identify the gaps that we can fill. In more recent times, because of our success in responding to COVID-19, we have had to respond more rapidly and move from sustaining survival to recovery and creating jobs, particularly in the second half of this financial year and the last quarter. Until about a week ago, there was a real threat that our housing industry would completely collapse in September. That is not going to happen now; I do not expect that at all.

With respect to JobKeeper payments—I think the member for Darling Range might have touched on this as well—members would no doubt have seen the angst and pain that travel agents are experiencing. On Monday, I met with about six travel agents from across electorates in the metropolitan area, including a representative from the member for Kalamunda's electorate, Christine from the member for Bicton's electorate and a representative from the member for Hillarys' electorate. I met with six people from across the industry and we had a really good meeting. I wanted to meet with them, as representatives of the industry, because there is no peak association for that industry. They have a really good network and they communicate very well on social media. I am hopeful that we have established a communication means by which we can distribute information rapidly. But that aside, we all met and they expressed their disappointment that they are not eligible for the WA tourism recovery program, which was the first grant. And I conceded that. The member for Darling Range talked about how many tens of thousands of tourism businesses there are. Tourism Research Australia claims that there are 30 000 businesses. As the Premier indicated, I think that figure incorporates all the hospitality businesses in WA, including every corner cafe. If we include the tourism operators involved in the day-to-day, nitty-gritty tourism activities, there would be some hospitality and accommodation providers, but it would include the sort of tourism providers with the content or product that the member talked about. In the end, we could not fund all the operators and give something to everyone. The impression around the country is that every small business in other states is getting a \$10 000 grant. That is not true at all because it is impossible.

This state has provided some responses, and other jurisdictions have provided different responses. We do not have a \$10 000 grant scheme for every small business in the state, but we have done a lot of other things. We have provided a \$2.5 billion response mostly focused on small business. South Australia has provided the largest

response in terms of the number of small businesses receiving a \$10 000 grant; however, only 20 per cent of small businesses in that state received a grant. It is a lot, but, conversely, that state would not have provided the same things that we have provided in other fields.

Ms M.J. Davies interjected.

Mr P. PAPALIA: I am running out of time. I will take an interjection in a minute. The response varies across different jurisdictions. In Queensland, only 2.2 per cent of small businesses received a grant. I am very frank with the small business owners I meet. I tell them that there is no capacity to do that. Other states might announce a grants scheme in the same way that we have announced a tourism recovery grant, and those who are eligible can apply for it, but they will not all get it. When the member says that it is undersubscribed, some of the businesses that subscribed will be refused because they do not comply with the criteria or are unable to meet the obligations of that use of taxpayers' money, which is just a handout or a grant. The money is not coming back to government; it is not a loan. I would like the member to convey this to all the visitor centres that are not currently supported by their local government—I am not sure whether Denmark is one of them, but certainly Albany would not be eligible. Some of those that are not supported by local governments are eligible for the business recovery grant program, as are travel agents, even though, in the course of the meeting, I confirmed with them that 90 per cent of their business is taking Western Australians out of the state. Before COVID-19, I would never have been focused on trying to get Western Australians to leave the state. Rightly, as the Minister for Tourism for this state, I am focused entirely on getting people to come here. We have worked hard to get new direct flights to this state, so in our conversations with airlines to convince them to fly to Perth from places such as Japan, there is an element of benefit around the return flights.

I need to cover one other point on behalf of the Minister for Education and Training—I had forgotten about this; sorry. The member for Bateman made an observation about Catholic Education WA school camps. I am informed that camps are starting in July, but no schools have gone ahead with bookings. Catholic Education has instructed schools to ensure that the camp provider abides by WA Health COVID-19 guidelines. That means that the guidelines are the same as those that apply to boarding facilities.

Mr D.C. Nalder interjected.

Mr P. PAPALIA: This is the national cabinet advice from the Australian Health Protection Principal Committee. This is not made up by the WA government—that one, about 25, is directly from the national cabinet.

Mr D.C. Nalder: That is the state one.

Mr P. PAPALIA: It is from Catholic Education. It has said, on behalf of the Minister for Education and Training, that schools should comply with the national directives. There is no additional opportunity for change. Catholic Education is hopeful that advice on school camps from the AHPPC will be amended in the near term, so it might change soon, but right now no-one should be striking out on their own.

Mr D.C. Nalder: Hang on! Western Australia is striking out on its own with borders.

Mr P. PAPALIA: I am talking about school health advice. I am talking directly to the member.

Mr D.C. Nalder interjected.

Mr P. PAPALIA: I am not accepting an interjection. I have only three minutes left, Madam Acting Speaker, so I am not accepting anymore interjections.

The ACTING SPEAKER: The minister has the floor. Members, shush!

Mr P. PAPALIA: As of now, school camp operators must comply with the national cabinet advice from the AHPPC. The advice might change and become more liberal. There are inconsistencies, and I have said this many times. I think I have done this four times in the last month or two in response to pretty much the same motion each time. At the start it was “hurry up and shut everything” from the Nationals, and now it is “hurry up and open everything” from the entire opposition. The truth is there are inconsistencies across jurisdictions. There are inconsistencies in the health advice. Obviously, if a Chief Health Officer cares about the Western Australian environment, that Chief Health Officer will be advising that government about specific matters related to threats or benefits to the Western Australian community.

Mr D.C. Nalder interjected.

The ACTING SPEAKER: Member for Bateman!

Mr P. PAPALIA: The Chief Medical Officer of Australia is looking at the threat from outside and at how Australia as a totality is operating. If I asked the Chief Medical Officer of Australia right now whether there is community transmission in Victoria, he would say yes. If I asked him whether there is evidence of community transmission and whether they are shutting schools in New South Wales, he would say yes. If I asked him whether there is evidence of community transmission in Western Australia, I know what his answer would be—it would be no. Therefore, the Western Australian people understand that that border is protecting us from the greatest threat right now, which is community transmission from the east. I conclude by saying that until they fix their problem, it is a measure of benefit. The benefit resides with Western Australia not having to worry about community transmission.

Division

Question put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the noes, with the following result —

Ayes (17)

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

Noes (32)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Ms J.J. Shaw
Dr A.D. Buti	Mr F.M. Logan	Mr S.J. Price	Mrs J.M.C. Stojkovski
Mrs R.M.J. Clarke	Mr M. McGowan	Mr D.T. Punch	Mr C.J. Tallentire
Mr R.H. Cook	Ms S.F. McGurk	Mr J.R. Quigley	Mr D.A. Templeman
Ms J. Farrer	Mr K.J.J. Michel	Ms M.M. Quirk	Mr P.C. Tinley
Mr M.J. Folkard	Mr S.A. Millman	Mrs M.H. Roberts	Mr R.R. Whitby
Ms J.M. Freeman	Mr M.P. Murray	Ms C.M. Rowe	Mr B.S. Wyatt
Mr T.J. Healy	Mrs L.M. O'Malley	Ms A. Sanderson	Mr D.R. Michael (<i>Teller</i>)

Pairs

Mrs L.M. Harvey	Mr D.J. Kelly
Mr J.E. McGrath	Ms R. Saffioti

Question thus negatived.

LOCAL GOVERNMENT*Motion*

MR W.R. MARMION (Nedlands — Deputy Leader of the Opposition) [4.05 pm]: I move —

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

I will begin by thanking the Minister for Local Government for answering my question on notice 6115. In that question, I asked the minister to list the number of local government inquiries and reviews undertaken by the Department of Local Government, Sport and Cultural Industries since March 2017, including the starting and completion dates, and the estimated cost. I also got some information on the number of employees, which I will go through in a minute. The answer is interesting. It states that quite a number of authorised inquiries have been undertaken by the department. Some of those have concluded, some have been withdrawn, and some are ongoing. Twelve inquiries have been started. I note that although the inquiry into the Shire of Wiluna has started and finished, another one has started. The minister might like to explain that, because I am in the dark about that one. I read the first report, and I will mention that later. That report was fairly damaging, as the minister would probably agree.

The other interesting thing is that of the total of 462 staff in the Department of Local Government, 42 are dedicated to local government, and only nine—I do not want to use the word “only” incorrectly—are allocated to inquiries and reviews. I will give the data in a minute, but given that some of those reviews are taking a long time, and some have not been concluded, we have to wonder whether having only nine staff in such a high priority area may impact on the credibility of a council. A councillor who was subject to an ongoing review would hope that it was completed fairly quickly. That is my opening gambit, minister. I understand that the minister has been a councillor. Is that correct?

Mr D.A. Templeman: Yes.

Mr W.R. MARMION: Therefore, the minister would know, and we all agree, that the role of local government is a key part of our democratic process. When the minister talks to local governments, they will say that they are the number one. It is a bit hard to argue against that. They will say that they do all the work at the bottom end, at the grassroots. When we mention to local governments that they are subject to state acts, they get a bit grumpy, as the minister would know. That is true. That is the fact. Local governments come under the Local Government Act, which the minister quite rightly looks after. That act sets out the roles and responsibilities of councils, the chief executive officers and the administration. I do not believe that is ambiguous. The act sets out those boundaries. I am not saying whether that is correct or not. A review of the Local Government Act is currently underway. The other place is looking at submissions and making inquiries into the whole local government sector. That will be of benefit. If we can improve the current local government system, there will be benefit to WA.

I want to make the point that we value members of the community who put themselves up for election to councils. As members of Parliament, we know that it can be a thankless task. One could argue that it could even be more thankless in local government. Quite often the issues of concern in local government are usually to do with planning. The issues may not be considered substantial or of monumental value; however, they become very personal to individual members of the community. One individual or a group of half a dozen people can make life very uncomfortable for someone who has a counterview to those people in the council. We know as ministers and members of Parliament that 1 000 people in an electorate could be upset over an issue. The other 25 000 might be quite happy, but those 1 000 people will give us a pretty hard time. As the shadow Minister for Local Government, I acknowledge the people who put themselves up as candidates and become councillors.

Obviously, we and the minister want all councils to run smoothly. The objective under the act is that the council works as a team and makes decisions that are of benefit to its community. Council members cannot always agree on issues, but provided they make their own decisions about what they believe is in the best interests of the community, they are doing their job. Everyone on the council handles the decision-making in a professional way, and understands that people on councils are doing it for the betterment of the community. They make decisions, and they must respect the position of councillors with a counterview. If they do that, councils will operate smoothly, but, as we all know, that does not always work out. Just personalities could get in the way. There could be some legitimate issue that someone feels so strongly about that they believe it is absolutely not in the best interests of the community, whereas someone else might think it is in the best interests of the community. That could be the start of a conflict of personalities. Unfortunately, sometimes councils can end up not running with the best interests of the local community in mind. I presume that is the reason that we have inquiries.

The department has the power under the act to look at a council and review any issues. The issue is what the catalyst is to starting a review. In the reviews I have read, quite often it can be the number of complaints a council gets from the community. It has to put a value on those complaints. Before there is a recommendation to the minister, one assumes that there is a review. The minister could probably explain this to me, because I have only been the shadow minister in this area for 12 months, so it is an area of great interest but I do not have the background or knowledge that the minister has as minister and as a former member of a council. One would assume that the aim is not to have too many inquiries, so if there is anything that the department or the minister can do to solve any problems before they gravitate to needing an inquiry, it is important to consider. Let us assume that there are some complaints about a particular council. I assume that before an inquiry is authorised, there are mechanisms within the department to see whether they can be resolved amicably. If there is a legitimate issue and the council is not following the act or does not have the right procedures, it is quickly recommended and dealt with by administration and the issues are sorted out.

The minister has quite strong powers under the act to dismiss the council and put in a commissioner or commissioners. That is quite a strong power, but, as we all know with phase 1—I suppose this is still in vogue—once a commissioner is put in, they then move on and there are elections, and the same councillors can get back to the same spots. That is democracy; that is how it is. The community can still vote for who it wants, and that is how it works. I must say that the minister has a very long record of inquiries, but he also has a record of bringing in amendments. We have to give the minister a bit of a pat on the back for having a crack at making some amendments.

I have press releases about phase 1. The minister is good at putting out press releases. There was a press release on Wednesday, 1 August 2018, about going ahead with the election commitment for training for councillors. One issue is that councillors cannot read what the act explicitly tells them to do.

Mr D.A. Templeman: Or understand their role.

Mr W.R. MARMION: Or they cannot understand their role.

There is now a training mechanism for candidates online, so it is not inconvenient. There is now a mechanism through phase 1 of the government's reforms.

One of the other issues highlighted in the City of Perth was the gifts that the Lord Mayor got, and that is what the public and the community think of in relation to the City of Perth. I do not think that was the main issue, but it became what everyone sees as the main issue. There needs to be greater transparency on gifts. Ministers get lots of gifts, especially when they go overseas.

Mr D.A. Templeman: I do not get many!

Mr W.R. MARMION: They are not the sorts of gifts that we would really want to hang on to, but we cannot say that at the time of receipt! They are not anywhere near the value of \$300. If a minister gets a gift worth over \$300 and they want to keep it, they have to pay the difference above \$300. It is all transparent and all the money goes into the consolidated account. There are probably very few gifts that a minister would get that fit that category. The benefit of being a minister is that people in their office look after anything like that. They do all the paperwork for the minister and they value the gift. If someone drops a gift on the table after a meeting, they can value it, so there is a process in place. That is what one would have thought the City of Perth had in place, by the way.

The other problem in trying to make some reform in local government is that we have to recognise that not all local governments are the same. They are not all like the City of Perth, Stirling, Wanneroo, Joondalup or Rockingham. There is the Shire of Wiluna, and the Shire of Yalgoo might even be smaller than that.

Mr D.A. Templeman: In terms of ratepayers.

Mr W.R. MARMION: Yes.

Mr D.A. Templeman: The Gascoyne is small.

Mr W.R. MARMION: The Shire of Upper Gascoyne is small.

In those communities it is sometimes hard to get enough councillors on the council, let alone have a CEO and all the procedures in place to make sure they comply with proper procurement and tendering processes, but they still have to. When I go through some of the reports, I will highlight some of the issues that have come out. The reports will probably influence and guide any changes to the Local Government Act. Looking at the inquiries, even the phase 1 reforms were guided by some of the negative outcomes of past inquiries.

Another issue in play at the moment is a review of phase 2. Presumably, that will mean a substantive change to the current Local Government Act. The minister might like to highlight where that is and whether it may be a green bill, or whether the government is waiting for the upper house inquiry—I do not know. I think the house would like to know where the review is. If it is not going to be a green bill, will the minister read in a bill later this year, and what does he anticipate its progress to be? I would imagine it will be fairly chunky. If so, the bill will probably require a lot of input from councils and the Western Australian Local Government Association.

The Department of Local Government, Sport and Cultural Industries has basically two roles. My understanding of local government is that a small council could ring up for a bit of direction on the right way to go—some advice—but it also has a regulatory role in conforming to the act. Indeed, the department has the ability to come in to do a review. When I have spoken to people in councils and in the community, some people question whether those two roles are too close and should be separated, or whether they should be under the same chief executive officer. I do not know, but the minister might like to touch on it from his experienced position. Another interesting aspect that comes up from talking to people in the community is the role of the Western Australian Local Government Association. WALGA is basically the council association. I think it includes all but two councils, but the minister might be able to update me on that, although I realise he is not responsible for WALGA. Historically, the City of Nedlands council was the only one that was not in WALGA.

Mr D.A. Templeman interjected.

Mr W.R. MARMION: Yes. I heard a rumour that Cambridge may have, but I do not know. There may be two. In my electorate of Nedlands, I have the City of Nedlands, the City of Subiaco, a little bit of the City of Perth and a little bit of the Town of Cambridge.

Mr D.A. Templeman: It is the southern section of the Town of Cambridge.

Mr W.R. MARMION: It is the Crawley section, yes. I have the south-east corner of the Town of Cambridge. At the moment, three of those four councils are under inquiry. There is one for Subiaco and the City of Perth and the inquiry into the Town of Cambridge has been going for some time. The member for Churchlands will talk in more detail on the Town of Cambridge.

The department has an ability to provide advice, do inquiries and police the regulations. Some people also argue that when inquiries are initiated through the department, they may not be independent. Some people have said, “If you’re going to do an inquiry, we don’t believe it’s independent.” That is a criticism of the councils being reviewed. I asked a question and I thank the minister for answering. I asked of the 12 inquiries that have been done, how many were done by staff within the council and how many were outsourced? I thought that with that many reviews, quite a few would have been outsourced, but it was only one. I got the cost of that review. In answer to my question on notice 6115, the minister said, I quote —

- (3) A Forensic Audit was conducted in 2017 as part of an Authorised Inquiry into the Shire of Wiluna. The cost of that audit was \$25,693.07.

Having read the report, I think that cost is reasonable. All the other inquiries were done by the nine staff. We cannot get a cost on them because it comes under the consolidated revenue amount.

I have mentioned WALGA. What is its role? Last time I saw a member of WALGA, I asked how many staff it had. From memory, it was quite surprising—I may be wrong, but I think it was up near 700 staff. I just about fell over because I did a bit of work for the precursor to WALGA when I was unemployed for a bit in 2001. I got a little job and there was nowhere near that number of staff. It has certainly grown. If it is true, WALGA has more staff than the department and way more staff than the local government sector’s 42 staff.

Mr D.A. Templeman: That doesn’t sound right.

Mr W.R. MARMION: It does not sound right, does it? Maybe it is 70 staff, not 700!

Mr D.A. Templeman interjected.

Mr W.R. MARMION: Yes.

Mr R.S. Love interjected.

Mr W.R. MARMION: No, WALGA. It has taken on a lot of jobs, so I do not know. It raises an issue. I am pretty sure the local government department has fewer staff than WALGA. If that is the case, it means it is geared up to provide better advice to councils than the department.

Before I get to some of the reviews, I will make a couple of points. There are always complaints about the cost of councils, including how much they cost to run, why the rates are going up and the quality of services they provide. Those issues are ongoing. Councillors and mayors have to get across these issues, with good advice provided by the administration of each particular council. There is no real mechanism to deal with rate increases, except for people getting upset. A council may have a legitimate reason for increasing rates, such as fixing all the roads, so it increases the rates by 10 per cent. I do not believe the Local Government Act has a regulation that stipulates any constraint. I would be interested if the minister could give some insight into whether there is any mechanism to deal with severe rate increases. Might the minister be able to initiate an inquiry? Obviously, if rate increases are not appreciated by ratepayers, all the councillors may get voted out at the next election. That could be the mechanism; we have that mechanism in state Parliament. If we make a bad decision, we can get voted out.

Just to shoot the breeze on some random points, another important thing is the conundrum of the quality of councillors. On the one hand, it is great to have councillors who are knowledgeable on everything and make great decisions; on the other hand, we want a council that actually represents the community. We have a bit of a conundrum. We have the same issue in Parliament. We like to think that we in Parliament represent the community of Western Australia, but, as it turns out, we do not. That is the way it is. Not many people want to become a member of Parliament. It requires different skills to be a member of Parliament. When I first came to this place, John Bowler, the former member for Kalgoorlie, did a bit of a survey of the previous occupations of members of Parliament. I think he had an interest in journalism. There were quite a few journalists, but I think he found that lawyers, trade unionists and teachers made up the main occupation categories. The nature of the job seems to pick the professions of the people who come in here, or the majority of them. In councils, it is probably not as severe. But, as I said, we want councillors who have knowledge. I know that phase 1 of the review of the act includes getting councillors up to speed on the provisions of the act, but a councillor may not have the skills to do some of those tasks. They might have a disability that means that they cannot get up to speed on some areas as much as some other people, but we want those people to be on council. It is a bit of a conundrum.

I refer to another issue that we have running at the moment. We are all receiving letters from constituents who have suddenly done inquiries off their own bat, found out from their next door neighbour or have an interest in rates and have been following with interest the gross rental values over some years. I have a letter in front of me. I will not disclose the name of the writer; I have made sure that I will not because I have cut their name off the bottom. This person has been following the valuation reviews and knows that their GRV value is going to go down. They have an expectation that because their gross rental value is going down, their rates will also go down. They were sitting at home waiting for this. They have since written emails to probably a number of members of Parliament. This person is from the City of Wanneroo. It is a big city, so we will not disclose who the person is. This person wrote —

Given the Mayor's promise of a 0% increase, on the 7th of April 2020, I was shocked to find out that the City of Wanneroo are proposing NOT to support us, and are in fact proposing a 16% increase to the 20/21 Differential Rates to 7.6953 cents in the \$, during such a trying time with many households struggling to cope financially.

That is a specific issue; they have looked at the rate. I understand that most councils are going to endeavour to collect the same amount of rates that they collected the previous year. The problem with that is that some people will win and some people will lose. Generally, if more people's rates go down, it might be that there are lots of small winners, but there might be a few big losers. Even if there are only a few, that may equate to a lot of ratepayers, if members understand what I mean. If it is 15 per cent of ratepayers, that is a lot of people. That is a dilemma, but I think the minister, in his response, will say that it is a dilemma that the councils can deal with. There are mechanisms that I can think of and they can think of, too. It may not be as easy as maintaining the previous year's GRVs, but we discussed that in the debate on the COVID-19 powers, so we are right across that. But it is an issue. I think there was a newspaper article written by Paul Murray that explained the issues and that people will not understand that, and we are already getting letters on that.

Mr D.A. Templeman: For some people, it is a difficult concept to understand because it talks about rates in dollars —

Mr W.R. MARMION: Correct. One has to multiply it by two different things, so even though it is only the multiplication of two figures, it is still complicated. If someone focuses on either one, they cannot work it all out. Anyway, that is an issue that is going to be thrown back on the minister, and I am sure that he will enjoy it.

Mr D.A. Templeman: In fact, the Minister for Lands, of course, has the procedure. We had a debate in the house, as you have already said, and there was a push. There was certainly hope that there could be a deferral of the assessment, and I think there was furious agreement from the Minister for Lands and the member for Bateman. If you go back to *Hansard* and look at what was said, that was not an appropriate measure or way to go.

Mr W.R. MARMION: Yes. I was in the house when that debate occurred. The minister has extraordinary powers at the moment. I asked the minister the question, and he said that, yes, he did have this power. The question was whether the minister, with these extraordinary powers, could actually make a ruling to override that, and I think the advice at the time during the consideration in detail stage was that the answer was yes. But the minister may want to check *Hansard* on that.

I have been asked to speak for the full time, minister, so I am going to just go through some very —

Mr D.A. Templeman: You're doing very well. I'm feeling very uncomfortable.

Mr W.R. MARMION: Wait until we get to some of these inquiries! I will be nice to the minister. I will start with the Shire of Perenjori. There was a report on an inquiry into the Shire of Perenjori, which has only 294 electors and nine elected members. The inquiry started in January 2018 and finished one year and seven months later. That is quite a long time. The inquiry examined potential breaches of the act, and operations and practices relating to tendering, procurement and financial management. When I read the reports on a lot of these inquiries, especially with the smaller councils, I notice that a lot of them come unstuck in either not keeping appropriate records or, indeed, some horror stories in tendering, procurement and financial management. I think Perenjori is one such case. We have to be mindful that Perenjori is a small council, so we have to give it some leeway for that. Nevertheless, these are the findings. In record keeping, the CEO breached section 78(1) of the State Records Act by not ensuring that government records were kept in accordance with the shire's record keeping plan. In the disclosure of interests, six councillors may have breached section 5.65 of the Local Government Act by not disclosing proximity interests, and there were nine instances of the council breaching regulation 11(f) by not ensuring that the minutes of meetings included the information for specific agenda items. How can someone make a decision if they do not have the specific information? The findings related specifically to a building contract for a business incubator for toilets. I will turn to this page because it is just mind-boggling. I will read this out. It caught my attention because of the numbers and how they changed. This was not a specific finding, but on 8 October 2014, the CEO—I will not mention the name—requested a quote from GBSC for the construction of business incubator toilets, and a quote was received for the amount of \$60 202.15. The contract was awarded to that particular company shortly thereafter, but \$2 000 was added, so the figure came to \$62 202.15. The inquiry had no idea why there was a \$2 000 difference. One can only speculate. Finally, when the job was finished, an invoice for \$66 222.37 was sent. The sixes and twos seem to be floating around all over the place. There was no reason for the increase in price. Three quotes were not obtained. The finding in this report was fairly negative towards the CEO. During the inquiry, I believe that the CEO resigned. This is a good example of what can occur, except for the time it took. I will not go into any more detail, but that was the highlight. The problem is that people do not have any faith in a council if there is a suggestion of favouritism or fraud in the procurement process and management of the contract; they wonder where the money has gone. It is terrible. How can we stop this? It will come up in some of the other inquiries that I will refer to.

The Auditor General carries out audits of councils, but I think they are done on a sampling basis. I think the budget might be constrained. The Auditor General will randomly pick councils and do external audits of councils. The minister might be able to fill me in on that.

Mr D.A. Templeman: They are the key supporters of financial audits of councils. That is through the legislation that we passed.

Mr W.R. MARMION: Do they use external auditors?

Mr D.A. Templeman: There is a pool of auditors that they use.

Mr W.R. MARMION: Does every single council get audited by the Auditor General every year?

Mr D.A. Templeman: By a certain period, all councils will have been audited. I think she has almost finished. At my last meeting with her, I think 120 of the 138 had been done.

Mr W.R. MARMION: Over what period has that been?

Mr D.A. Templeman: Since the legislation was passed. The legislation was passed in 2018, so over the last two years.

Mr W.R. MARMION: Most of them will be covered in a fairly short space of time.

Mr D.A. Templeman: The Auditor General is also responsible for performance audits. She will pick specific areas. Those tend to be more on a separate basis.

Mr W.R. MARMION: They are probably the ones I am thinking of. Those audits would be similar to these inquiries. Having done them myself when I worked for the Auditor General—they were called value-for-money

audits in my day—we would set the brief. If it was to look at procurement, for instance, or recordkeeping, we could pick and choose half a dozen councils and look at procurement in those half a dozen councils. I think that is a good thing. Just from the ones that I have read, we could almost guess in which areas we would get some good runs on the board. All procurement processes could be improved. I could go into any government department and make a recommendation to improve a procurement process, let alone going to Wiluna.

Then we have to say, “Hang on; what’s reasonable? What can we put in place to deal with corruption?” That is one of the things that I cannot believe when I read these reports. If there is a policy in place to get three quotes, they ring up two people. If it is a bit more, they should get three in writing. They do not do that. Some of the figures are astronomical. They are so incompetent. That is Perenjori. Apart from the fact that it took one year and seven months, if I was the private sector consultant doing the value-for-money inquiry, and it took me one year and seven months, I would be expecting a lot of money. I assume that with all these inquiries, the poor old inquirers, the department people, were probably running them all at the same time. If that is the case, it is very hard for people to keep their mind on different inquiries from different councils. I recommend that when doing an inquiry, the team of people, or one or two people, work on it full-time until they have a final draft. Then it might take a little while to come out. We hope that the first draft will be completed fairly quickly.

Mr D.A. Templeman: I understand the issue around timeliness. Ideally, we would want an inquiry to be as swift, as effective and as fair as possible. The challenges are all different because they are inquiring into a range of matters that may require some more time than an individual inquiry. You can’t necessarily compare with an inquiry that should take four months.

Mr W.R. MARMION: I agree with that. When I was in the private sector and I wanted to find out about a future LandCorp project, I would go on the website. It had a bigger budget of course. When I rang up, there was someone there and I could get an answer straightaway about a project that would not happen for five years. Inquiries are being undertaken already. If one person can be dedicated to that inquiry, that is their job. Some managers might be overseeing it, but that one person could be involved in three inquiries relating to Subiaco, Cambridge and the City of Perth—it would not be the City of Perth. I know that people who went to Subiaco and Cambridge are involved; they are the same people. Those people are involved. Whether they are all personally involved in writing each report and to what level, I do not know. It is just a suggestion.

I will quickly deal with the Shire of Carnarvon. That particular project was a basket case. The Shire of Carnarvon has 3 163 electors. Again, the inquiry related to a seawall. It went for one year and 10 months. That is a long time for an inquiry. This was just on the seawall. It was a disaster as well. Being knowledgeable about retaining walls, I was flabbergasted when I read the report last year. I re-read it. The fact that the main structural element of a \$19 million project could be changed—the retaining wall steel was changed to a thinner wall and also the mechanism of the tieback was changed—is beyond belief. That is another inquiry that came up in Parliament. The report states that royalties for regions paid \$19 million towards that project. The state government invested money; royalties for regions money went into this project. In my view, when the engineering design was changed to what I would say was a lower quality retaining wall, an engineer did not check it. It is in the report. That is diabolical. The report states that the moment capacity—people might not know what a moment is—of the new retaining wall is half that of the one that was designed. It had half the strength. A \$19 million project was designed with half the strength because the right procedures were not put in place and there was no supervising engineer.

Mr D.A. Templeman: You might note that the history of that goes back to 2012, if you look at the history of the issues that were being raised.

Mr W.R. MARMION: Is that right? The design came from that. A good design was done by an engineering firm, Coffey, but somehow it got changed without the firm knowing. The steel was ordered by the director of infrastructure services at Carnarvon and it was some millions of dollars.

There is another one that I want to run through quickly. The member for Riverton might mention this. The City of Melville is a big council, with 70 000 ratepayers. The minister and I have probably received lots of emails from the same people. I certainly did when I became the shadow Minister for Local Government. The report mentions how many people sent in information on this. This inquiry lasted for one year and seven months. I think there should be a target of completing an inquiry within at least 12 months. Some people might say that that is being generous. This inquiry went for one year and seven months. I know it is a big council, but when I go through the issues, it makes me wonder why the inquiry was done. The inquiry looked at the management of public question time, because people were worried that they were not getting their questions at question time; getting access to information; the complaints-handling process, because it is a big council; land acquisition; and the relationship between the council and the administration. A particular property was demolished, and that went down into minute issues. The findings generally were not bad. Everyone got upset that the findings were not bad. In fairness, the report was quite complimentary about the relationship with administration. The inquiry found that a good relationship existed, with a clear division between the two and each was aware of their separate roles. That is not a bad finding. I wish all councils had that. I know some that do not at the moment.

I made the point that there were some good recommendations to improve the complaints-management process, including staff training and a government review by an independent body. Within six months of this inquiry concluding, which would have been in December last year, the CEO was to provide to the minister a report on the implementation of the inquiry, so the minister might like to give an update on that report. The member for Riverton might have better insight than I do; I have only the insight from reading the City of Melville report and I was quite surprised by the recommendations. Maybe something was missed that I did not see. The inquiry looked at three properties. In one case, a purchase was made but there was no approval. That was a mistake by an officer, and that is explained in the report.

Dr M.D. Nahan interjected.

Mr W.R. MARMION: So I have read it right. Having read this report and all the other reports, I wonder why this inquiry was done. The comment was made that there were a number of inquiries by a small number of people.

Dr M.D. Nahan interjected.

Mr W.R. MARMION: I do not know. It is very simple, member; it is because it says “Melville” on the report!

I want to touch briefly on two other inquiries, because both councils are in my electorate. I know that the member for Churchlands will elaborate further on the Town of Cambridge inquiry. I am really looking forward to the City of Perth report. When the City of Perth report comes down, I hope it does not read like the City of Melville report. I do not believe it will. I have met with people, as members who are shadow ministers do, but it was some time ago. I thought that the report would have been out by now for the betterment of Western Australia. The City of Perth is the ultimate council in Western Australia. It sets the flavour and, indeed, helps to set a culture for the state. It has in the past and I think it is trying to at the moment, but it needs a Lord Mayor and some councillors as soon as possible. This inquiry has been going on for more than two years. As the minister knows, people are looking at running for Lord Mayor; they are lining up.

Mr D.A. Templeman: I thought you were going to!

Mr W.R. MARMION: I have been lobbied—not! The CEO has been appointed. I happen to know the new CEO; she has not started yet, but she has done a good job at Rottnest Island. I have known her for a long time. There is a question about that as well. If the new Lord Mayor and councillors come in at the next election, which I hope will be held this year, they will not have the option of appointing their CEO. There has been quite a lot of criticism about that. Although I know that the new CEO is a good operator, the mayor and the councillors will not have a choice. Whether that is good or bad, that will be what the councillors will have. That call was made by the commissioners. I wonder whether the government had any involvement in appointing the CEO.

Mr D.A. Templeman: No, we can't.

Mr W.R. MARMION: No, it cannot.

Mr D.A. Templeman: We didn't have a role in the appointment of the CEO of Perenjori; that was made by the commissioner, Hon Paul Omodei, just as we did not have a role in the appointment in Port Hedland.

Mr W.R. MARMION: I also know the current acting CEO. I do not know—I have not spoken to him—but perhaps he could have carried on just a little bit longer.

Mr D.A. Templeman: Mr Jorgensen?

Mr W.R. MARMION: Yes, but I do not know that. It has been of great concern to the state and there have been a number of articles in the paper. The minister has probably received lots of letters as well. The people who are thinking of running for Lord Mayor—we want a good Lord Mayor—are significant people and they have lives and they need to have some certainty. Is the report not due on 30 June?

Mr D.A. Templeman: Yes.

Mr W.R. MARMION: One hopes that there is no further extension and that the minister moves very quickly to deal with it and make sure that there are elections for the City of Perth.

Mr D.A. Templeman: There will be elections.

Mr W.R. MARMION: Will there be elections for the City of Perth?

Mr D.A. Templeman: In October? Yes.

Mr W.R. MARMION: Good; we have that on the record. There will be elections for the City of Perth. A number of people will be very pleased with that.

Mr D.A. Templeman: The date has been set.

Mr W.R. MARMION: For the City of Perth?

Mr D.A. Templeman: Yes.

Mr W.R. MARMION: Good.

Mr D.A. Templeman: In October.

Mr W.R. MARMION: Okay, but is that regardless of whether the inquiry is finished?

Mr D.A. Templeman: The report will be finished before then.

Mr W.R. MARMION: Good; it is on the record.

The member for Churchlands will talk about the Town of Cambridge. I have had a number of meetings with various councillors and ratepayers in the Town of Cambridge, and I wonder whether the minister has as well. They are puzzled and perplexed that an inquiry has been going on for some two years and, all of a sudden, there is a show-cause notice. The minister might like to explain how that works. The length of inquiries is a bit of a theme that I am running through. This has been one of the longer ones and it has not finished. It has been going on for more than two years and it is still going. Just when we thought it was all over, a show-cause notice has been given. Who would be a councillor in a council that has had an inquiry hanging over their head for two years or more? Some people are different. Some professional people might take that personally: “Aren’t you a councillor in Cambridge? Aren’t they doing an inquiry?” If the only report they ever read was about the inquiry into Perenjori or Wiluna, they might say, “You’re a councillor at a council that has one of these inquiries. What have you done wrong?” My constant theme has been to get these things started and finished as quickly as possible. I see some nodding heads. The member for Churchlands is not happy that there are nodding heads because he wants to get up and speak. The minister might like to explain, but I am sure the member for Churchlands will put more detailed questions to him about the Town of Cambridge.

I now turn to the show-cause notice. I recently went to a hockey game at Perry Lakes, which is in my electorate but adjoins the member for Churchlands’ electorate, and saw a not very complimentary sign about the current minister. A group of people in the Town of Cambridge are not happy. The sign does not mention the minister by name—Templeman—but it certainly mentions the word “minister”.

Mr D.A. Templeman: I have seen them.

Mr W.R. MARMION: The minister probably went to the same hockey ground.

Mr D.R. Michael: Was it on the astroturf?

Mr W.R. MARMION: No. I am not that good!

I will close by referring to the City of Subiaco. A notice appeared out of the blue on the City of Subiaco’s website on Wednesday, 13 May. It states —

Authorised Inquiry

...

The City has been notified by the Department of Local Government, Sport and Cultural Industries of an Authorised Inquiry into the operations and affairs of the City of Subiaco.

The department is specifically looking at —

- the employment and management of staff
- inappropriate workplace behaviour and the systems for dealing with said behaviour
- systems for the reporting of misconduct to the appropriate authorities
- the adequacy of and adherence to Council’s policies and procedures by both elected members and administration staff —

That comes up with the Town of Cambridge as well —

- declarations of interests by elected members and administration staff
- the workplace culture at the City.

It will be pretty hard to measure workplace culture at the city. It is easy for people to talk about culture and not fitting in. That is a hard thing to measure. It will be a fairly broad inquiry. I know that the city will cooperate fully with the inquiry and I will not make any further statement on it. I know that the minister will not have any role in that, but it is yet another job for those nine individuals, those nine poor souls, whose job it is to do those inquiries. It is okay when there are not many inquiries, but when there are 12 inquiries, we should ensure that those people are not overworked; and, if they are, perhaps more staff should be appointed.

In conclusion, until now we have not had an opportunity to raise local government issues in this forum. I know that when the minister saw the motion yesterday, he was very excited and was looking forward to coming in here today, on a Wednesday when the opposition enjoys private member’s business. Today has been the Minister for Local Government’s day. On that note, I will sit down.

MR S.K. L'ESTRANGE (Churchlands) [5.03 pm]: It gives me no pleasure to say that we on this side of the house are very disappointed with the Minister for Local Government's lack of leadership and his handling of the local government portfolio. I can find no worse example of his mishandling of the local government portfolio than in the Town of Cambridge. He has been incredibly heavy-handed in embarking on a course of action to suspend the mayor and councillors of the Town of Cambridge. He has not properly considered all the facts and has not afforded procedural fairness to the Town of Cambridge. He has not identified an opportunity to improve his department and to get across his brief with regard to what is going on in the Town of Cambridge. It is clear that the minister has not read what he has received from the Town of Cambridge, so I will give him an overview.

In October 2015, Mayor Keri Shannon was elected off the back of concerns and public backlash over the previous council's mishandling of proposed changes to local planning. Mayor Shannon then set about making the Town of Cambridge more open and transparent, particularly in management and decision-making, and council administration and procedures. She had a really tough time doing that. It was not until October 2017, when a number of councillors changed at the council election, that she had the numbers to conduct her own independent inquiry, or investigation, into the Town of Cambridge. The mayor and councillors brought in lawyers from outside and set about conducting an independent inquiry to investigate their own council. That occurred in February 2018.

In April 2018, the state Labor government, under the minister's leadership of the Department of Local Government, Sport and Cultural Industries, authorised an inquiry into the Town of Cambridge. That inquiry has been ongoing for two years and two months and occurred at the same time as the minister's decision to try to suspend that council. I remind the minister that, on 16 April, the Town of Cambridge made a complaint to the Ombudsman about the minister's handling of that authorised inquiry. Lo and behold, on 26 May, the minister issued a show-cause notice. That appears to me to have been a reactive and aggressive handling of this council, and it was unnecessary and unsatisfactory. The minister did all this while the authorised inquiry was ongoing and against a mayor and council who were elected unopposed at the last election in 2019. I ask whether the minister can find another council in which the mayor and all councillors were elected unopposed by their local constituency. I think the minister would be hard-pressed to find one. The minister now has had a Supreme Court injunction put on his attempts to suspend the Town of Cambridge.

The ratepayers want the minister to support the mayor and council's attempt to improve the governance and transparency of their council. The ratepayers have been very happy with the efforts of the council in this regard. The ratepayers have been very happy that their council has frozen rates for the last four years during tough economic times. The ratepayers appreciate the fact that underground power has progressed extremely well under the leadership of the council. Innovative efforts to redirect water at Perry Lakes is underway. Efforts to help rejuvenate local sporting clubs and groups and facilities has been ongoing. There have been many improvements to local amenities and the council has been working hard to properly plan for the complex task of urban infill, whilst remaining on track to achieve all state government targets. Given all this success, I would have thought that the minister would have leaned in and supported the Town of Cambridge and its councillors and mayor. But no, he has not.

Let us look at the detail of what the minister did. I refer the minister to the February 2018 independent review the Town of Cambridge initiated to identify problems it needed to fix. The council employed a group of lawyers, Hall and Wilcox, to carry out the internal inquiry. This is what it found. It found a failure to comply with the town planning scheme, such that at least 800 houses were built contrary to the scheme; a failure to have a number of delegations in place, including under the Dog Act and the Bushfires Act; and a failure to have statutory delegations in place, including a delegation to allow payment from the municipal fund under the Local Government (Financial Management) Regulations 1996. This had never been in place and was one significant finding of the Office of the Auditor General that resulted in the Town of Cambridge receiving a qualified audit for the period ending June 2018. In 2018, it was found that the town had retained 1 600 bonds, totalling \$2.1 million, and also earned interest on 5 000 bond moneys deposited on trust. This had been the subject of a previous internal audit report of bonds and deposits in 2009, which noted a breach of section 6.9(3) of the Local Government Act. With all that occurring, the senior staff at the time ignored the audit report and did not implement the recommendation to repay the bonds and interest to ratepayers. That is what the town's own internal inquiry found out about its own administration.

The Town of Cambridge then asked the acting CEO to look into its own governance failures. This was done not by the minister or the department, but by the council itself. It found a failure to enforce the scheme requirements, resulting in hundreds of homes being approved invalidly with incorrect setbacks. It found application of invalid policy in issuing said approvals in direct conflict with the scheme requirements. It found that staff exceeded delegated authority so that approvals were invalid. The council found a failure to maintain a proper and current register of delegations as required under the legislation. It found a failure to conduct an annual review of delegations in 2017 as required under legislation, a failure to have appropriate financial delegations in place for procurement to require that employees with financial delegations submit annual returns in accordance with the Local Government Act and it found a lack of suitable delegations under all relevant acts and/or incorrect application of delegations. It found that officers were taking action using delegated powers that they did not have. It found multiple breaches of section 5.38 of the Local Government Act as the Town of Cambridge had not carried out the required employee annual performance reviews for its relevant employees. For example, the director of infrastructure had three reviews in 20 years; the director of community had three reviews in 18 years; the director of corporate strategy had two reviews

in 11 years; and the director of projects had three reviews in seven years. The council also found breaches of section 3.16 of the Local Government Act for failure to review local laws—that being the Town of Cambridge standing orders and by-law 43. It also found failure to comply with section 45 of the Heritage of Western Australia Act 1990 by failing to update the municipal heritage inventory every four years, with no review having occurred in 21 years since adoption in 1997. The council found a failure to review local planning policies to ensure consistency with legislative changes, a failure to conduct a full town planning scheme review for 20 years, and a failure to consolidate the scheme and amend the delegations following gazettal of town planning regulations in October 2015.

The town advised the Department of Local Government, Sport and Cultural Industries that the acting CEO was now progressing with a range of governance improvements. That would have been given to the minister because he oversees that department. The town has conducted an inquiry into itself and has found all these failings, which, may I add, is why the mayor was voted in in the first place—to tidy things up. The town then reported to the minister that it had conducted a range of governance improvements, including updating the local laws, undertaking performance appraisals of all employees, undertaking an independent audit of the delegations and reissuing new delegations and authorisations, where appropriate, and annual returns for those employees with financial delegations as part of a procurement function, and that it is progressing with a review of the heritage inventory and the local planning scheme. One would think with all of that going on that the minister would phone the mayor and council and say, “Thank you for doing my job. Thank you for actually looking into the governance of your town and for identifying all these problems and doing something about it. Thank you.” Was there a thankyou, minister? He knows that there was not. He knows that he ignored them. In fact, I think that the minister received information from someone—who knows who from?—who was unhappy that this council was looking into itself to improve, and the minister decided to do something different. Instead of congratulating the council, he chose to condemn it by conducting this authorised review. The minister not only set about conducting this authorised review, but he did it in such a manner that the process is proving to be unfair and demonstrating a lack of procedural fairness. Let us remember, minister, that the mayor and council identified—from what I can see—over 20 areas of concern or failure in its own council that they set about to fix. Instead of supporting the Town of Cambridge, the minister has started this authorised inquiry.

Let us look at the conduct of this inquiry, which has been going for two years and, tomorrow, two months, and is ongoing. Let us look at some of the specifics. Firstly, there is a lack of specifics in what the minister is inquiring into. The case that the minister put to the council for this authorised inquiry lacks procedural fairness; it has procedural force. For example, on 18 April, the minister had the deputy director general approve the authorised inquiry into the Town of Cambridge, but the notice of inquiry did not provide specific reasons for the inquiry or outline what complaint, if any, was the basis of the inquiry. It did not offer specific concerns or allegations to be investigated. Some time down the track, almost two years later, the director general of the department—again, the minister would have or should have been well across this—advised that an additional five officers from the department had been authorised to take action to inquire into and report on the Town of Cambridge. It then became confusing for the town. It was told that five new officers were working on the matter, so the town asked whether it was a separate inquiry or whether five more people were inquiring into the existing inquiry. The town did not get a response, so it wrote to the minister or his department asking for a response and never got one. Procedurally, it is unclear whether there are two authorised inquiries afoot, whether the authorised inquiry of 18 April 2018 has been withdrawn and a new inquiry called on 3 December 2019 or whether new authorised officers have been appointed to the original inquiry. As I said, no clarification has been provided to the town by the minister’s department.

The lack of specific concern in either notice of inquiry is contrary to procedural fairness, which requires that the minister advise of the case to be met and any negative or prejudicial information related to a person that is to be used. It does not state “has been used” but, rather, “is to be used” in the decision-making process. To this day, the council does not know why it is being inquired into; it has been asking ever since the inquiry was called. The inquiry is very open-ended and broad. The council has conducted its own internal investigation and found all those failures that it is trying to fix. The minister could have leant in and said, “We’re not going to do an authorised inquiry into you. Why don’t you give us what you found and then we’ll help you fix that up?” The minister could have then sent in people to help the town to fix things, and while that was being done, those people could have fed back information to the minister and said, “We have uncovered all this as well that needs to be fixed, so let’s help this mayor and the Town of Cambridge and support the ratepayers who elected them unopposed to make sure that their council operates effectively.” That is what the council wants to do. Unfortunately, the minister did not do that and we are very keen to find out why.

Another concern is prejudgement and bias. The handling of this inquiry with regard to prejudgement and bias is interesting. I am advised that the council is very concerned about the lack of specifics on the case to be met; the procedural flaws, prejudgement and bias; the unequal hearing; the selective use of the hearing rule; procedural fairness in relation to the town’s own 2018 local government review; the damaging effects of the nature and length of the authorised inquiry; the conduct of inquiry officers; and a failure of the inquiry to comply with the department’s published customer service standards. Those are the council’s concerns, and the minister knows that because it has communicated those concerns to him, yet the council is not getting any support. The minister has threatened to suspend the council. It is quite simply unsatisfactory.

If we look just at prejudgement and bias, the inquiry officers have displayed an attitude of prejudgement and, at times, disdain for council members, resulting in the conclusion of bias against current elected members. This is the information that I have heard about; people are genuinely concerned. This was raised in writing with the person or people responsible for the inquiry officers, but on a number of instances the letters sent to the minister's department were ignored or not responded to. On the notion of unequal hearing, I have been advised that complaints against the council have been publicly cited. Apparently these complainants have regular contact with inquiry officers and allegedly their intent is to have the council sacked. Why would the minister listen to only the complainants? Why would the minister not offer some procedural fairness to the town and say, "These are the complaints that we're hearing about; what is your answer to that?" This is particularly concerning when I hear that some of these complainants are former councillors who were defeated in the previous local government election by the incumbent elected members. It appears that they are concerned that some of these councillors who were not elected have a direct line to the inquiry team that no elected member of the council currently has. I am hearing that information out there. That should be of concern to the minister. Surely if the minister is getting complaints from some former councillors, he would want to balance the ledger and hear from the existing councillors as well. Concerns have been raised about an unequal hearing, and perceived bias. Those concerns have been raised with the Department of Local Government, Sport and Cultural Industries, under this minister's watch. However, I am advised that no response has been received from the department to that correspondence. Again, all is quiet on the minister's front.

[Member's time extended.]

Mr S.K. L'ESTRANGE: The elected members asked for interviews with the inquiry officers. They were eventually advised, after they had received no response to multiple requests, that an authorised officer would respond when an assessment had been made about whether an interview of some councillors would be necessary. They have heard about all those complaints that have been made. They have put up their hand and said they would like to be interviewed, but they have been denied procedural fairness in that regard. Minister, why would an inquiry officer not want to take evidence from a councillor? Is the minister able to respond to that?

Mr D.A. Templeman: Yes, I will.

Mr S.K. L'ESTRANGE: These councillors have received no response to date about that matter.

Another concern is the selective use of the hearing rule. The minister knows that without equality of hearing, an inquiry will be one-sided and incomplete. To ignore, refuse or dismiss evidence is to flout every norm of legal and quasi-legal processes and procedures. I urge the minister to grip up his department and make sure that it follows procedural fairness. I am hearing, and I am advised, that inquiry officers did not respond to letters and emails and actively rebuffed information and evidence about the Town of Cambridge's own governance review into statutory compliance. Why on earth would the minister's department not listen to an independently acquired group of professionals who are inquiring into that council? Why would it ignore that? It does not make sense. It is a waste of taxpayer money, and it is certainly a waste of ratepayer money, if the department is not willing to look at an inquiry that has already been conducted by the town. The minister's own inquiry members did not give equal weight and time to the complainants and to the people subject to those complaints. The minister's inquiry officers also did not provide written advice of the nature of the complaints made by the complainants about specific current councillors and staff. This is contrary to the requirement that any negative information the inquiry officer has about a person must be disclosed to that person and to those subject to the complaints. These allegations have not been made in writing by the inquiry officers. That is all happening while the mayor and the council are sitting there and saying, "We're trying to fix things up, but you're making it pretty hard for us."

I turn now to procedural fairness in relation to the Town of Cambridge's own 2018 governance review, which I went through earlier. It is a matter of significance that the people who are making complaints are the very people who were associated with obstructing or hindering the town's own pre-departmental inquiry governance review. Surely if the minister finds out or is advised, or even if a rumour lands on the minister's desk, that the complainants are the very same people whom the inquirers are looking into, and the minister takes their side without listening to the other side, that is either incompetence or laziness. It is one of the two. That is simply not acceptable. The town's governance review resulted in the identification of serious statutory breaches. As I mentioned earlier, we know that over 800 properties have exposed the council to legal liability and risk. That was the council's own findings. The department's dismissive approach to the town's own 2018 governance review and findings and to its actions to address illegitimate procedures and policies across 48 areas to date is very unsettling. The irony is that the minister is conducting an inquiry against the very council that itself identified and initiated actions to address serious governance issues, and which consulted with the Department of Local Government, Sport and Cultural Industries at every step of the way prior to the minister and his department deciding to set about conducting an authorised inquiry into that town. That approach that the minister has taken has not been lost on the ratepayers of the Town of Cambridge. Offers to provide information and documents on the many governance issues addressed by the 2018 council governance review, as identified by Hall and Wilcox, which was appointed to do that, were similarly rebuffed by the minister's department. That simply does not make sense.

The lack of attention to detail that the minister has taken on this matter is very disappointing. Had the minister read all the information that the Town of Cambridge had provided to him through his department, that would have shown the minister what the town was doing to rectify the mess it had uncovered. Let us not forget that. This was done by a mayor who was elected in 2015, and was followed up by councillors who were elected in 2017, to conduct an own investigation into their council in early 2018. Instead of the minister supporting the council in that process, the minister set about to bully the council with an authorised inquiry. The conduct of that authorised inquiry was done in such a manner that it was unfair to the people who were trying to fix that town. Instead, the minister could have allocated resources and provided support. The minister could have even visited the town and said, “Let’s have a look at what you’re doing, Town of Cambridge, because you might actually be an exemplar in how we should expect elected officials to look at their own town and fix up the administration.” It could be an exemplar in how to support ratepayers and the people in that town so that they will have good and effective governance and their rate money will not be wasted, and so that when approvals are made for buildings and projects, they are done properly and there are not mistakes or cover-ups or errors of judgement et cetera.

These councillors needed the minister’s support. The minister’s hard-line approach of threatening to suspend the council has been completely unnecessary. I can tell the minister right now that these councillors are not Labor or Liberal partisan political operatives. Some call themselves accidental councillors. They are simply good citizens in the Town of Cambridge who had listened to a litany of problems and concerns by the community and said, “I’ve got a particular skill set. I will put up my hand and run for election to help fix up the Town of Cambridge.” That is what the minister is dealing with. He is dealing with men and women lawyers, town planners, councillors and professionals, who put up their hands and said, “We’ll give the mayor a hand to clean this up so that the problems that she and the council have identified can be rectified.” That is what they set about to do. They were not ambitious to become politicians. They were not about supporting the Labor Party or the Liberal Party or any other party. They were simply being good citizens, good volunteers, to support their community. I can tell the minister now the toll that his efforts have taken on their state of health would not be positive. The minister is not supporting them to fix a problem. The minister is adding to the problem in volumes. The minister should be condemning the actions of his department on this authorised inquiry. If I am wrong, I will be the first to come into this place and apologise. The minister has not stood in this place, or anywhere else, to explain the actions of his authorised inquiry. Instead of condemning the volunteers who put up their hands to be on council, the minister should be congratulating them.

I urge the minister to stop this nonsense. It is nonsense. The minister knows perfectly well the type of people he is dealing with here. They are good citizens, trying to do the right thing by their community. These citizens are now saying to the minister that he has put on the table a threat to suspend them, which is very heavy-handed, and has taken out a Supreme Court injunction on that. This nonsense has to stop. Instead, the minister needs to lean in and say to the department, “Enough is enough. Let’s get hold of the town’s own internal inquiry and look at what it has done to try to clean up the situation. Let’s look at some of the complaints that we have heard about, and let’s hear the other side of the story.” Sure, if any of the councillors or the mayor, or anybody else for that matter, have overstepped the mark in any way, that is no reason for the minister to whack them with a threat of suspension. That is when the minister should say to the council, “You’re trying to fix the problem. You’re trying to clean up the mess that you discovered with your own internal inquiry. I’m going to help you with that. But, by the way, just be careful not to do this and instead do it this way.” That would be leadership, because leadership, as the minister should know, is about inspiring, motivating and caring for the people the leader is there to lead. I am not seeing any inspiration, caring or motivation on the part of the minister to assist the Town of Cambridge in its efforts to sort its town out and look after its ratepayers. I ask that the minister stop this show-cause notice and that he roll up his sleeves and get in there to try to help the Town of Cambridge.

DR M.D. NAHAN (Riverton) [5.30 pm]: I would like to talk about the City of Melville. It is a city that has increasingly come into my electorate in recent times and that I have had a great deal to do with. It is also the best financially managed city in the state by the measurements of the government website.

Mr D.R. Michael: Is that by investment of contracts for difference in America?

Dr M.D. NAHAN: Yes, the city made money off those in the end.

Nonetheless, right now the data provided by the state government website states that the city has the highest level of financial sustainability of all cities—fact—and has had it for four years. It is doing the hard yards of trying to diversify its income sources, as the government wants it to do. It is trying to encourage densification. It is trying to invest in things such as wave parks. This government has played politics and undermined the good governance of that city for political reasons. I will go through them.

One of the first things the Minister for Local Government did in this government was call an inquiry into the City of Melville. There is one thing that the government did not do. I was member for Riverton when it undertook a number of inquiries into the City of Canning. Both inquiries followed a certain set process. There was a request by the CEO and the mayor at the time to inquire into the City of Canning; it was called by the city. The first thing the Department of Local Government, Sport and Cultural Industries did was ask whether there was a reasonable need for the inquiry. It looked at the data from both the then mayor and the CEO to find out whether there was

justification for any inquiries. That was not done here. There was no reasonable assessment carried on the veracity of the complaints made upon which the subsequent inquiry was called. The major reason for the inquiries was that there were a large number of complaints; in fact, the City of Melville had been complaining about excessive complaints for four years before the inquiry was called. Indeed, I will go into the nature of the complaints.

Anybody who has had any dealings with local government knows that one of the greatest impediments to good management of local government is people who have a bugbear, complain and gum up the good management of cities in that process, and that is what happened here. The government should have helped the city, not hindered it, but it did the latter. The Corruption and Crime Commission had previously examined and dismissed these complaints, but that was ignored. I might add that the minister has form in politicising this council. I put to members that the sole reason for the inquiry was to assist the Labor Party to raise its profile in the City of Melville; it has achieved that aim. There is now a new mayor, George Gear, who is a former Labor federal member of Parliament. Russell Aubrey lost. Of course, that helped the member for Bicton. That was the aim, that was the objective and that is what was achieved, but, again, that undermined the best managed city amongst local governments.

Let us go through some of this. In 2012, the city was named winner of the IAP2 Australasian Organisation of the Year, Community Engagement Core Values Award. The city received the Australian Organisational Excellence Foundation Excellence Prize Award in October 2017, the month before the inquiry was called. The award was given by the then Governor at the Governor's house. No-one from the state government attended that award giving. In 2016, the city was awarded the Customer Service Institute of Australia Service Excellence Award for best performing government body in Australia. Also in 2016, the city was just one of two local governments to have been recognised for high-level planning performance by the Property Council of Australia. In other words, the city received awards not only for financial performance, but for planning, management and services, and yet, the government called an inquiry into it.

Let me go through a couple of things. The government's MyCouncil website, which members can look at for themselves, has data presented by councils but vetted by the state government, published for all to see. Since 2014–15, Melville has rated 98 or 99 out of 100 for financial sustainability, the highest by far of any city. Compare this with the City of Mandurah. In 2014–15, Mandurah scored 43 out of 100, in 2015–16 it scored 60, in 2016–17 it scored 58 and last financial year it scored 58. Freo, over the border, and that is a strange border, had a sustainability score in 2017–18 of 44 out of 100. I will go back to Fremantle. If there was a case for an inquiry, it would be into the City of Fremantle, not Melville. Why choose Melville? The City of Melville has had one of the lowest increases in rates of all cities over the last five or six years. It has over \$100 million in cash balances, and that has proved great for the ratepayers of the City of Melville now during COVID-19. I will come back to that. Fremantle has maxed out its credit card and is going to the state—I am sure the Treasurer is over there—asking for more borrowings.

Why did the state officially undertake an inquiry into Melville? Luckily, we have a journalist in the state who is interested in these types of issues. The minister announced early after coming to government, in June or July 2017, that he had received a large number of complaints by various people, some maybe not even residents or ratepayers, about the City of Melville and its performance in responding to questions. He then called an inquiry into the city in October or November 2017. He basically said it was because of the city's relationship to its administration, the adequacy of its policies, procedures for acquisition of land and any other matters that the investigative team discovers to inquire into. In other words, go fish. It took almost two years during difficult times. It undermined and put a shadow over the performance of the council. It undermined the ability of the council to perform. It encouraged the continued flow of unnecessary complaints and basically undermined the governance of the best managed city in the state. What did the inquiry find? It found nothing. That is not true. It found the real source, and that is that a small group of people were using their free time, of which obviously there was a lot, to flood the city with questions and inquiries. Indeed, in 2014, there were a total of 131 questions in ordinary meetings, special meetings, agendas and of annual electors—all the various meetings and committees of the City of Melville. In 2017, there were 737 questions. That is an increase of over 500 in the number of queries. In other words, the inquiry found that the reason for the problems that the minister identified was that there was a small group of people flooding the city with vexatious queries, and then complaining to various bodies that the city was not responding in an appropriate manner. The report states that the authorised persons—the investigators—were unaware of any other local government in Western Australia that has received a similar volume and complexity of questions from members of the public. In other words, it found that this is an unprecedented number of vexatious inquiries. A review of the questions found that most of them were asked repeatedly by a small group of people and that they were unreasonable questions. The review by the authorised persons found the volume, frequency and complexity of questions submitted to the council by some organisations or individuals was extreme and that it would be unreasonable to expect all the questions would be answered within the time permitted by the regulations. In other words, it should have been obvious to the minister right from the start that a small group of people were trying to undermine the performance of the best managed city in the state. Instead of assisting the city, it was subject to a two-year inquiry. The inquiry found nothing, except that the source of the problem was what it should have tried to address. The minister has done nothing, nor has the inquiry, to address the real issue of vexatious claims that the City of Melville and others face. The problem was identified, very expensively and at the cost of undermined good governance in the City of Melville, but it has not been addressed.

What is the government going to do, not just for the City of Melville but also for other cities where city councillors and staff are hit with huge volumes of vexatious claims? It should be of concern to the state government but it asks local cities to do all sorts of things that are open to complaints. The City of Melville was asked to significantly densify Canning Bridge. It was asked to diversify its sources of income so it could rely less on rates. The City of Melville tried that. Given this action, the lesson for all the cities, particularly if they are Liberal-oriented, is do not do it—resist—because the government will undermine them in the end.

I will compare the City of Melville with a city that shares its border—the City of Fremantle. I query why an inquiry has not been undertaken into the City of Fremantle, because one is needed. Again, I go to the financial health of the city from the MyCouncil website. It states that in 2017–18, the City of Melville had a financial rating of 98 out of 100; the City of Fremantle had a financial rating of 44 out of 100. The City of Melville had increased its rates on average by about 1.5 per cent per annum less than the City of Fremantle; in other words, it has been more friendly to its ratepayers. One reason for that is it has invested well in non-rate-paying income. Also, the City of Melville had over \$100 million in its cash balance. This was very important when COVID-19 hit because the City of Melville came up with the policy of firstly freezing rates for ordinary ratepayers, then giving all ratepayers a \$200 coupon—a discount—on all rates. Rates were frozen to that of the previous year and a \$200 coupon was given to help low-income households. Dispensation was also given for rent payments to businesses renting properties from the city. It was also able to bring forward an increase in expenditure and capital works projects to help job creation during the COVID-19 outbreak. In other words, because of its good management, the City of Melville was able to assist the state and the state government in its response to COVID-19. We can compare that with the City of Fremantle. It announced it would increase rates by 10 per cent during the COVID-19 outbreak. Why? It is because the city is broke. In addition to a rate increase of 10 per cent, it announced it would reduce or stop mowing lawns on verges, stop the CAT bus system, and implement other expenditure reduction mechanisms because it does not have any money.

Mr W.R. Marmion interjected.

Dr M.D. NAHAN: Yes, I will go through a lot of other motions that are ridiculous.

The City of Fremantle has put itself in a position of not only responding negatively to COVID-19, but it is also inhibiting our collective response to the outbreak. Another issue is that the city ran out of money. It had a \$20 million borrowing limit from the Western Australian Treasury Corporation, which it maxed out. During the COVID-19 outbreak, the state came in with an increase of, I think, \$100 million in borrowing capability for all local governments. According to the *Fremantle Herald*, that was driven by desperation from the City of Fremantle, which needs to borrow to meet its current deficit. It claims the government's supposed response to COVID-19 was actually an attempt to bail out the City of Fremantle.

The City of Melville is not just a good financial manager. It is one of the only councils to completely recycle all its waste. In Mandurah, 70 per cent of waste goes to landfill. No waste from Melville goes to landfill. That is at a high cost. It has a recycling centre, which I have had some troubles with in the past. It is operating pretty well right now. It recycles either in the composting plant or otherwise 100 per cent of its waste. Fremantle used to be a member of the recycling centre, but I think it has pulled out. It sends about 10 or 15 per cent of its waste to landfill. The City of Melville outperforms in finance, waste reduction and support for its community. Fremantle does not do any of that.

The City of Fremantle spends a lot of time doing things like trying to ban people from parking at Wilson Parking.

[Member's time extended.]

Dr M.D. NAHAN: The City of Fremantle passed a number of motions of community support for Julian Assange, which is not very relevant to the management of the city. It has passed a motion to have zero carbon emissions. I do not know what it does with all the electrons coming from the Collie region, but it is interesting. It also claims to be nuclear free, although nuclear medicine at least used to be practised at Fremantle Hospital; it might still be. When it comes to managing the city for its ratepayers, it is a basket case. In fact, an article in *WAtoday* calls it a "Slow motion train wreck". Where is the inquiry into the City of Fremantle? It is needed. It is a basket case. It is undermining our response to COVID-19. It is undertaking activities that are not acceptable. When I was Treasurer, the Mayor of the City of Fremantle, Brad Pettitt, came to demand we assist with the King Street development. They wanted us to move the Department of Housing to Fremantle and to otherwise assist them in developing that facility. It was going to be a real commercial change agent for the City of Fremantle, which we all know needs it. It is a mess. When I first came to Western Australia 40 years ago, Fremantle was a source of vibrancy in the metro area. It is not any more. They also said it would change the finances of the City of Fremantle. It was going to earn income and thereby take pressure off rate rises. Even before COVID-19, that turned out not to be the case. The City of Fremantle had very few applicants for the ground floor restaurant facility, which was a little bit less than 900 square metres, and could not get anybody willing to pay money, so it offered the facility rent-free for three years—this is before COVID-19—plus a \$500 000 fit-out. In other words, instead of helping the finances of the City of Fremantle, it undermined them. Unfortunately, perhaps because of COVID-19, that firm walked away, and the city now has no tenant for that facility. The state spent a large amount of money facilitating that development. Unfortunately, it went to a basket-case city that has seriously mismanaged it, as it has the whole city. Why does the government not do an inquiry into that?

Let us go back to the principles. The Minister for Local Government came to government in 2017. He had been an active member of a group that was trying to facilitate more infiltration of local government by the Labor Party.

Mr D.A. Templeman: There he is! That conspiracy theorist—there he is! I didn't realise how powerful I was.

Dr M.D. NAHAN: No, you are.

Mr D.A. Templeman: I can't believe it!

Dr M.D. NAHAN: There is a very interesting article written by Paul Murray on 27 January.

Several members interjected.

Dr M.D. NAHAN: I bet the government is worried about that one. It is an article from 27 January 2019. I will read it for *Hansard*. It states —

Labor has made no secret of using local government for self-interested political outreach through its Council Connect program, which began in 2014.

...

In effect, it was enabling the party politicisation of local government.

The article states that two councillors met first on 23 October 2014 at a function hosted at Parliament House. That was the now Minister for Local Government, David Templeman, who later became an MP. I guess he was the Mayor of Mandurah at the time.

Mr D.A. Templeman: When was this?

Dr M.D. NAHAN: No, you were in government.

Mr D.A. Templeman: I've been here for a fair while.

Dr M.D. NAHAN: Yes, a long time. Anyway, it also included Barry Urban —

A member: Look at him!

Dr M.D. NAHAN: Yes, and Labor's now member for Bicton. The whole objective of that Labor connect program was to get more active Labor members in the cities. According to Paul Murray, a very respected journalist, Labor has never denied that. There is no conspiracy here.

Mrs L.M. O'Malley: What month was that, member?

Dr M.D. NAHAN: The inaugural meeting was on 23 October 2014. I think, from what I have read, the member joined the City of Melville in 2015; is that right?

Mrs L.M. O'Malley: Yes. I never attended that, though. Mr Murray got it wrong.

Dr M.D. NAHAN: If the minister denies what Mr Murray said about Labor's council connect program and the meeting with the objective to get more Labor people into councils, please say so. Otherwise, on the record, I think it is pretty accurate. That is what the government set out to do in the City of Melville and that is what it achieved. As the Minister for Local Government, the minister has undermined and inhibited the management of one of our most important cities for pure political advantage for his own party.

Mr D.A. Templeman: You're wrong.

Dr M.D. NAHAN: You have.

Mr D.A. Templeman: No, you're wrong.

Dr M.D. NAHAN: You have. The minister undertook an inquiry with no adequate justification except that there was a large number of complaints. He did not follow due process. The accepted due process is that before there is an inquiry, the minister goes to see if there needs to be one. The minister did not do that. He set the department with limited resources to do a fishing expedition to undermine the governance and political support for the then mayor and CEO. That was the objective. The minister achieved his objective. George Gear has been elected. He supported the member for Bicton's campaign earlier on. As part of that objective, he stopped the wave park and greatly inhibited the future development of Canning Bridge. That has sent a signal to all cities: do not do what Melville did. Do not manage finances well; go to Fremantle. Do not take the hard yards in urban development. Do not look for other sources of income, because if a city happens to get the Minister for Local Government offside, he will undermine that city for political purposes. Sometimes, a minister has to stand above their political objectives and manage for the state, and the Minister for Local Government has failed to do that.

Mr D.A. Templeman: I disagree with you.

Dr M.D. NAHAN: The minister can disagree with me, but that is what the minister has done in the City of Melville, and it has undermined local government in this state.

Mr D.A. Templeman: That's your opinion.

Dr M.D. NAHAN: That is my opinion and the evidence is overwhelming. What the minister really should do is justify —

Mr D.A. Templeman: You have every entitlement to your opinion. You're a very opinionated man.

Dr M.D. NAHAN: Yes, I am. What the minister really should do is explain the basis for that inquiry and how he is going to fix the real problems that were identified in that inquiry. That did not lie with the then council or the management of the city, but the process by which local governments are gummed up and undermined by excessive complaints, and it is happening all around local government in this state. It is going to undermine the desire of good people to enter into local government and, more importantly, it is going to undermine the ability of local governments to undertake the things that this government wants them to do. The minister found clear evidence of that in the Melville inquiry and, so far, nothing has come of it. It leads me—and I am an opinionated person—to think that the minister achieved his objective to get George Gear elected and undermined the former mayor, Russell Aubrey. The City of Melville is no longer supporting the Roe Highway; that was another objective. But in this process, the minister has done great damage to the management of local government in this state.

I also ask the minister, given his actions with so many inquiries, why he has not undertaken an inquiry into the mismanagement of the City of Fremantle. The evidence is there for all to see. It is justifiable and, good God, they need it.

The ACTING SPEAKER (Ms J.M. Freeman): Thank you, member for Moore, sorry.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [5.57 pm]: There is nothing sorry about Moore, Acting Speaker; it is a wonderful place.

I would like to make a brief contribution to the motion put forward by the member for Nedlands on behalf of the Liberal Party that this house notes a range of concerning issues in the local government sector, mostly perpetrated by the mismanagement by the McGowan Labor government, and, of course, the Minister for Local Government is in charge of that process. I would like to thank the Liberal Party for the opportunity to speak on this matter. I would note that the Nationals WA and the Liberal Party do not always see eye to eye on local government, and certainly in the last term of government there was some disagreement between the two parties about the way forward with the amalgamations of local governments. The Nationals have a very strong view that local government is very important and that local decision-making is the way to go. In fact, it is one of the principles of the National Party that the evolution of decision-making from state to local government is enshrined in our constitution, so it is something that I hold very dear.

This motion is not a destructive motion; it simply notes the concerns of the sector and the mismanagement that has led to that. What a pity, because in 2017 we know that the minister got off to a very good start with local government. He formulated the state and local government partnership agreement, which is a wonderful document. I remember going to many local government meetings at which the praise for the minister was so great that I would have to say it was nauseating. Of course, as an opposition person, that was a bit galling. The minister was very popular with local government with the signing of the State and Local Government Partnership Agreement in August 2017. I have a copy of it from the WALGA website, and it states —

The State Government should consult with Local Government when developing, amending or reviewing State legislation and regulations, policies or programs that will significantly impact Local Government operations or resources.

Of course, we know that this agreement has been largely set aside. Local governments had a great number of concerns with the COVID-19 bill that went through the house and its implication for rates in the coming year. They were concerned about how they would be able to maintain the undertaking they had given to hold rates at last year's level, given that new valuations were coming in. They had discussed that with the state government and thought they had an agreement, but it did not happen. The Planning and Development Amendment Bill, which is in the Legislative Council at the moment, has also caused a great deal of concern for local governments because of the lack of consultation with them on that bill. We have agreed to support the government on that matter, but we have made it very clear that we want a return to a consultative situation between the Minister for Planning and local government as the government works through the regulations for that bill and the second tranche of legislation. It is very important that local government is involved in those decisions.

There is a considerable amount of concern in the wider community of Western Australia about the functions of local government. That is evident from the websites and Facebook pages et cetera that have sprung up to highlight the issues that people have, at a range of levels, with the operation of local governments within the state. In the time that I have been involved in public life generally, either in local government or state government, there has been a complete breakdown in the way in which local government members deal with each other and the community. Those relationships have become very fraught and difficult. It seems to me that no matter how hard we try, through prescription, standards panels and training et cetera, to get people to get along and work towards a common purpose, it seems to get worse and worse. I wonder whether the whole structure of the Local Government Act is at the heart

of that. Local government went from being a management situation in the 1960s, with community members very much involved in the operations, to a more corporate version under the 1995 act. This modernising act looked at the roles and responsibilities, and local governments were separated between the executive and elected members. Clearly, that might work in some circumstances, but for many small local governments, the community demand on the councillors is that they must know what is going on. A level of dysfunction in councils in my electorate and other regional electorates comes from that very basic tension between the community expectation and how the Local Government Act is written.

I think there needs to be an understanding that local government is not a business. We might try to run it as a business, in a businesslike way, but at its heart it is not a business—it is about politics, community representation and people wanting to make a difference or a change when they get into local government. I think the way that local government is becoming increasingly structured is leading to frustration for local councillors. I believe that is at the heart of the relationship issues, breakdowns and poor performances we have seen, and we have seen plenty of them in my electorate as much as anywhere else. I know the minister came to this role with a review of the Local Government Act very much to the fore. There has been a relatively minor review, with a green paper now being done on a much wider root-and-branch approach to changes in local government. I really think that we need to step back from that whole corporate model and try to understand that this is community government. It is not about running a business; it is about running a community-based government. It is also about trying to give councillors due recognition for the time they give. I do not mean monetarily; I mean in having a real influence and being able to change the direction of their local government. We might then begin to see some changes.

Since the member for Mandurah became the minister, a large number of reviews and inquiries have been undertaken, which is indicative of a system that is not working. The minister was asked quite recently by the member for Nedlands about the inquiries and reviews that have occurred since this government came to office. I believe that 12 have been done, of which five are still going. These include inquiries into the Shires of Wiluna, Perenjori in my electorate, Carnarvon, Ngaanyatjarraku and Toodyay; the Cities of Melville, Perth, Joondalup, Mandurah, Cockburn and Subiaco; and the Town of Cambridge. We know that a number of those inquiries are still going. In fact, the good people of Toodyay are still waiting to hear the results of the inquiry that has been done there. I believe that the information has gone back to the State Solicitor's Office.

Mr D.A. Templeman: Is Toodyay in your electorate?

Mr R.S. LOVE: Yes; I will talk about Toodyay a little more at the end.

The Shire of Perenjori is also in my electorate, and has been without a local government for a considerable length of time. We are seeing a denial of democracy for some of these areas. It has been a long time since the Shire of Perenjori collapsed and local representation was lost. There has been a considerable number of inquiries, including into the Town of Port Hedland, which has spent time under a commissioner. It really is time to get over that. I know there were announcements around election dates et cetera, but perhaps COVID-19 has interfered with those. I would be interested to hear the minister's reading of that. My understanding was that democracy would be restored to Perenjori and Port Hedland in short order, and I am anxious that that happens as quickly as possible. Although commissioners might do a good job, they are not from the local community and do not necessarily understand the full implications of the decisions that have been made, the full history and the full expectations that communities have. I know there is supposed to be documentation of decisions, community plans and everything else, but in smaller local governments, quite often it comes down to corporate knowledge and an understanding of the community and what is required.

Mention has been made of the situation with the Town of Cambridge. I attended a meeting at the Town of Cambridge some time ago at the invitation of people concerned about local government. A number of MPs were at that forum, which addressed what was being considered by the town. Other members and former members of local governments talked about their experience in local government, with some expressing the feeling that they had not been listened to and had no idea of how the operations of their council were being undertaken. Again, getting back to the role of councillors, they have to understand enough about the operations of the council to be able to have meaningful input into and an understanding of budgetary processes. They are also responsible for monitoring the CEO's performance. It is very hard to know exactly where the lines are between the operational and governance aspects. In my view, councillors cannot actually carry out their role unless they understand the operations of the organisation. I think there has to be more cooperation between the two. I have seen councils in which the door has been locked on councillors and they cannot talk to staff unless it is through the CEO. Maybe it got to that point because someone tried to place undue influence on the staff, but it is a great pity. As long as they are respectful of each other, having a good working relationship is important. It is also important to know that there are lines that cannot be crossed—I understand that. I think the concerns expressed at forums such as the one I attended at the Town of Cambridge led to the move by the Legislative Council to form the Select Committee into Local Government. I know that some upper house members were at that forum and talked to members.

Mr D.A. Templeman: There was that one and there was also the one at UWA.

Mr R.S. LOVE: Yes, and I was there as well. I think it was at that one that certain members of the Legislative Council formed the deep understanding of how aggrieved some members of local government were. They heard stories about how they felt they had been locked out of the process and not given enough information to perform their roles properly. I do not think that is acceptable either.

As we know, a Select Committee into Local Government was established. It is confusing to the community. People know that a process is running in which the member for Balcatta and the director general and others are developing a green paper, but people are confused between that process and this inquiry being undertaken by a select committee of the Legislative Council. I would hope at some stage the findings of that inquiry can be used to inform the group that is working on the green paper. It would be a great pity if all of that information were lost. The committee has now extended the time for its inquiry because there has been so much information and so much interest from the community that it has to do justice to those people who have taken the time to submit to it. I am not going to read into *Hansard* what the inquiry is about. We all know what it is about, including the minister, and it is not necessary.

Mr D.A. Templeman interjected.

Mr R.S. LOVE: I am glad to hear that from the minister. It is very important to give due reference to the number of people who have been involved in that inquiry.

As I said before, my concern is around those communities, especially regional communities but also the City of Perth and other local governments, that have had a breakdown in their democratic processes. We need democracy to return to them as quickly as possible. I believe that democracy is important to all of us. That is why we take our position in this chamber and that is why the 1 800 or thereabouts elected representatives throughout the state —

Mr D.A. Templeman: It is 1 300.

Mr R.S. LOVE: Okay; 1 300 or so elected representatives throughout the state put their hand forward to be involved as well. The community has an expectation that it will be able to have an influence.

I will return to Toodyay for a brief moment and how important these matters are. I received an email from Mick McKeown from the Friends of the Toodyay Catholic Precinct, whom I have spoken to the minister about before —

Mr D.A. Templeman: I know Toodyay well.

Mr R.S. LOVE: Yes. The minister would know there are very important historic precincts in the town of Toodyay, which is important to the town economically. The whole idea of bulldozing stuff to make way for other things does not work in a town that reflects well on its history and builds on that very effectively and makes that a product not only for tourists, but also for people wanting to retire in that community. The very vibrant arts community in Toodyay attracts people from the city. In the real estate section in the newspaper today, or yesterday, there was a report highlighting how cheap land was in Toodyay and how good it would be to live there. I agree with that. As I have spoken to the minister about, the Toodyay Catholic precinct has been the subject of a great deal of concern because the blocks that it is based on are being sold off by the archdiocese for subdivision, and work has now started. Trees that are perhaps hundreds of years old are being bulldozed. Admittedly, this was done at a time when there was an elected council, but it was done under delegated authority by planners within the shire. There was no reference to the council at the time. The people of that town, justifiably, feel very aggrieved about what is going on in that precinct and never want that to happen again.

I will read from an article in the excellent publication *The Toodyay Herald*. The last paragraphs state —

The Toodyay Shire Council voted last month in favour of Cr Paula Greenway's motion that the shire staff must notify council regularly of any changes that affect the Catholic group of buildings.

A widespread community response in this case will also send a signal that this good beginning must be followed by increasing the protection of the precinct by removing the delegated authority and guaranteeing that the elected Council of Toodyay is the appropriate body to determine its future.

It is not just in the Catholic precinct in Toodyay; I think it is very important that elected members of local governments throughout the state determine the future of their communities and that we do not see long periods of time under commissioners. I understand there were reasons they were brought in, but I think a rapid return to responsible local government is necessary. With that, we need to ensure that incoming councillors are well resourced and well understand how to make an effective difference on behalf of their councils and their communities.

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [6.15 pm]: First of all, I thank the contributors to today's debate. I am very pleased we are having a debate in this chamber on local government in Western Australia. It is very important because we all know that local government remains a very important part of our democracy. I take note of the previous speaker's comments about the importance of ensuring that democracy is as robust as possible. No matter where one goes in Western Australia, all Western Australians are ultimately governed by three levels of government, but local government is probably the level of government they have most contact with on a daily basis. I particularly take note of the member for Moore's contribution. I thank the member for Moore. I appreciated the member for Moore's contribution because his argument effectively talked about how to find a balance between an act that can deliver a framework for communities to maintain their identity and also maintain their democratic right to determine what sort of future they want for their community. There is no doubt

that over a period of time local governments in Western Australia have been constantly tested. They have been tested like state governments and federal governments have only recently with the COVID-19 pandemic. I have said this at numerous Western Australian Local Government Association webinars: most local governments have responded very well during COVID-19. They responded, and understand the critical role they will play in the recovery. This is a different recovery. I have said on numerous occasions publicly that we all need to be reminded that when emergencies happen, be it bushfires, floods, cyclones or other major events that threaten communities, invariably when all the departments have responded, local government is charged with really delivering the recovery aspects of that.

I will go through a range of issues with regard to a number of members' contributions this evening. I want to tell members this from the start: I do not think there is anyone in here who does not want to see effective local government. I have to remind members of the contrast between our three and a little bit years of government since coming to power in March 2017 and the previous government. It is very stark in terms of the now opposition's view of local government, and indeed its lack of understanding that there was, firstly, a need for reform and, secondly, that there is an ongoing need to ensure that we prepare and assist local governments to do their very best. A one-size-fits-all approach does not work because, as has been highlighted by some members in this place, some local governments have a couple of hundred ratepayers whereas the City of Swan and the City of Stirling have a couple of hundred thousand. In Western Australia, we have local governments with populations of 200 000 upwards that are represented by elected members, and then we have smaller populations in rural and remote areas and, of course, in our one square mile Shire of Peppermint Grove. We have a very interesting and diverse statistical analysis. All those community members, rightfully, expect services to be provided by their local governments. There is no doubt that the scope of services differs widely. The services that are provided in the Shire of Woodanilling are different from those that are provided in the City of Rockingham, the City of Stirling or the City of Cambridge. One of the problems with the current act and the current approach in how local government is treated is that this framework effectively says, "You all have to fit the same; you are all the same in terms of the framework."

Prior to the 2017 election, when I became shadow minister, one of our initial priorities was to review the act. We had an act back then that was just over 20 years old. It is now 25 years old. It was no longer fit for purpose. When it was conceived, developed and passed through both chambers of this house back in 1995, it was a different time. We recognised that in a range of ways, even with the COVID-19 experience, because we have had to amend or adjust very quickly to that challenge in order to ensure that we can continue to function as a community and a society through legislation that we pass through this place, for example, in quite extreme circumstances. The reality is that the Local Government Act 1995 is no longer fit for purpose, but it is still the act that I as minister am required to oversee. Indeed, as minister, it is the statutory law under which I am required to operate. It is also the piece of legislation under which the department is required to operate.

Do members think that I enjoy seeing inquiries called by a director general? Let me be very clear: do I call the inquiry? No, I do not. Do I sit down with a pin and say, "Where am I going to do an inquiry today?" No, I do not. That is not my role. A number of opposition members who have spoken tonight have inferred that that is my role—that I sit there and say, "Right, who can I look into now?" They are absolutely wrong. The department, and ultimately the director general, determine if and when an authorised inquiry is initiated. These inquiries can be wide-ranging or they can be very specific, and they can look into a range of matters. We have seen a number of them. When I came to this position, from memory, four authorised inquiries were initiated by the previous government. I did not say to the ministers of the day in the previous government, "Are you picking on so and so and why and what is the story?" That is the role for the department to determine, and ultimately for an investigation to take place and a report to be produced. But I sniffed a bit of hypocrisy during the contributions by those opposite—not by the member for Moore—about this issue and the reference to the old chestnut of the politicisation of local government. The Liberal Party hates it; it does not like it. It will always accuse the Labor Party of politicising local government. It will always do that when it does not like what is happening. It says that it has members who might just happen to be members of the Liberal Party in local government. Goodness gracious me! They love to point the finger when they think that the Labor Party is influencing local government. I am telling the member for Churchlands openly and honestly that I do not sit back and say, "Right, let's go and see what council has all Liberal Party members and we will go and target them." The member is wrong.

Mr S.K. L'Estrange interjected.

Mr D.A. TEMPLEMAN: It is my turn, member for Churchlands. He comes in here like a sergeant-major but it is my turn.

Mr S.K. L'Estrange interjected.

Mr D.A. TEMPLEMAN: I sat and listened to the member.

Point of Order

Ms M.M. QUIRK: I am having trouble hearing the minister because of the parade ground decibels of the member for Churchlands. I would appreciate it if those interjections could be at a more tolerable level.

The ACTING SPEAKER (Mr T.J. Healy): Minister, could you please talk through the Chair.

Debate Resumed

Mr D.A. TEMPLEMAN: I am telling the member straight. That is what he accused me of.

Mr S.K. L'Estrange interjected.

Mr D.A. TEMPLEMAN: The member is sensitive about this now.

Mr S.K. L'Estrange interjected.

The ACTING SPEAKER: Minister, do you seek to take interjections?

Mr D.A. TEMPLEMAN: No.

The ACTING SPEAKER: Members, the minister has declined to take interjections.

Mr D.A. TEMPLEMAN: I have a lot to say.

Mr D.T. Punch: I want to hear it.

Mr D.A. TEMPLEMAN: Thank you, member.

When an authorised inquiry is initiated, an important process is followed. It can be triggered by a range of things, not just how many complaints have been received by the department or the minister's office. A whole range of issues can determine why an authorised inquiry is initiated. There is a frustration. A number of members talk about the time an inquiry can take. I do not deny that that is frustrating. When we look at a situation in which an authorised inquiry might take months, if not a couple of years, the first question we ask is: why does it take so long? If we look at some of the authorised inquiries that take place, there are a range of reasons they can take so long. Quite often, once an inquiry starts, more information comes forward. Yes, member for Riverton, we do find in authorised inquiries that a range of other people come in with more information. The very nature of democracy is that we have to look at that stuff and not only the stuff we want to look at. Most of the people who work for the department and carry out the inquiries have investigative backgrounds or have served in highly investigative arenas. They are not dummies; they are backyard investigators. They are people who have skills and experience, which is important when carrying out their duties. The member for Kalgoorlie would know this. They have to make sure that the inquiry is done properly. That is an important part of their role. As they carry out that role, a range of matters need to be addressed, interviews need to be conducted and all these sorts of things. It was inferred that I must have known about this meeting and that meeting. Sorry, but that is not the case. Departmental investigations are carried out by authorised officers. When we call them authorised inquirers, that allows them to have certain powers to access information.

Mr S.K. L'Estrange: You don't have oversight.

The ACTING SPEAKER: Member!

Mr D.A. TEMPLEMAN: So the member is saying that he thinks I should be able to dig in, as he said, and interfere.

Mr S.K. L'Estrange: I said "oversight"; don't verbal me again!

Mr D.A. TEMPLEMAN: The member is asking me to interfere.

The ACTING SPEAKER: Member for Churchlands! Minister! I am on my feet. Minister, please talk to the Chair, and if you are not seeking to take interjections, please do not direct your comments too far away from the Chair.

Mr D.A. TEMPLEMAN: I am very happy to do that.

We have a transparent parliamentary process for authorised inquiries, because the reports are tabled in Parliament. That is part of the transparency aspect of an authorised inquiry. All the inferences of members opposite are wrong.

I want to talk about the contrast, because it is stark. Let us look at and remember the eight and a half years of the Barnett government. What was its number one achievement in local government? Members cannot answer that. I cannot think of it. What I do remember is a process that involved—it was alluded to by the member for Moore—forced amalgamations in the metropolitan area. Of course, it decided that it would abandon any attempt to force amalgamations in regional Western Australia, because our friends in the National Party probably were totally opposed to it and it could have broken the coalition that they had. The Barnett government sought to reform local government simply by saying, "We're going to amalgamate. All we're going to do is change the numbers and reduce the number of councils, and that's the answer to the reform of local government." What happened? We saw what happened. We saw total distrust in and disrespect for the sector by members of the Liberal Party. What did the local government sector do? It got organised. Yes, it used aspects of the act to articulate its argument, but it got organised.

What happened then? We then saw a series of Ministers for Local Government fall. How many Ministers for Local Government did the Barnett government have in its two terms? It had four. The first was John Castrilli. He was a great bloke and a nice person. From memory, he was the longest serving Minister for Local Government. Then,

of course, we hit a problem after that—the slow slide. Tony Simpson came to power as the Minister for Local Government, but we all know what happened with Tony Simpson. I like Tony. I used to talk to him regularly. I even shared a few car rides with him from Mandurah and the Peel Development Commission. He became minister not long after that. What was Hon Tony Simpson’s ultimate decision because of what you guys did in local government in the second term of the Barnett government? He resigned in disgust. I think there were two reasons for that. One was the absolute botched effort on the amalgamation process, and the other was the total undermining of him as minister, because the Premier would basically walk out and go, “I think we’ll do this today. I’ll go and announce this.” He did not talk to the mayors or any of the elected members and he disregarded the Western Australian Local Government Association and Local Government Professionals. That is how the then government treated the sector. Tony Simpson did the honourable thing: he resigned in disgust. I remember the day he did it. From memory, we had a debate in this place that included some local government matters and he sat over here on the back bench because he was no longer the Minister for Local Government. We then had Paul Miles, who served for about six months. What did that do to the sector?

Dr M.D. Nahan: That’s three.

Mr M. McGowan: That is three.

Dr M.D. Nahan: You said four.

Mr M. McGowan: Who’s the fourth?

Mr D.A. TEMPLEMAN: Who is the fourth? Did I say four? My apologies; there were three.

What damage did that do? It did a couple of things. When I was shadow minister, I would talk to people in lots of local governments and it was all about how they felt they were being treated by the Barnett government. There was a lack of trust. That was one of the reasons we decided, upon coming to power in 2017, that we should resurrect the partnership agreement, which was first initiated under the Gallop government. The partnership agreement is basically an agreement about how we will relate to each other and how we will operate courteously. Yes, it includes the capacity to negotiate on or discuss a range of things, whether it is legislation or policy determinations, but always on the understanding that we are not necessarily going to agree with each other, and we do not. I do not agree with everything that WALGA says or does or proposes and WALGA certainly does not agree, and has not agreed, with everything we have proposed or put through this place. But our relationship is based upon mutual respect, which is important. I think that is important in any relationship. That was disregarded by you guys on the other side when you were in government.

The motion before us tonight refers to a number of emerging problems and issues under the governance of the McGowan government. How long has the member for Nedlands been the shadow minister? I think it has been a year now. How many questions has the member asked me? One. He has asked one question in a year. That is fine. I would have thought that if there was widespread concern about me, the government, how we have approached the reform process and whether or not we have included people, I would have had hundreds of questions. The guy before the member was a bit different and a little bit erratic. The member for Nedlands has put forward a motion that highlights a whole range of emerging concerns about local government, yet he has asked only one question, and that was about authorised inquiries. I have to tell the member that authorised inquiries are important aspects of the work of the department; it is core business. If there are some concerns about councils, that is one of the roles of the department. Authorised inquiries are important work.

I want to go through some of the local government legislation that we have brought in and that has been passed in this place and the other place and is now law. As I said, we recognise that the Local Government Act has a number of flaws and is no longer fit for purpose. That is why we are in a process, and I will talk about the great work that is being done by the member for Balcatta a bit later. Let me go through it. In 2017, we passed through this place legislation that ensured the transparency of financial audits and performance audits. The member for Nedlands mentioned that in his contribution. The Local Government Amendment (Auditing) Act 2017 now ensures that the Auditor General has the key role in the financial auditing of local government.

Mr A. Krsticevic: That was our legislation.

Mr D.A. TEMPLEMAN: Why did the former government not bring it in? The former government did not do anything. It was recycling or going through local government ministers.

Mr A. Krsticevic interjected.

Mr D.A. TEMPLEMAN: That is the member for Carine’s argument all the time: “We thought of that. Oh, yes, we thought of that.” You did not bring it in, son. The former government stuffed around with amalgamations and did not do anything.

The ACTING SPEAKER: Minister!

Several members interjected.

The ACTING SPEAKER: Members!

Point of Order

Mr W.R. MARMION: The minister called the member “son”. I would like him to be called by his correct name, please.

The ACTING SPEAKER (Mr T.J. Healy): Minister, I am not going to uphold the point of order. I do not want to slow you down, but have you changed your position about taking interjections? If you have not, I ask you to talk through the Chair.

Debate Resumed

Mr D.A. TEMPLEMAN: The member for Carine says, “We thought of it first” but the former government did not do anything about it. The former government talked about all the things that it was going to do but it did nothing. Let us turn to the next one. I bet the member for Carine will say that this is another thing that the former government did.

Mr A. Krsticevic interjected.

Mr D.A. TEMPLEMAN: He is starting to sound like big Joh Bjelke-Petersen. I know who that is.

Point of Order

Mr S.K. L’ESTRANGE: The minister used an unparliamentary name for the member.

Mr D.A. Templeman: What was that?

Mr S.K. L’ESTRANGE: The minister called him an idiot.

Mr D.A. Templeman: No, I did not.

Mr S.K. L’ESTRANGE: I think you did. The minister was in quite a fury, but he did.

Several members interjected.

The ACTING SPEAKER (Mr T.J. Healy): Minister, stop for a second. Member for Moore and a number of other members, I am on my feet. I did not hear the minister use that term.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, I call you to order. You are talking and I am on my feet. Minister, please continue your remarks through the Chair.

Debate Resumed

Mr D.A. TEMPLEMAN: The Local Government (Audit) Regulations and the Local Government (Financial Management) Regulations 1996 were introduced in 2017. Amendments were made to the Local Government Act in relation to regional subsidiaries. The previous government talked about that for a long time, but it did nothing at all. In 2018, we were responsible for the Local Government (Administration) Regulations and the Local Government (Rules of Conduct) Regulations, which referred to the issue of gifts, declarations, contributions et cetera. We also introduced the Local Government Amendment (Suspension and Dismissal) Bill 2018, which was passed by Parliament in November 2018. We also introduced the local government regulations and the Local Government Legislation Amendment Bill 2019, which related to dogs and cats. In 2019, we passed the Local Government Legislation Amendment Act 2019, which was assented to on 5 July, and we made some regulations for induction and training, which brings me to a point that was made earlier. This is something that members on the other side of the house could not do. A number of sector representatives kept referring to the need for training. They said that one of the things that the government could do to enhance the status of local government elected members was to ensure that there was universal training. That issue was absolutely sat upon by the previous government—it did nothing at all. We said, “No, actually that’s a good idea.” The role of an elected member is very, very important. We expect that they have at least some basic understanding of financials, because many of them make million-dollar decisions. They need at least some basic understanding of financial operations. That does not mean that they need to be an accountant, but they must understand that part of their role is to help shape the budget and help shape future budgets that, of course, underpin prior priorities for their community going forward. We also said that they probably need to know a bit about the Local Government Act, which, of course, is the framework in which they are supposed to operate. It is pretty basic. That is the root of a lot of the problems that have occurred in local government.

The member for Moore highlighted the tension between operational and elected members. There is tension. Of course, there are arguments on both sides that the other side has too much power. The member would hear that; all of us do. But we said that they had to understand their role and responsibility. Under the act, there are some things that they need to do and, in fact, are empowered to do and there are some things they are not. That includes issues around staff and the operational matters of local government. There are good reasons that elected members do not have direct input into issues that relate to staff or operations that are not part of their responsibility. That is the root of some very important considerations; indeed, that tension, that problem and that challenge between elected members and staff, particularly chief executive officers quite often, is one of the challenges and issues that leads to an authorised inquiry. That is what we want to address in the review. I will talk about that shortly.

This year we dealt with a number of COVID-19-related matters. I thank the opposition for its support of the measures as they passed through the house. Yes, they were introduced under the COVID-19 standing orders and during that intensive period in which we were having to make decisions quickly to assist local governments to respond to the COVID-19 challenge. We introduced a range of measures, including amendments to allow meetings to be held electronically and those sorts of things. Like all of us, local government is providing feedback on its experiences of COVID-19, and they are important considerations. For example, many of them have referred to the experience of remote meetings. There is some justification for what that might look like in the future under a new act and new regulations, particularly for councillors in a large rural or regional community because a number of them go to different towns for council meetings. I know that some councils have a number of towns in their shire, so one month they meet in this town and the next month they meet in another town. The metropolitan members here, unlike us regional members, need to realise that some elected members in some of those rural and remote areas face the reality of travelling between 200 and 300 kilometres at night after a meeting.

Mr R.S. Love: Are you a regional member?

Mr D.A. TEMPLEMAN: Absolutely.

Several members interjected.

Mr D.A. TEMPLEMAN: We will have that debate another day.

Mr M. McGowan: We all know what sort of member he is!

Mr D.A. TEMPLEMAN: Yes, yes! I have lost my train of thought.

It is a health and safety issue when people travel long distances to and from meetings. There is an argument post-COVID-19—learnings from COVID-19—about that capacity to operate. For example, I know that a lot of councils are seriously looking at streaming their council meetings so that people can log in as a ratepayer or resident —

Mr A. Krsticevic: Have you watched some of those streamings?

Mr D.A. TEMPLEMAN: I have seen some of those streamings.

Mr A. Krsticevic: They're not high-intensity watching, that's for sure.

Mr D.A. TEMPLEMAN: No, but I am sure that people say that when they tune into this place, too. People in glass houses should not chuck rocks, as a person told me a long time ago.

In this term of government, I have taken some serious actions ultimately as Minister for Local Government. I refer, for example, to the panel inquiry into the City of Perth. People must understand that a panel inquiry is a very serious measure and ultimately I have to be convinced that a threshold has been well and truly breached before I make that decision. The panel inquiry effectively has the powers of a royal commission and it is a very independent process. Yes, in terms of the City of Perth, the process has taken a long time. However, I am very confident that we will get the report soon within the extended time and, as I have said to the member for Nedlands, there will be elections for the City of Perth, the Shire of Perenjori and the Shire of Port Hedland in October.

I absolutely agree that democracy should be restored as soon as possible. That is important for a number of reasons. People must have confidence and trust in the people they have elected to make decisions on their behalf in the City of Perth, Perenjori or wherever it may be. However, I underpin that by saying that the minister's decisions for the appointment of commissioners et cetera must reach a high threshold. Member for Churchlands, I do not sit back and think, "Right, I am going to pick on the Town of Cambridge." All I can say at this point—he knows this—is that the matter he raised is before the court and I will not comment on it because it would not be appropriate. Ultimately, all these decisions, whether it is a show-cause notice, a panel inquiry or a move under the new legislation to address issues that affect individual councillors, come under the new powers. Under the old regime, people could deal with only the full council—that is all. If one person had caused problems and was undermining or, indeed, impacting on the capacity of a council to operate effectively, we could deal with only the whole council. Now, thankfully, further mechanisms in the act allow us to deal with individuals, but there is a high threshold before getting to that point.

Mr S.K. L'Estrange interjected.

Mr D.A. TEMPLEMAN: No. Can I just finish? There is still a report to come forward and I will not comment on those things.

A threshold needs to be reached. In the case of the Town of Cambridge—my press release highlights this clearly—I must ultimately be suspicious that the capacity of that council to operate is being impinged. That is where it is at.

Mr S.K. L'Estrange interjected.

Mr D.A. TEMPLEMAN: I am not going to respond because the member is well aware that this matter is before the court and I will not prejudice that.

Mr S.K. L'Estrange: I am not suggesting that you do.

Mr D.A. Templeman: I am not going to entertain that, member.

Mr S.K. L'Estrange interjected.

Mr D.A. Templeman: I am not going to comment on that because it is not appropriate for me to do so.

I want to go through a couple of other matters. One problem is that quite often it depends upon the circumstances. The member for Riverton highlighted this in his contribution. I have learnt over my time as Minister for Local Government that everyone has an opinion on local government and everyone's opinion is influenced by a range of things. For some, it is influenced, as the member for Riverton highlighted, by someone who has a bugbear or a real beef with their local government. I have a couple of those people in my area; I am sure other members have many in their electorates—people who feel that they have been wronged by the council of the day and, effectively, for some of them, and this is where it becomes quite serious, it becomes all engrossing.

An opposition member: Vexatious.

Mr D.A. Templeman: It is more than vexatious; it becomes their motivation when they wake up that they will get them!

Mr A. Krsticevic interjected.

Mr D.A. Templeman: There have been a number of these people throughout the history of local government and sometimes they have resulted in tragedy. That is another issue, but it is always on my mind. The member for Kalgoorlie knows one tragic example of that that occurred some years ago. I have spoken to the former Mayor of Kalgoorlie–Boulder about something that happened over 25 years ago. The reality is there is a range of people like that.

There is an act. There is a process. That can be through an investigation by the department or the State Administrative Tribunal. Appeals can be lodged and then, of course, there is the judicial process, which is essentially the last resort for really serious matters, as we saw happen with the City of Perth. All this operates under a democracy, as it should, and all this involves relationships, personalities and a range of other matters. That is the situation in Western Australia, like it is in other places.

The member for Moore said that in local governments there is politics with a small “p”—it is not always “party”. Members know people who have historical gripes or grievances about people that sometimes go back decades. Those can sometimes show their face in local government. It does not matter what we say and whether there are inquiries or investigations or the police or the CCC become involved, some people will never believe a proper investigation has been carried out or, indeed, that their grievance has been heard appropriately. We have seen that happen historically.

I want to tell members this: I have highlighted the intervention tools that we currently have. The act has only three main tools. One is the Local Government Standards Panel, which was an initiative introduced by the former government, and I think that there has been just criticism of that element. Again, before I became Minister for Local Government, timeliness was a matter that was often raised with me. There are procedural fairness issues, and proper investigation needs to take place. That can take time, but I assure members that the matter the member for Balcatta raised will work with the review panel.

I want to set members straight on where we are at with the review. I will consider the panel report. Ultimately, the aim is to introduce new legislation for Western Australia—a new act, or a new way of doing things in local government through an act of Parliament. The new act will be responsive to modern needs and to the modern context. It will not treat all local governments the same. It will now say that if they do not comply with certain things, they must be bad or whatever. There will be minimum requirements, and that can be done through regulation. That is the sort of thinking we have arrived at with some of the matters that have come out. But we want an act that is responsive to modern needs and recognises that local governments and local communities throughout the state are not all the same. We want principles of good governance firmly in mind and we want to make sure that local government is given the respect it needs to operate and function effectively.

We will look at drafting a green bill. There will be more consultation. We will not have legislation before the end of the year because there will be no time, but we will set in motion a process for a review to go into the next term, if we are fortunate to be re-elected. It will involve further feedback and discussion when we have landed on what it will look like. However, I assure members that we will be absolutely focused on reforming the local government sector so that it is agile, responsive and effective and that it is also responsive, of course, to the very people local government seeks to represent—that is, of course, the electorate and businesses. I must say that this review process has highlighted the fact that local government functions have changed over time. I know the cliché that local government is roads, rubbish and rates, but the reality is that rates are still one of the predominant sources of income for many local governments. But their role has changed. Many local governments do terrific things that have nothing to do with roads.

Mr W.R. Marmion: On the website there were nine questions.

Mr D.A. TEMPLEMAN: Nine! They were not asked in here. That is a bombshell! Not in here.

Several members interjected.

Mr D.A. TEMPLEMAN: The member asked only one in here.

Several members interjected.

The ACTING SPEAKER: Members! Minister, please continue.

Mr D.A. TEMPLEMAN: Sorry. I was wiped out by a bombshell for a second there.

I am committed to working hard to get a new act and to reform local government. I acknowledge that there will be criticism. I have read some of the things that have been said about me on Facebook. At the end of the day, I want to assure people that all I want to do is to get this right. I will keep consulting. Even during the COVID-19 pandemic, we have 13 consultations every week. They have been good. I want to keep that up.

In my view, debate on this motion has not demonstrated that we have done anything wrong. In fact, we have done far more than the Liberal Party did during eight and a half years in government. I am proud of the way we are working. We are trying hard and getting things done. We are trying to involve people in that consultation. We will keep doing it. I will keep talking to councils of all persuasions, colours and creeds, because all of them are important. They represent great communities in our state, be they metropolitan or regional. They are fantastic communities. I will keep working with them so that they can keep doing the very best they can for the people they represent. I will keep doing it. I will be keen to continue to report those consultations to the Parliament as required.

Debated adjourned, pursuant to standing orders.

House adjourned at 7.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

CORONAVIRUS — POLICE — ON-THE-SPOT FINES

6120. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to on-the-spot-fines during the COVID-19 state of emergency, and ask:

- (a) Since the commencement of the COVID-19 period of extraordinary powers contained in the *Emergency Management Act 2005*, how many on-the-spot-fines were issued by the Western Australian Police Force?

Mrs M.H. Roberts replied:

The Western Australia Police Force advise as at 27 May 2020, 111 infringements had been issued.

CYCLISTS — INJURIES AND DEATHS

6151. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to cyclists' injuries and deaths, and I ask:

- (a) In 2019 how many cyclists were injured on Western Australian roads; and
- (b) In 2019 how many cyclists were killed on Western Australian roads?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

- (a) 6
 - (b) 1
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