



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2018

LEGISLATIVE ASSEMBLY

Tuesday, 14 August 2018

Legislative Assembly

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

MEMBER FOR DARLING RANGE

Swearing-in

The Clerk of the Assembly produced the writ for the electoral district of Darling Range and announced that Mrs Alyssa Kathleen Hayden had been duly elected.

The Speaker announced that he was prepared to swear in the member for Darling Range.

Mrs Hayden made and subscribed the oath of office according to law, and signed the roll.

THE SPEAKER (Mr P.B. Watson): On behalf of all members, I congratulate the member for Darling Range on her election and welcome her to this chamber.

[Applause.]

LEGISLATIVE ASSEMBLY CHAMBER — PHOTOGRAPHER AND TELEVISION CAMERA ACCESS

Statement by Speaker

THE SPEAKER (Mr P.B. Watson): I wish to advise members that I have approved the presence of television cameras and still photographers in the press and public galleries, and the north and south entrances to the chamber for the first 10 minutes of question time today. This will enable media outlets to obtain updated vision of the fortieth Parliament.

PUBLIC SECTOR APPOINTMENTS

Statement by Premier

MR M. McGOWAN (Rockingham — Premier) [2.04 pm]: I would like to congratulate the new member for Darling Range for her election to the Legislative Assembly. I would also like to acknowledge the United States Consul General, Rachel Cooke, who is the Speaker's gallery this afternoon.

My government has committed to significant public sector reforms to deliver an efficient, innovative and effective public sector that delivers better services and real outcomes for the community. Successful delivery of these reforms depends on committed leadership, a culture of collaboration and a long-term focus. I am pleased to welcome Ms Sharyn O'Neill to the position of Public Sector Commissioner, a key office for the delivery of the reforms identified in the service priority review and the special inquiry into government programs and projects. The former director general of the Department of Education, Ms O'Neill is widely respected across the public service and the political spectrum, and will apply her skills and experience to improving the sector. I am also pleased to welcome Ms Jodi Cant as the new director general of the Department of Finance. Ms Cant is an innovative and committed leader who will also be instrumental in delivering the long-lasting reforms that are required.

A year ago, I established the public sector leadership council of directors general and commissioners to create a forum for collaboration and stewardship of the sector. Through that body, the Western Australian government has entered into an agreement with the Australia and New Zealand School of Government—ANZSOG—to establish the ANZSOG–WA government chair of public administration and policy. This position, to be based at Curtin University, will work closely with the Western Australian government to provide research, education, outreach and stakeholder engagement of relevance to the Western Australian public sector. The creation of this position and the recent appointments are clear signs of a bright future for the Western Australian public sector.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT

Statement by Minister for Corrective Services

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [2.07 pm]: I, too, congratulate the member for Darling Range on her election as a member of Parliament.

I wish to update the Parliament on the riot that occurred at Greenough Regional Prison on Tuesday, 24 July. At approximately 4.00 pm on Tuesday, 24 July 2018, a disturbance commenced that culminated in a major riot and the escape of 10 prisoners at Greenough Regional Prison. A number of prisoners caused significant damage to infrastructure—arming themselves with projectiles and chemical agents, and accessing fuel and a medication trolley. The women's unit was also breached, and a number of female prisoners were unlocked.

The special operations group—SOG—was deployed from Perth and worked with Geraldton police and detectives, the regional operations group, the dog squad, the tactical response group and the Department of Fire and Emergency Services. The prison was stabilised at 3.00 am on Wednesday, 25 July 2018. The Western Australia Police Force had recaptured nine prisoners by the evening of Wednesday, 25 July 2018, with the final escapee apprehended on Thursday, 26 July 2018. I acknowledge the marvellous and tremendous job done by police and I commend their efforts and their results. All 10 prisoners were transferred to metropolitan prisons and placed in management units. They will be charged. There are 165 prisoners remaining at Greenough. All female prisoners have been transferred out of Greenough and are receiving additional support. No serious injuries to staff or prisoners occurred during the incident, and I want to commend the bravery of the staff at Greenough Regional Prison who managed the situation until a special operations group arrived on site. I want to commend the SOG for its professionalism and critical response in stabilising the facilities.

Prison officers have had their integrity used as a political football within this chamber over many years. It is fair to say that on 24 July, the prison officers at Greenough showed the WA community why both sides of this chamber must respect the risks that they face each day. I want to assure the staff at Greenough and the wider community that we will seek to have the report made public with the exception of the aspects of the report that are security sensitive. We have sought the expertise and experience of former Victorian Commissioner of Corrections, Jan Shuard, to provide an independent critical incident review. Her report will be then forwarded to the independent Inspector of Custodial Services for review.

CHIEF JUSTICE OF WESTERN AUSTALIA — WAYNE MARTIN — RETIREMENT

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [2.10 pm]: I rise to acknowledge and salute the former Chief Justice of Western Australia, Hon Wayne Martin, QC, AC, who retired on 27 July and who was present in the Speaker's gallery this afternoon with his wife, Margie. I first met the former Chief Justice at the University of Western Australia in 1970 when he was the outstanding intellect of our class and a natural leader amongst the law school community, with not only a sharp sense of humour but also a very grounded sense of humanity. This set the pattern of his life. His achievements across four decades are too numerous to list here, but include the 2007 WA Citizen of the Year for the professions and a Companion of the Order of Australia for his eminent service to the judiciary and our state's legal system. The former Chief Justice held important positions, including president of the WA Bar Association, chairman of the Law Reform Commission, president of the Law Society of Western Australia and director of the Law Council of Australia.

He was the obvious choice for appointment in 2006 as the state's thirteenth Chief Justice, but my task of arriving upon a successor was a difficult one, having regard to the high bar he set in modernising and enhancing our courts. Indeed, he was sworn in as Chief Justice of the Supreme Court, but during his term his role was re-designated under the Supreme Court Act as Chief Justice of Western Australia, expanding the role to become an effective and respected ambassador of our entire justice system, advocating for not only its practitioners but its users as well. The Supreme Court's website is a trove of not only his judicial writings but also his thoughtful and intelligent contributions on diverse aspects of the law, the most compelling of which may be on the shocking rates of Indigenous incarceration in Western Australia. For me, perhaps his most instructive paper was "Parliament and the courts: A contemporary assessment of the ethic of mutual respect", discussing the proper relationship between the Parliament and the courts, and I recommend that paper to all members of this chamber.

Western Australia is indeed lucky to have been served by the former Chief Justice who, as I have said, set a high bar for our new Chief Justice Quinlan. On behalf of the Parliament and the community of Western Australia, I wish to offer our sincere thanks to the former Chief Justice, Hon Wayne Martin, QC, AC, for his public service. May it please the chamber.

Members: Hear, hear!

JOHN GILMOUR, OAM — TRIBUTE

Statement by Minister for Sport and Recreation

MR M.P. MURRAY (Collie-Preston — Minister for Sport and Recreation) [2.13 pm]: I rise today to mark the passing, at the age of 99 years, of a very special Western Australian athlete, Mr John Gilmour. Mr John Gilmour was a war veteran and one of WA's greatest sportspeople, and I believe, Mr Speaker, one of your heroes from your running time. May I welcome members of the family into the chamber today—Judith Cameron and grandsons Jordan and Marshall Cameron.

Although serving the country in World War II put a pause on John's running endeavours, when he finally returned home he returned to running. Up until 1956 John set several WA state records and gained state selection five times for the Australian National Cross-Country Championships. He retired from open athletics in 1956 but made a comeback in 1962 and continued to compete for the next five years. After retiring again from open competition, he continued to run and during his life set 114 age group world records. As well as competing, John was involved

in athletics as a volunteer, coach and founding member of Masters Athletics WA and the WA Marathon Club, and was instrumental in the formation of the Canning Districts Athletic Club. John won the WA Sports Person of the Year award in 1975, and in 1978 received an Order of Australia for service to sport.

At 97—just a few years ago—he ran in the World Masters Athletics Championships here in Perth where he competed in the 800 metres and 1 500 metres races, which many of us would like to be able to do at our age! John embodied what it meant to be a true sport, and as a valued member of the WA sporting community he will be sorely missed. We pass on our condolences to the family.

Members: Hear, hear!

Statement by Minister for Veterans Issues

MR P.C. TINLEY (Willagee — Minister for Veterans Issues) [2.15 pm]: I also rise today to salute the passing of John Gilmour, OAM, a very special Western Australian. Given the remarks by the Minister for Sport and Recreation about his achievements, members will note how good those achievements were when they look at the adversity of his war service.

Mr John Gilmour was 99, a great sportsman and one of our few remaining World War II veterans. Scottish by birth, John moved to Australia with his family in the group settlement scheme as a child in the 1920s. John was a promising Western Australian state athlete when his sporting career was interrupted by World War II. He enlisted in 1940, was captured at the fall of Singapore in February 1942 as part of the 2/4th Machine Gun Battalion and incarcerated in the infamous Changi Prison for 18 months and then for a further two years in Japan. Once released as a prisoner of war, he returned to Perth and was classified as a blind soldier and spent 12 months in a convalescence home during which time his health gradually improved. Due to his own willpower, he resumed running. John suffered terribly, both physically and mentally, as a prisoner of war. Local author Hal Colebatch described John's wartime incarceration like this —

Gilmour, who had begun the war as one of Australia's most promising young athletes, ended it a physical wreck, beaten, tortured, traumatized and permanently almost blind. He was helped off the ship at Fremantle weighing 41 kilograms. He was, he says, glad his eyes were so bad he couldn't see the look on his mother's face when she saw him.

For the rest of his life, up until recently, John ran marathons and set records. Active as a volunteer and coach, he touched the lives of many with his courage, determination and persistence. We mourn the loss of one of our own. Lest we forget.

Statement by Speaker

THE SPEAKER (Mr P.B. Watson): Members, if you would just indulge me for a moment, I knew John Gilmour for too many years, probably, when we think Johnny was aged 99 years. I was a 14-year-old who won an athletics event at Subiaco Oval and to me it was a fluke and all I wanted to do was go back to my dream to play football for Collingwood. But this gentle little man came up and sat next to me and he said, "You know what, you've got a talent that you should use", and he steered me in the right direction. When I spoke about this at his funeral yesterday, so many people came up to me and said that this gentle little man had changed their lives. We talk about legends these days and what legends are, and we use the word pretty freely, but to me John Gilmour was a gentle man. He was dealt a very hard hand in life, but he never stopped smiling. He leaves this world a better place for not only what he did for me, but hundreds and hundreds of others. To Judy, Jordan and Marshall, you should be very, very proud, and I am proud to have known John.

QUESTIONS WITHOUT NOTICE

GOVERNMENT CONTRACTS — HUAWEI

505. Dr M.D. NAHAN to the Premier:

Firstly, I would like to give my condolences to the Minister for Transport and her extended family for the passing of her father. Secondly, I would like to acknowledge the new member for Darling Range, Alyssa Hayden.

Can the Premier explain to the house why a \$136 million contract was awarded to the Chinese company Huawei without it going to cabinet and why cabinet was not made aware of or given an opportunity to consider the significant national security concerns raised by Australian security agencies in respect of the contract?

Mr M. McGOWAN replied:

I thank the Leader of the Opposition for the question. I understand that the Liberal Party has been seeking to make some political mileage out of this in recent weeks, so I will explain to the house exactly what has occurred. A contract and a tender were issued in relation to the communications between the Public Transport Authority and train drivers. The reason that has been done is that the old analogue communication network between the authority—the headquarters of the trains—and the train drivers will close in 2020 and therefore we are required to go to a digital network. The government issued a tender. It made the decision to provide the budget for the tender

and also to upgrade the communications system, which is obviously needed because the analogue system will close. There were five tenderers, none of which was Australian. However, a number of them, if not all of them—I am not sure—had Australian partners as part of the tendering process. The successful tenderer—it was not part of a political deliberation, but was a deliberation by the PTA using its normal processes—was Huawei. Recognising that Huawei is an overseas company and there had been some controversy around Huawei, we then sought some advice from the Department of Home Affairs, which is the national body that provides advice on these sorts of telecommunications matters. The advice that came to the Western Australian government was that there were no security concerns. We accepted that advice; in fact, we queried it and we queried it verbally. On three separate occasions, the advice that came to us was that there were no security concerns.

Why did the contract not go to cabinet? I do not think—it did not happen under the previous government—that ministers should pick and choose which company wins a contract. Which company wins a contract is a matter of extraordinary probity. We do not think—it did not happen under the former government or any government as far as I am aware—that politicians should sit and pick and choose which company wins a contract. There is a formal process and ministers are excluded from that. Prior to that, we issued the authority for the contract to be issued and we issued the budget for it to be put in place. I realise that the Liberal Party thinks it is trying to cause some political advantage to itself out of this. Frankly, it would have been inappropriate and wrong for the government not to award the contract to the best tenderer when no security concerns were advised by the federal government.

GOVERNMENT CONTRACTS — HUAWEI

506. Dr M.D. NAHAN to the Premier:

I have a supplementary question. Can the Premier confirm that he intentionally avoided essential cabinet processes in awarding this contract to avoid accountability for the decision, which has significant national security issues for Australia?

Mr M. McGOWAN replied:

I just explained all of that to the Leader of the Opposition. We got advice from the Department of Home Affairs. A senior officer from that department gave us advice.

Dr M.D. Nahan interjected.

The SPEAKER: Leader of the Opposition!

Mr M. McGOWAN: We got written advice on these matters that indicated that there was nothing there. Just so the Leader of the Opposition understands, I am no defender of Huawei. I barely know the company, but I understand that it provides all sorts of services across Australia, including a range of infrastructure for Optus and Vodafone and services for Sydney trains and a range of universities and major companies around Australia. New South Wales Ambulance relies upon it to provide communications technology. Does the Leader of the Opposition seriously think that there is a major security issue with the PTA headquarters talking to train drivers on the rail network in Western Australia? Does he seriously think that that is a major security issue and that somehow people in China are going to be sitting there listening to the discussions between the driver on the Joondalup line and the controller in the headquarters of the Public Transport Authority in Perth? Is that his issue—that that is a security issue? We sought advice on three separate occasions about this and that advice was provided to us by the federal government. What is more, the company has an Australian partner, UGL Pty Ltd. I can hear members opposite whispering over there, as they do when they think they are onto something. If the PTA had not issued the tender to the successful tenderer based upon rumour and innuendo when it received advice from the commonwealth security agencies that it was okay, that would have been inappropriate and the Leader of the Opposition would have complained about that decision in here.

GST DISTRIBUTION

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

I refer to the leadership shown by the McGowan Labor government to reach a deal on the GST that will finally deliver a genuine fix for Western Australia and ensure that WA gets its fair share.

Several members interjected.

The SPEAKER: Members!

Ms S.E. WINTON: Can the Premier outline to the house why it was only through the efforts of this government that such a deal could have been reached?

The SPEAKER: Members! I will hear it in silence; otherwise, the member can start again. Member, start again.

Ms S.E. WINTON: With pleasure, Mr Speaker. I refer to the leadership shown by the McGowan Labor government —

Mr A. Krsticevic interjected.

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

Ms S.E. WINTON: I refer to the leadership shown by the McGowan Labor government to reach a deal on the GST that will finally deliver a genuine fix for WA and ensure that WA gets its fair share. Can the Premier outline to the house why it is only through the efforts of this government that such a deal could have been achieved?

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN replied:

It is a very good question. I would like to share this achievement with others, particularly members of the Western Australian community who were prepared to stand up and vote at the March state election last year and who sent a message nationally that Western Australia was there to be counted. I would also like to thank those senior business figures who lobbied the commonwealth government on behalf of Western Australia.

I thank the member for Wanneroo. We have achieved a significant reform to the GST system. It comes after eight and a half years of failure by the local Liberal–National government. For eight and a half years, it lectured, hectorred, yelled and screamed and it got nowhere. It achieved nothing in that period. Upon coming to office, I went and saw the Prime Minister. I went to Sydney within about a week of coming to office. I sat down with the Prime Minister in his office and had a talk to him about it and suggested to him things like the Productivity Commission inquiry—things to get through this issue. It would be fair to say that I developed a bit of a rapport with him. It would be fair to say that he and I got on. It would be fair to say that he had a few views about the state Liberal Party that I will not repeat here. It is true that we got on. We took up the case for genuine reform. We worked with the federal Minister for Finance, Mathias Cormann. I would like to thank the Treasurer of Western Australia in particular. He took up the case nationally. We made sure that it was seen as an issue that the federal government had to resolve in Western Australia, not just in the interests of our state, but also in its own interests. The arguments we put to the Productivity Commission inquiry showed how comprehensively the existing system was disincentivising Western Australia and also disincentivising other states to develop their economies. The Productivity Commission came out with recommendations fairly similar to the recommendations we put to it. We then found that the federal government changed that somewhat, but it accepted our core point, which was that there should be a floor of 75 cents in the dollar below which no state can go. I would like to thank the federal government and I would like to thank the federal opposition for campaigning hard on this issue. It had some success. It deserves its share of the credit. The only people who deserve none of the credit —

Several members interjected.

The SPEAKER: I do not know where Bill is. If you guys keep this up, some of you will not be here either.

Mr M. McGOWAN: The only people who deserve none of the credit are the state Liberal and National Parties. They achieved nothing. While we were working cooperatively to get this outcome, what was the Liberal Party in Western Australia doing? It was voting to secede, crowdfunding a High Court legal challenge and threatening to sue the commonwealth. The Liberal Party achieved nothing, a bit like when it was in government—it achieved nothing. After a bit over a year in office, we have secured historic and fundamental reform to the GST system, in conjunction with the people of Western Australia and the business community. I particularly thank the Treasurer for all his work on this outcome.

GOVERNMENT CONTRACTS — HUAWEI

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

I refer to the government's awarding of the \$136 million communications contract to Chinese company Huawei, which the government characterises as “communications for train drivers”. Will the Premier now come clean with the people of Western Australia and confirm that the infrastructure that Huawei will build and operate will be utilised for the future automatic train control system?

Mr M. McGOWAN replied:

As I understand it, the existing contract has around 80 separate security measures to ensure that the system is secure when it comes to any alternative uses for it. As I also understand it, if there are to be any changes to the current arrangement, they would be renegotiated. However, the minister is not here, and no doubt she would have more detail on that.

I understand what the member is trying to do. She thinks she has a smoking gun on this, but the fact of the matter is that it was an independent process of government; it was independent of the cabinet. We do not go out there saying that we want this, that or the other company based upon whatever considerations we might think are appropriate. We allow proper process to take its course. I might add that these contracts were decided in that way when the Liberal Party was in government. The opposition seems to have a difficulty because the company is Chinese. I might add that the company has an Australian partner. I might also add that we received advice from the Australian Security Intelligence Organisation, no less, that there were no issues with this contract. Although the opposition might be out there trying to stir up trouble, it might want to think that on these sorts of issues we got all the advice and sought assurances from the commonwealth government before we allowed the Public Transport Authority to go down the course of issuing any contract.

GOVERNMENT CONTRACTS — HUAWEI

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

I have a supplementary question. Can the Premier confirm that the commonwealth Department of Home Affairs has written to his government and expressed concerns beyond the existing contract awarded to Huawei, including the inclusion of an automatic train control system?

Mr M. McGOWAN replied:

I am unaware of what the member is referring to. Clearly, the minister is away. When she returns, the member can no doubt ask her these questions.

SHARKS — HAZARD MITIGATION — SMART DRUM LINE TRIALS

510. Mr R.R. WHITBY to the Minister for Fisheries:

I acknowledge in the gallery today the students from South Coast Baptist College and politics students in year 11 at Woodvale Secondary College.

I refer to today's announcement that the government will conduct a scientific trial of Shark-Management-Alert-in-Real-Time drum lines. Can the minister update the house on how the trial will complement the McGowan Labor government's already comprehensive mitigation strategy, which includes restoring funding for aerial patrols and a world-first subsidy program for personal shark deterrents?

Mr D.J. KELLY replied:

I thank the member for Baldvis for his question. When we were in opposition, and then when we came into government, we said that no government could give a 100 per cent guarantee that it can eliminate the risks that exist when people go into the ocean. Any government or opposition that says it can do that is absolutely foolish. We said that we would deal with this issue on the basis of evidence and science. When we came into government, we said that we would pursue initiatives that had research and evidence behind them. One of the first things that we did was to put in place a world-first personal shark deterrent subsidy, based not on a whim of the minister, but on the research commissioned by the previous government. The world-first personal shark deterrent subsidy was based on science done by the University of Western Australia. That was the first thing we did. That device was specifically designed for divers. We then encouraged other device manufacturers to get their devices researched as well. We soon had a surfboard-specific device that we then added to that subsidy scheme, again based on science. We put in place a number of other measures. We funded an initial \$6 million in the budget for Surf Life Saving WA to conduct aerial patrols. We offered \$50 000 to local governments to put in place a unique beach emergency numbering system. That idea was developed post the fatality at Gearies near Mandurah. Rick Gerring advocated that initiative after the loss of his brother Ben. These were all sensible ideas backed up by research. Members opposite criticised virtually all of them and tried to blame the government for every mishap in the ocean.

Some community members called for the introduction of Shark-Management-Alert-in-Real-Time drum lines, which are used in New South Wales. New South Wales was conducting a trial that it put in place in, I think, December 2015, while members opposite were in government. We said that, given that New South Wales is spending money on this trial, it would make sense for us not to embark upon our own trial but to wait and see the outcome of the New South Wales trial and then make a decision on whether there was any science to back up that program. Now, for whatever reason, New South Wales has not provided us with all the results of that program, so a bit over 12 months into government, we have decided to launch our own trial at Gracetown, near Margaret River. That will be a limited trial for at least 12 months and, importantly, it will be assessed by Chief Scientist Peter Klinken. We have done that, one, because we have always said science is the best way to deal with this issue and, two, to try to get some independence in this debate. There are a lot of things that we can do in this area. The public wants to know what works and what does not. There is probably no person more respected in the science community in Western Australia than the Chief Scientist, so we have asked him to evaluate that program after 12 months and he has agreed to do so. He will also look at the personal shark deterrent subsidy, which will have been in place for a bit over two and a half years by that stage. Incidentally, 2 000 people in the Western Australian community have taken advantage of that subsidy.

We can never 100 per cent guarantee the safety of anyone when they go in the water, whether the threat is from rips, other causes of drowning, or sharks. However, we can do what governments are reasonably expected to do—that is, put in place measures that are based on science. That is what we have done, as any good government should.

MOORA RESIDENTIAL COLLEGE — CLOSURE

511. Mr R.S. LOVE to the Premier:

Before I ask the question, on behalf of the National Party, I extend our condolences to the Minister for Transport and her family on the loss of her father. We also congratulate the new member for Darling Range on taking her place today.

I refer to the Premier's government's backflip on cuts to funding for Schools of the Air, gifted and talented education programs, level 3 teachers, Northam Residential College, community resource centres and now the implementation of Shark-Management-Alert-in-Real-Time drum lines. Will the Premier see reason and change his mind on defunding Moora Residential College?

Mr M. McGOWAN replied:

The government has made decisions over the course of its 16 months in office in a range of areas to help improve Western Australia. One of the things we had to do was to improve the financial situation of the state because of the catastrophic situation in which you, my friend, left Western Australia. We think about the \$40 billion of debt that the National Party and Liberal Party left—it just sort of rolls off the tongue, does it not? The amount of \$40 billion just rolls off the tongue. The Liberal Party and the Nationals WA now say that that was 16 months ago and that it is now our fault. I hear members opposite saying that it is now our fault. I see them put out things on social media saying that it is all Labor's fault now and its problem. The reality is that for decades to come, the legacy of the Liberals and Nationals in this state will be the \$40 billion of debt that they left us. We have a difficult row to hoe to get the state's finances back on track, but that is exactly what we are doing. We cannot afford everything that people might like. When members opposite were in office, they blew the \$40 billion, but they did not find the \$8.7 million for the residential college. That is their legacy.

MOORA RESIDENTIAL COLLEGE — CLOSURE

512. Mr R.S. LOVE to the Premier:

I have a supplementary question. Given the Premier's refusal to fund Moora Residential College to fund projects elsewhere in Perth, can the Premier answer why his government seems to be turning against country people? Why is he trying to set up this divide between country people and city people in the state?

Mr M. McGOWAN replied:

Over the parliamentary break, the member no doubt had his feet up, doing not much. That is what he does—lies around and takes it easy. I was out in the regions doing all sorts of important things. Last week I was in Geraldton announcing new broadband for farmers across the wheatbelt, which will be funded by the Western Australian government. I was in a room with dozens of farmers, who all said what a great job the Labor government of Alannah MacTiernan and Mark McGowan were doing. That was the reaction that I got. I went to John Willcock College, a high school in Geraldton, where \$20 million of improvements are going on. I went to Geraldton Senior College, where, again, major improvements are being put in by the Labor government.

Mr I.C. Blayney interjected.

Mr M. McGOWAN: We are building a new hospital for your electorate and you have never said thank you!

During the break I went down to Esperance. When I was in Esperance, I saw the \$17 million of improvements to the TAFE college and the \$4 million of improvements to the basketball stadium. I had a meeting with people about the new dog fences we are putting in. These are all things the opposition failed to do when it was in office.

Several members interjected.

The SPEAKER: I am having trouble hearing the Premier talking. I am sure you will all allow me a bit of grace.

Mr M. McGOWAN: I went to the Pilbara, where we have been able to commission \$5 billion of investment in the new South Flank mine. I went to the Kimberley.

Mr R.S. Love interjected.

The SPEAKER: Member for Moore, listen to the answer!

Mr M. McGOWAN: All sorts of improvements are being made across the Kimberley under this Labor government. They are the sorts of things the National Party was unable to do when it was in office, despite blowing the state's debt by \$40 billion.

GST DISTRIBUTION

513. Mr Y. MUBARAKAI to the Treasurer:

My question is to the outstanding Treasurer.

Several members interjected.

The SPEAKER: Members!

Mr Y. MUBARAKAI: I will repeat—the outstanding Treasurer. I refer to the GST deal that the McGowan Labor government has delivered for the state. Can the Treasurer outline to the house —

Several members interjected.

The SPEAKER: Members!

Mr Y. MUBARAKAI: Can the Treasurer outline to the house the financial benefits of this deal, which could have been delivered only through the strong leadership of this government, and can the Treasurer advise the house on what advice he has received on what should be done with any increase in future funding?

Mr A. Krsticevic interjected.

The SPEAKER: Member for Carine!

Mr B.S. WYATT replied:

I thank the member for Jandakot for that outstanding question. Not long ago the Productivity Commission delivered its report. It was a report that came about only because the Premier wrote and requested that it be done. Here it is in all its green glory, which, I suspect, is exactly the same colour as the Liberal Party when the federal government announced its response—green! The response from the Liberal Party has been interesting and I suspect it reflects the last eight and a half years of the former Liberal–National government under Mr Barnett. I will remind everybody that after all that hard work by the Premier, the commitment is a floor. Do not worry about the dollars yet; those things will be resolved. It is the floor that is the issue from 2019–20 up to a relativity of 0.7 cents in the dollar, rising to 0.75 cents in the dollar. This is a fundamental game changer for Western Australia. I want to make a couple of points because I was intrigued by the response of some of my colleagues on the other side of the chamber.

The first quote, which I was flummoxed to hear, was that of the former Premier, Mr Barnett himself. This is what Mr Barnett had to offer on ABC radio: “This won’t bring an immediate bonanza, and I hope that mentality wouldn’t arise.” Despite Mr Barnett’s record as Premier, I thank him for that comment because, unfortunately, that sage advice was immediately ignored by the colleagues he has left behind. Nowhere was that more apparent than in the member for Churchlands’ comments. He thundered on Twitter —

... paying down debt, reducing fees & charges, delivering essential services is what government must do.

Unfortunately, he did not do one of those things while he was in government! He neither paid down debt, reduced fees and charges, nor delivered essential services. I am very pleased that the Liberal Party is offering a new narrative now that this apparently huge windfall that the shadow Treasurer talks about has arrived. A lot of members opposite are to blame for the mess that we are in. Christian Porter, in that one budget speech he made, assumed revenue that never arrived and went off and spent it. We all remember that. The one person who is probably most to blame said we had to either pay down debt or cut payroll tax. Again, those are two things that he never did whilst he was the Treasurer of Western Australia.

The highlight, for me, was a comment from the Leader of the Opposition. As everybody tried to claim responsibility, according to my notes, the member for Riverton said this on 5 July, “I have been in the conga line a long time, unfortunately I lost government 15 months ago and I’ve been pushed to the rear, but I tell you, when I was leading it, it was a lonely, lonely process.” Members might be surprised that that was not a quote from this morning! That was a quote from 5 July, after the federal government made him green with envy when it responded to this government’s very successful advocacy for proper reform of the GST. We now have a proper case to make in the national interest. We will not do what the former government did; we will not assume that it has all arrived and then spend it by a factor of 10. A range of shadow ministers from the other side have already done exactly that. We will not make that mistake.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT

514. Mr Z.R.F. KIRKUP to the Minister for Corrective Services:

Before I begin my question I would like to recognise the former member for Murray–Wellington, Mr Murray Cowper, who is in the Speaker’s gallery this afternoon.

I refer to one of the largest prison breakouts in Western Australia’s history—the breakout from Greenough Regional Prison. Given the minister’s political grandstanding about inadequate funding of prisons, will he now outline exactly how much additional funding he has secured as a minister for the prison in the two budgets prior to the breakout, or is it simply his intention to continue to blame the previous government?

Mr F.M. LOGAN replied:

I thank the member for Dawesville very much indeed. I am surprised he framed that question the way he did after the commentary he just heard from the Treasurer, given the fiscal disaster that the member’s government left our government and what we inherited from his government.

Several members interjected.

The SPEAKER: Members!

Mr F.M. LOGAN: The argument being put by the member for Dawesville is in line with the general Liberal Party theme of its position in opposition. That position is: “We’ve been here 18 months. We left you a \$40 billion debt.”

Mr D.T. Redman interjected.

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

Mr F.M. LOGAN: “The Labor Party has been in government for 18 months. We left you a fiscal disaster with a \$40 billion debt and deficit. Why haven’t you fixed all the problems that we left you?” That is the opposition’s theme. It is the same theme from the Leader of the Opposition to the Treasurer: “Why haven’t you started paying down debt?”

Mr Z.R.F. Kirkup interjected.

The SPEAKER: Member for Dawesville, you get a supplementary question.

Mr F.M. LOGAN: The question today is: where are we getting the money from and why aren’t we fixing up the mess that we were left by the member and his government? That is the theme of the member’s question. At the media conference of over one hour and 40 minutes dealing with the issue of the Greenough riot and escape I pointed out what we had been left by the member’s government. Members should remember the promise that the Leader of the Opposition made to the people of Western Australia at the 2016 election.

Mr D.T. Redman interjected.

The SPEAKER: Member for Warren–Blackwood!

Mr F.M. LOGAN: He promised a new prison and over \$1 billion for that new prison. Members opposite said they were going to deliver it and that the money was there. It was not there; it was never there. Consequently, we were left with all the problems—overcrowding and understaffing. Members opposite left us with a staff freeze that the Leader of the Opposition, as Treasurer —

Several members interjected.

The SPEAKER: Members!

Mr F.M. LOGAN: Hence the theme, member.

Mr D.T. Redman interjected.

Mr F.M. LOGAN: Hence the theme of what I have just been talking about: “You fix it.”

The SPEAKER: Minister, through the Chair.

Mr F.M. LOGAN: Members opposite left us with a staff freeze.

Mrs L.M. Harvey interjected.

The SPEAKER: Member for Scarborough!

Mr F.M. LOGAN: They left us with an overcrowded prison and they left the department in an absolute fiscal mess.

Mr D.T. Redman: Take responsibility.

Mr F.M. LOGAN: The former corrections minister sitting there never did anything with Geraldton. The former Minister for Corrective Services —

Mr D.T. Redman interjected.

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

Mr F.M. LOGAN: Thank you. The former Minister for Corrective Services, the current member for Warren–Blackwood, who had the opportunity to address the issues raised in the Office of the Inspector of Custodial Services report in 2012, when he was the minister and did nothing, is now saying, 18 months later, “Why haven’t you fixed it? Why did it lead to a riot? Why did it lead to an escape?” He can answer those questions himself because he created the problems.

Mr Z.R.F. Kirkup interjected.

The SPEAKER: Member! That is enough.

Mr F.M. LOGAN: Members opposite created the problems and we are now going about the whole prison estate addressing them.

I made it very clear, and I was very honest with the people of Western Australia and the media. Sure, like members opposite, we took our eye off the ball at Geraldton for 18 months. Why is that? We had to address the fiscal problems in the department and the fact that prison numbers had grown by 35 per cent in three years. We had to find beds for prisoners, and that is what I did. In September last year, I immediately put in place the creation of 212 new beds to deal with the crisis that members opposite left us. Of course we did not look at Geraldton. But members opposite had eight years and they did not look at Geraldton. They had eight years and more money than we can even possibly think about it, but they still did not do anything in Geraldton.

Several members interjected.

The SPEAKER: Members!

Mr F.M. LOGAN: I will not be questioned by people like the member for Dawesville about this —

Mr Z.R.F. Kirkup interjected.

The SPEAKER: Minister, through the Chair. Member for Dawesville, you do not shout out. I call you to order for the first time.

Mr F.M. LOGAN: Over the three years in the lead-up to the election, he was the adviser on corrective services to the Premier and had been in receipt of many of the reports of the Inspector of Custodial Services, one as late as 2016, which told him that the then government was facing a disaster in Greenough, and it did not do anything about it.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT

515. Mr Z.R.F. KIRKUP to the Minister for Corrective Services:

I have a supplementary question. Can the minister confirm that prisoners who escaped from Greenough Regional Prison knew about and accessed a room containing angle grinders and ladders that prisoners were not meant to know about; and, if so, how did they become aware of that secure location and, again, what actions has the minister undertaken to identify it was about the regional prison riot and blackout —

Mr D.J. Kelly interjected.

The SPEAKER: Minister for Water!

Mr Z.R.F. KIRKUP: What actions has the minister undertaken to identify how those prisoners became aware —

Point of Order

Mr D.A. TEMPLEMAN: There are three questions in that supplementary. It is not a supplementary question.

The SPEAKER: No. I will accept one.

Questions Without Notice Resumed

Mr Z.R.F. KIRKUP: How did the prisoners at Greenough Regional Prison become aware of a secret and secure room that contained the tools and ladders?

Mr F.M. LOGAN replied:

That will all come out in the report being undertaken by Ms Jan Shuard. But as to the claim about the maintenance area being a secret and secure room, I have no idea how they found that out. I am sure that they made access to that room through climbing onto the roof, through part of the administrative block and straight into that area. How they knew about the tools in that room, I do not know, member for Dawesville. We will find that out as part of the investigation. However, when I found out, as he knows—I told the media—I immediately demanded that the commissioner ensure that every battery-powered tool, power tool and ladder be taken outside the prison perimeter fence in all prisons across Western Australia, for obvious reasons.

LIQUOR LAWS — REFORMS

516. Mrs J.M.C. STOJKOVSKI to the Minister for Racing and Gaming:

I refer to the McGowan Labor government's commitment to supporting and growing local hospitality businesses, reducing unnecessary burdens on industry and creating more jobs through what are the biggest reforms to liquor laws in a decade. Can the minister outline to the house what these reforms will mean for WA's hospitality industry when they come into effect this weekend?

Mr P. PAPALIA replied:

I thank the member for her question. It is true that the first phase of the most significant amendments to the Liquor Control Act since the McGowan small bar legislation was introduced will come into force this weekend. It is a momentous time for the hospitality sector and the tourism industry in Western Australia. Phase one of the changes will see a range of big initiatives, a number of which I will cover today, but we have covered many more in the Parliament and many people here will be familiar with them.

Firstly, restaurants with a capacity of fewer than 120 people will no longer have to seek a permit to be able to serve liquor without a meal. That is a significant change; it has been sought by the industry for a long time. It will cut red tape and enable small bars and cafes to access the after-work crowd who want a couple of drinks on their way home. It is a good thing.

Secondly, the reforms will allow all producers to sell and supply liquor for consumption on and off licensed premises, whether they produce beer, wine or spirits. For the first time, the very high quality range of micro distilleries in Western Australia will be afforded the same opportunities as breweries and wineries have been in

the past and will be able to pursue their interests. It will allow intrastate and interstate licensees to attend licensed premises to provide free samples and take orders on the day at food and wine shows. This is an interesting one that should have been fixed a long time ago. It was brought to my attention for the first time at the Dowerin Field Day when we were in opposition and would be there in more numbers than National Party members, listening to people on the ground saying what they needed in the regions and what they cared about. It struck me as extraordinary that people who produced wine were not able to go to the Dowerin Field Day, serve their wares, give people advice and make sales on the day. That will be fixed from this weekend.

Thirdly, we will allow pop-up applications that are advertised to be subject to formal objections. This is a response to the challenges that have been confronting bricks and mortar outlets for some time to enable them a fairer playing field on which, subject to certain criteria, pop-ups of a size and duration that warrant it will be compelled to advertise and be subject to a public interest assessment. That is a fair and good thing for the industry.

Fourthly, we will allow barring notices to be issued by police to people in the vicinity of venues, which will help protect our established businesses. In the past, barring notices were given only to people who misbehaved inside the premises. If people misbehaving were in a queue or on a verge outside a premises, they were not subject to barring notices and therefore did not receive that deterrent. That is all good. A number of other changes will come in the future as part of this. We will allow extended trading permits from the current duration of five years to 10 years. That will reduce red tape, extend the opportunity for people to operate once their initial application has been approved and reduce the burden on small businesses associated with that licensing process. That has been long sought after by the industry. I am very pleased to be able to deliver it.

There is one more thing that I think the member for Kingsley will be interested in, as would be a lot of people in this place. Until this change, residents of retirement villages were deemed immature and incapable of being trusted to invite people into their bars or clubs on the retirement village grounds to share a drink and a meal with their visitors. We are fixing that. We are treating our elders, the seniors of Western Australia, with respect, as they should have been for a long time. We are changing that rule.

Several members interjected.

The SPEAKER: Member for South Perth, that is a bonus for you!

Mr P. PAPALIA: I mentioned all these measures and more in a speech last night at Crown Casino where I attended the Restaurant and Catering Industry Association of Australia awards, member for Kingsley, in the company of several other members of Parliament, including the shadow Minister for Racing and Gaming, the member for South Perth.

It was an interesting evening, as the news evolved through social media during the course of the dinner. I reflect on one thing: in the context of all these changes being well received by the audience, it was interesting that the one thing that was not well received was my greeting to the member for South Perth, which has become almost standard now—have you fired up the barbeque for the weekend, John? He did laugh. I do not think he is going to. He had not yet, but he may do next weekend.

MINISTER FOR REGIONAL DEVELOPMENT — PERFORMANCE

517. **Mr P.J. RUNDLE to the Premier:**

I refer to the performance of Hon Alannah MacTiernan. Given the minister has decimated live exports, decimated royalties for regions, failed to stand up for the agricultural sector —

Several members interjected.

The SPEAKER: Members! Start again.

Mr P.J. RUNDLE: Thanks, Mr Speaker. I refer to the performance of Hon Alannah MacTiernan. Given the minister has decimated live exports —

Several members interjected.

The SPEAKER: Members on my right!

Mr P.J. RUNDLE: — decimated royalties for regions, failed to stand up for the agricultural sector, caused 12 months of pain for community resource centres before changing her mind, and left the government's regional development plan in disarray, does the Premier still have confidence in the minister?

Mr M. McGOWAN replied:

I will say this: members opposite have had six weeks to come up with some questions—six weeks! Six weeks off, six weeks sitting around, and that is the best they can do! Minister Alannah MacTiernan is outstanding.

Government members: Hear, hear!

The SPEAKER: Members!

Mr M. McGOWAN: Members can go anywhere in regional Western Australia and they will find that she is knowledgeable about and respected on a whole range of subject matters, far more than is the member for Roe. As I said to the member for Roe last time, if she was in this chamber he would be mincemeat for trying to take up an argument with her.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: I want to address a few of the things the member had to say. The exact words were: she has decimated the live export industry. That is what he said. What universe are we living in when the federal government's National Party Minister Littleproud closes the industry, yet somehow the state National Party blames Alannah MacTiernan? What possible universe is he living in when that occurs? Honestly, there is a lack of understanding of what has gone on there. The federal government has closed it down! I understand that somehow, for the member, the federal government has morphed into Alannah MacTiernan because perhaps, at one time, she was a member of federal Parliament; therefore, it is her fault. I cannot quite work out the logic.

The second point the member talked about was agriculture. As I said, I was in Geraldton the other day. We went to Chapman Valley and met with some of the local farmers. We are doing so many innovative and exciting things in agriculture, but one of them is the expansion of the national broadband network, which was put in place by the state Labor government because the federal Liberal–National government has not put it in for huge areas of farming communities across Western Australia. It is a \$22 million program. We have the dogging program because of the wild dogs. We understand that there is an issue with wild dogs. That is \$25 million or thereabouts including, or maybe excluding—we are certainly doing it—around \$7 million on fencing in the member's own electorate. In coming to the member for Roe's electorate, there was another thing I have worked on with Alannah MacTiernan in cabinet: we are actually saving a major industry in his electorate. We are saving Cleveland–Cliffs. We are saving hundreds of jobs in his electorate. When I went down there the other day, saving 400 or so jobs in the member's electorate because this government has gone out and done it, was he anywhere to be seen? No! He was nowhere to be seen. He was probably off in Europe!

Several members interjected.

Mr M. McGOWAN: He should have known that the Premier was coming to his electorate.

Several members interjected.

The SPEAKER: Members, I want to hear this.

Mr M. McGOWAN: The minister and I are doing innovative and exciting things all over regional Western Australia. I want to close on one. As I said earlier, I have been all over regional Western Australia over the break. One place I went to was Bidyadanga. A lot of members would not know where that was!

The SPEAKER: Premier! One member of the National Party says, "What about Moora?" and then the next one and then the next one. Just one of you say it; we understand what it is anyway.

Mr M. McGOWAN: They would not know where Bidyadanga was. Over the break —

Several members interjected.

The SPEAKER: Member for Nedlands, I know where you are, too; I call you to order.

Mr M. McGOWAN: Over the break, Hugh Jackman and I both went there!

We announced the sealing of the road to Bidyadanga and the sealing of the airstrip. They are the sorts of innovative and exciting things that we are doing in government and which the previous government failed to do.

MINISTER FOR REGIONAL DEVELOPMENT — PERFORMANCE

518. Mr P.J. RUNDLE to the Premier:

I have a supplementary question. On behalf of thousands of farmers in the state, has the Premier at least counselled the minister against making more damaging decisions and directed her to stand up for the people and the industry that she is supposed to be supporting?

Mr M. McGOWAN replied:

Who writes your questions? Honestly! I will explain it to you again, because I think you have trouble understanding. I have explained the situation with the live export industry numerous times in this house. I think the way that industry has been managed, and in particular the exporters, has been shameful for Australia. We have said that if they can reform themselves—they need to reform themselves and to improve the trade and the like, in particular over those summer months in the northern hemisphere—then they deserve another opportunity. That is our position. The federal government has closed it. When the member for Roe says that I should counsel Alannah MacTiernan, has he counselled David Littleproud?

Mr P.J. Rundle: Yes.

Mr M. McGOWAN: You have! What did you say to him?

Mr P.J. Rundle: I had a chat to him last week.

Mr V.A. Catania: Have you met with him?

Mr M. McGOWAN: David Littleproud? No. What did you say to him?

Mr P.J. Rundle: I met with him last week.

Mr M. McGOWAN: And what did you say to him?

The SPEAKER: Premier, through the Chair.

Several members interjected.

Mr M. McGOWAN: The argument, as put by this relatively new member, is that somehow the closure of the industry is Alannah MacTiernan's fault, when David Littleproud did it. It is a bizarre and embarrassing argument to put.

The SPEAKER: That is the end of question time.

BILLS

Assent

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

1. Liquor Control Amendment Bill 2018.
2. Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017.
3. Terrorism (Extraordinary Powers) Amendment Bill 2018.

PAPERS TABLED

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

“WA COUNTRY HEALTH SERVICE ANNUAL REPORT 2016–17”

Correction — Statement by Speaker

THE SPEAKER (Mr P.B. Watson): I received a letter dated 11 July 2018 from the Deputy Premier; Minister for Health, requesting that an erratum be added to the “WA Country Health Service Annual Report 2016–17”, which was tabled on 10 October 2017. The erratum addresses an error in the data used to calculate one of the organisation's key performance indicators resulting in the underreporting of the proportion of elective waitlist patients on pages 39 and 93. Under the provisions of standing order 156, I authorise the necessary corrections to be attached as an erratum to the tabled paper.

[See paper 1558.]

BILLS

Notice of Motion to Introduce

1. Public and Health Sector Legislation Amendment (Right of Return) Bill 2018.

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

2. Gender Reassignment Amendment Bill 2018.
3. Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018.

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

BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS

Standing Orders Suspension — Notice of Motion

Mr D.A. Templeman (Leader of the House) gave notice that at the next sitting of the house he would move —

That so much of standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 pm to 8.00 pm on Wednesday, 15 August 2018.

MINISTER FOR CORRECTIVE SERVICES — PERFORMANCE

Notice of Motion

Mr D.T. Redman gave notice that at the next sitting of the house he would move —

That this house calls on the Premier to sack the Minister for Corrective Services for his failure to appropriately staff and maintain Western Australia's prisons, leading to the biggest prison breakout in WA's history and jeopardising public safety.

MINISTER FOR AGRICULTURE AND FOOD — PERFORMANCE*Notice of Motion*

Mr P.J. Rundle gave notice that at the next sitting of the house he would move —

That this house condemns the Premier for his continued support for the Minister for Agriculture and Food despite her lack of knowledge of the industry and refusal to support WA's farmers.

McGOWAN GOVERNMENT — PROGRAM FUNDING*Notice of Motion*

Mr R.S. Love gave notice that at the next sitting of the house he would move —

That this house recognises the McGowan Labor government's backflips on funding cuts to the Schools of the Air, gifted and talented education programs, the intake of level 3 teachers, Northam Residential College, the Follow the Dream program, community resource centre funding and the implementation of SMART drum lines, and calls on the Premier to reverse his cuts to Moora Residential College, camp schools and the agricultural education farms provision trust.

**PERTH STADIUM — NAMING RIGHTS
GST DISTRIBUTION
ELECTRICITY SECTOR
TOURISM**

Removal of Notice — Statement by Speaker

THE ACTING SPEAKER (Ms S.E. Winton): I advise members that private members' business notices of motion 1 to 4, which were given on 8 August 2017 and renewed for a further 30 sitting days on 13 February 2018, will be removed and will not appear on the next notice paper.

**THERMOSTATIC MIXING VALVES — LEAD CONTAMINATION TESTING
ECONOMICS AND INDUSTRY STANDING COMMITTEE —
MINING LEGACY STATE AGREEMENTS
2017–18 STATE BUDGET**

Removal of Order — Statement by Speaker

THE ACTING SPEAKER (Ms S.E. Winton): I inform members that, in accordance with standing order 144A, the orders of the day that appeared on the last notice paper as private members' business orders of the day 1, 2 and 3 have not been debated for more than 12 calendar months and have been removed from the notice paper.

TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2017*Receipt and First Reading*

Bill received from the Council; and, on motion by **Mr R.H. Cook (Minister for Health)**, read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.H. COOK (Kwinana — Minister for Health) [3.19 pm] — by leave: I move —

That the bill be now read a second time.

This bill fulfils an election commitment made to the people of Western Australia in February 2017. The bill proposes amendments to the Tobacco Products Control Act 2006. It forms part of the government's commitment to undertake tobacco law reform to tighten the policing of tobacco laws.

The Tobacco Products Control Amendment Bill 2016 was tabled in Parliament in November 2016 by the former Minister for Health, Hon John Day, MLA, as a draft bill for public information and discussion. During its tabling, the amendments proposed in the 2016 bill were outlined. The bill did not progress prior to the 2017 state election. The government is now introducing and progressing a similar bill to amend the Tobacco Products Control Act 2006. Accordingly, the government takes the opportunity to outline the amendments again.

The Tobacco Products Control Act controls the sale and supply of tobacco products. The amendments flow from a statutory review of the act undertaken pursuant to section 127 of the act. In progressing the review, a discussion paper was developed by the Department of Health to provide the basis for consultation with key stakeholders and the community. The discussion paper provided an overview of the impact of tobacco use in Western Australia, highlighted issues relevant to the current operation of the act and regulations, and examined legislative initiatives in other states. The review considered various legislative changes, some of which require amendments to the act and others to the regulations. This bill sets out the changes to the act that flow from the review.

Australia, and especially Western Australia, has a proud history of introducing strong and effective tobacco control measures. These measures have helped decrease our smoking prevalence to among the lowest in the world. In Western Australia in 2016, just nine per cent of people aged 16 and over were daily smokers, down from 16 per cent in 2004. These reforms will build upon the state's existing tobacco legislation and historical position as a leading jurisdiction on health promotion and wellness.

The new proposals will tighten restrictions on the sale of tobacco, especially with regard to protecting children, making Western Australia the first state in Australia to make it illegal for children under 18 years to sell tobacco products in retail outlets. There are also provisions about the retail environment for selling tobacco, and a number of provisions are intended to simplify and streamline administrative arrangements for tobacco licence holders and the Department of Health. Most of these proposals will continue to strengthen longstanding legislation. In some cases, they will bring WA legislation into line with other states or restore Western Australia to the forefront of tobacco control in Australia. As with all other states and territories, Western Australia has endorsed the National Tobacco Strategy. The proposals in the bill are in line with accepted good public health practice.

The bill that I introduce today has been passed in the other place by a clear majority. The key changes proposed are as follows. The bill provides various measures to protect children from exposure to tobacco products. Proposed new sections 21A and 21B, inserted by clause 5, ban the sale of split-packet cigarettes, which can be made into packets containing fewer than 20 cigarettes, and fruit and confectionery-flavored cigarettes. These products are known to be particularly appealing to children.

I advise that clause 5 of the bill ratifies or gives effect to a multilateral agreement to which the government of the state is a party—namely, an agreement made through the Ministerial Council on Drug Strategy. As such, this bill is a uniform legislation bill. Following its introduction into the other place, it was referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration. In accordance with past practice, the legislation committee considered and reported on the entire bill, tabling its report in October 2017. There were no recommendations to amend the bill.

Another proposal aimed at reducing the uptake of smoking by young people is clause 4, which inserts new section 18A into the act. This provides that the holder of a retailer's licence for the sale of tobacco products must not authorise or allow a person who has not reached 18 years to sell a tobacco product. As it is against the law to sell tobacco products to children, it is reasonable that children should not be put in the position of selling tobacco products or having to ask people in their own age group for proof of age. In fact, we know from Department of Health compliance activities that younger sales staff are more likely to sell tobacco products to people aged less than 18 years. Tobacco retailers will be given two years from the commencement of these changes to make necessary adjustments.

Certain improvements are to be made to the retail sale of tobacco products. Tobacco purchases are to be excluded from customer loyalty reward programs. A new section 33A will be inserted in the act by clause 8 that will mean that when a customer is a member of a loyalty reward program, the purchase of tobacco products cannot be used in obtaining a gift or other reward. The reason for the exclusion of the purchase of tobacco products from such programs is to reduce the purchase of tobacco products on the basis of loyalty program incentives. Programs in which a gift or benefit may be obtained by a purchaser of goods on the basis of method of payment used, such as the use of a particular credit card, will not be affected.

Initially, section 23 of the act was to be amended to phase out the display of tobacco products in specialist retailer stores over two years. Currently, all other tobacco retailers in the state are required to place their tobacco products and smoking implements out of sight, whereas a specialist tobacconist is permitted to publicly display tobacco products. Following the bill's introduction in the other place and consultation with one interested stakeholder, the government moved an amendment to clause 6 to allow the defence in section 22 of the act to continue to apply to only specialist retailers to allow the instore display of cigars and implements designed to cut a cigar. The definition of "specialist retailer" remains unchanged. The amendment was passed in the other place.

Clause 7 provides for an amendment to section 25 of the act in relation to health warning signs. If a retailer chooses to display a price board or price tickets, then a graphic health warning sign must be displayed adjacent to the price information. Health warnings are an important part of the government's efforts to educate smokers about the effects of smoking. Displaying a graphic health warning where price tickets or a price board is displayed provides smokers, recent quitters and children with a strong visual reminder of the health risks associated with smoking.

A further change to the retail sale of tobacco products is in relation to the sale of tobacco products at an event. Pursuant to clause 10, it is proposed to amend section 39 to prohibit the issuing of a retailer's licence for the purpose of authorising the sale or supply of tobacco products at an event, such as music festivals, fashion shows or other transient forms of entertainment. As many of these kinds of events are of particular appeal to younger audiences, sale of tobacco at events is not consistent with the objectives of the act, which is intended to prohibit supply of and discourage the use of tobacco products by young people.

A number of changes are proposed to improve the administration of the act. These include the following proposed amendments. It is intended to replace section 77 of the act in order to expand and streamline the process for appointing restricted investigators, based on models provided by section 122 of the Food Act 2008 and section 24 of the Public Health Act 2016. In addition to the existing powers of the chief executive officer, local governments will also be authorised to appoint restricted investigators for the purposes of this act, in accordance with guidelines issued by the CEO. With 138 local government authorities across Western Australia, the current appointment process provided by section 77 is inefficient and time-consuming.

Another administrative change will be to amend section 119. This section currently provides that upon the conviction of a person for an offence under the act, the court may order the forfeiture of items used in the commission of an offence. Potential problems in court proceedings have been identified whereby an omission to request forfeiture at the time of the conviction could lead to the Department of Health having to return property that has been used in the commission of an offence. It is proposed to amend section 119 so that it will be possible to apply for a forfeiture order within three months of a conviction for an offence under the act. There are about 3 700 tobacco licences in effect in WA. Each licence is valid for 12 months and the act provides for a process of renewal of a current licence. From time to time applications for renewal are completed incorrectly or additional information is required. This can delay the process for consideration of an application and in the interim the licence may expire. It is proposed to amend the act so that the applicant's licence may be extended up to a further 21 days after the licence is due to expire to ensure that any administrative problems with an application can be dealt with while ensuring that the licence remains in force. This matter is addressed under clause 10.

A consequential amendment has been made to section 40 of the act. Under the current provisions the CEO is required to provide notice of a decision to refuse an application for the renewal of a licence 14 days before the day on which the licence expires. As the effect of the new grace period is to extend the period of the licence for up to 21 days past the date of expiry, the notice will now be required to be given within 14 days of the decision and the licence will continue to have effect during that period. These arrangements ensure that the applicant has time to apply to the State Administrative Tribunal for a review of the decision prior to the expiry of the licence.

This government is committed to strengthening Western Australia's tough stance on tobacco control. The important amendments the bill proposes will tighten laws and policing relating to the sale, supply and marketing of tobacco products and exposure to second-hand smoke. The new provisions will contribute to the state's comprehensive action on tobacco control and do more to protect children from exposure to tobacco products.

I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.

CRIMINAL LAW AMENDMENT (INTIMATE IMAGES) BILL 2018

Second Reading

Resumed from 28 June.

MR P.A. KATSAMBANIS (Hillarys) [3.32 pm]: I rise as the opposition lead speaker on the Criminal Law Amendment (Intimate Images) Bill 2018. I indicate at the outset that the Liberal opposition will support this bill. It is a relatively short bill, but in many ways quite complex. It deals with some pretty confronting subject matter at one level, but it also deals with an emerging social phenomenon that has been facilitated by the rise of new technology over time and a change in community standards and the use of that technology.

Technology is a wonderful thing and we all use it every single day, but we know that when there are people with bad will and bad intent, they can sometimes use it to great harm. There are various types and levels of harm, but it is hard to think of harm that could be worse than distributing an image of a person—a young person, a female, an older person, a male or anybody else—without their consent when that distribution could cause grave harm. In the absence of this new law, if police examined cases in which intimate images had been distributed without the consent of the subject of those images, there would probably be some areas of the Criminal Code that could be used in some instances, but it is quite clear from public debate on this issue that our existing laws do not cover the whole area that potentially could be traversed with the distribution of intimate images and that there are gaps in the law. There are perhaps also emerging trends that we still have not fully explored. We do not know the boundaries of those trends and we possibly require legislation that goes a little bit further than what we currently know to cover off potential gaps that may appear either through litigation or as the technology continues to emerge.

This area is new because the methods of distribution have changed. I dare say that the distribution of intimate images without the consent of the person in the image could have happened from the time photography first started, but current methods of transmission—be they text message, email or various applications through which people can send information and images to either one person or many people, websites that facilitate the posting of information, including images, and the whole range of modern technology—make it simpler and easier. It also means that the image could potentially be communicated to more people in less time than ever before. When that technology is being used for malfeasance, the harm will be practically immediate and can be ongoing as images

either remain public or more people distribute them to further third parties. The damage can be extreme. We know it can be reputational, but beyond that, as outlined in the Attorney General's second reading speech, it could get to the realms of causing significant personal harm. It is clearly a form of abuse. It can be used to threaten and harass people. Just the threat of distributing these images could end up causing enormous harm to the subject of the image, the victim, if you like, in this new wave of disseminating intimate images.

When these new matters arise, the public looks to us as parliamentarians for leadership. It looks to the government and the opposition to show leadership in these matters, to provide reassurance and to provide amendments to criminal law that will ensure that this type of criminal activity is captured. It would be a brave person who could stand in this chamber and suggest that the bill we are considering today would cover the entire field and provide 100 per cent assurance to victims and potential victims in this area, or that there would not be any unintended consequences, but I do not think any of that is an excuse for not acting. I think we are all very conscious that this is an ever-moving and ever-changing area and we will have to be vigilant to make sure that legislation, when introduced, does not have unintended consequences. If there is need for amendment I think we need to look at that too, and I raise that right at the outset. The amendment could be from either side. People could be inadvertently caught in this. When the specific details of a matter are examined, it might be found that they ought not to have been caught or, on the other side of the equation, things that are not currently dealt with might develop—things that we do not know might be happening out there or that might happen in the future. We should treat this bill as a good start rather than as something that is absolutely complete and bulletproof and cannot be manipulated in any way in the future. We should keep a watch on this area.

Of course, the need to criminalise this behaviour arises because the behaviour exists. People of my generation, or even people who are older than I am, might find it astounding that people take intimate images of themselves and send them to other people, but it is a reality. It is happening out there. There is an important education piece. It is clearly important to send a public message to people, especially young people who may not have the maturity of adults, that the best possible protection against the dissemination of intimate images without consent is not to create the images in the first place or not to send them to anyone. We know that people are doing it. We know that young people in particular—it is not restricted to young people—see this as something that they want to do. They find it an attractive option to take these images and send them, based on the fact that they have taken the image and pressed the button, to a person they trust. That act is not being criminalised under this bill. What is being criminalised and made very clear is that when the recipient of that image sends the image to somebody else without the consent of the person depicted in the image, they commit a criminal offence, and that offence is spelt out in proposed section 221BD(2) in the bill. That criminal offence carries a penalty of imprisonment for three years. If the offence is treated summarily, the maximum penalty is imprisonment for 18 months and a fine of \$18 000. I cannot stress enough that the best protection that any member of the public—a child, a young adult, a middle-aged person or an elderly person—can have against the distribution of images of themselves without their consent is to not create those images or not be a party to those images in the first place.

Another element contained in the bill—it is not the primary purpose of the bill—deals with images, particularly altered images, that may well have been created without the victim's knowledge. It should be acknowledged that an area of this bill will cover that. I would say that the harm would be equal in those circumstances, even if the victim was not a party to it. In fact, in many ways the victim not being a party to the creation of altered images—perhaps an image with someone else's body or face—may cause as much, if not more, harm and distress to the person depicted in the image. The bill covers that area as well.

The bill introduces some new concepts. In particular, it defines “intimate image”. It is probably better to have a discussion in the consideration in detail stage, if the Attorney General would consent to it, about why “intimate image” has been defined in the way it has been, any exclusions and grey areas or examples. In the main, I think the definition is probably as close to complete as it can be at the moment, but there will always be questions on the periphery of this. We will examine them not at great length, but I think it is worthwhile examining them when we get to the consideration in detail stage.

There is a specific definition of “consent” in proposed section 221BB. Again, we will probably have a bit of discussion about that in consideration in detail. I think the definition is relatively comprehensive. The issue with the definition of “consent” that should be pointed out is in proposed section 221BB(6). A person under 16 years of age is incapable of consenting to the distribution of an intimate image. That is extremely important for a number of reasons. First, it is similar to other sexual offences; young people cannot give consent to a sexual activity. Importantly, it touches on the area of the production and distribution of intimate images, which has certainly had a lot of media attention. It touches on the area relating to very young people. As a hypothetical example, if a 14-year-old takes a photograph and sends it to a recipient 14-year-old—or, for that matter, a person of any age—who then asks whether they can distribute it and the 14-year-old who is the subject of the image says, “Go for your life” and that person then starts distributing the image to other people, that cannot be deemed to be consent under this legislation. I think that is very important. We need to protect our young people. We need to protect them from exploitation. Yes, an argument could be raised by some people that perhaps the mishmash of consent to other

sexual activity by people on the older scale of youth, if you like, could be entered into, but I think this is a very important area where we need to tread carefully. We should think as much about the message we are sending by passing this legislation as we think about the criminal offences we are creating. I think I can say that in a bipartisan manner in here. The message we are sending, particularly to young people, is to be extraordinarily careful. Someone may think that the person to whom they are sending this image is extremely trustworthy. However, firstly, they do not know; and, secondly, circumstances change and the level of trust someone may have in another person may change the next day or down the track. Be very, very careful.

As I have said before in my contribution and I have said in public debate on this matter, the best and ultimate protection we could have is not to be a party to the creation of these images. Do not create these images and do not move them on. We know in reality that not everyone will abide by that and not everyone will want to abide by that. We are not stopping anyone from doing it or criminalising the creation of the image. As I keep saying, we are criminalising the distribution of the image without consent.

I think that proposed section 221BB is relatively comprehensive. A catch-all is provided in proposed section 221BB(7), which states —

This section does not limit the grounds on which it may be established —

Through the provision of evidence —

that a person does not consent to the distribution of an intimate image.

The term “distributes” is also defined in this clause. It is defined quite widely and it attempts to cover both the old traditional methods of paper distribution as well as the utilisation of modern technology to distribute all types of information. That provision also has a catch-all about entering into an agreement or arrangement to do anything that leads to distribution. The definition of “distributes” is in this clause. As I said at the outset, things change. Firstly, we do not know the entire realm of what is happening in this area. Secondly, we know 100 per cent that technology will change, improve and move on. These provisions may not be totally comprehensive forever, but if things emerge that we do not know about today, we can look at amending this legislation, hopefully, quickly and in a bipartisan manner to protect the victims. That is what we are about here—protecting the people whose lives can be changed by the non-consensual distribution of intimate images.

Proposed section 221BD refers to the distribution of an intimate image. Proposed section 221BD(2) creates the criminal offence, as I said earlier. Again, I think it is as comprehensive as we can make it. At the consideration in detail stage, I will probably ask the Attorney General for an explanation of why proposed section 221BD(2)(b) states the depicted person “does not consent” to the distribution, rather than the depicted person “did not consent” or “has not consented”. I do not think that that will be critical in the interpretation of this legislation.

There are defences for distribution, including that the image was for a genuine scientific, educational or medical purpose. There is also a defence that the distribution of the image was reasonably necessary for the purpose of legal proceedings. That is important too. There is also a defence that —

(c) the person who distributed the image —

- (i) distributed the image for media activity purposes; and
- (ii) did not intend the distribution to cause harm to the depicted person; and
- (iii) reasonably believed the distribution to be in the public interest;

Some of those terms have been defined in other areas of law, such as defamation proceedings and proceedings against paparazzi and the like, usually in other jurisdictions on the east coast, but I think that makes some sense. The reasonable person defence has six elements, with the final one being “any other relevant matters”. I think that is comprehensive. I am not necessarily sure whether it catches one small element of the distribution of images, but again I will probably restrict that question to the consideration in detail stage. My question is around a classification authority distributing images or a product to members of the classification authority for the purposes of examining the material to see whether it meets classification guidelines. I know that could be pretty obscure, but again we need to make sure that those people who need to receive these images for genuine legal purposes and important community protection purposes get these images and do not fall foul of any of our laws, including the provisions introduced by this bill.

The next section within the comprehensive clause 4, proposed section 221BE, refers to rectification and a court ordering the person who distributed the image, or perhaps even a third party who might have it so that it does not keep going down the chain —

... to take reasonable actions to remove, retract, recover, delete, destroy or forfeit to the State any intimate image to which the offence relates within a period specified by the court.

It is interesting that proposed subsection (2) provides for this court order to be taken out when a person is charged. The purists may argue that that is a presumption of guilt, rather than a presumption of innocence or it is unfair

until we know for sure that the person charged committed this offence and is subject to a criminal penalty for that offence, but I think that it would be too late then. We have to remember that our primary concern is the victims; the people whose images are being sent without their consent. When a complaint is made, it would have to be investigated and the police would have to determine whether there is a *prima facie* case for the accused to answer. The interim period between the charges being laid and being heard can sometimes be quite long for many reasons. In that period, no further harm can be done. Of course, if the matter runs its course and it is later determined that consent was given or that an offence was not committed, the person who distributed the image can then go on their merry way and do whatever they want. I do not see any great harm being caused to the accused person through a rectification order and the collection of the offending images in the period before the matter is finally determined. If there is any danger of harm to the accused person, I think that has to be balanced against the potential ongoing and continuing harm to the victim, and I know where I sit every time on that. I do not have any major issues with that.

Part 3 of the bill will amend the Restraining Orders Act to allow restraining orders to be made to prohibit the threat or the act of distribution of these sorts of images. I think that is consistent. I know that police have already used the provisions in the existing law to stop the distribution of intimate images. However, as we are creating a new offence and covering off this area within the Criminal Code, I see no harm whatsoever in inserting the provisions in part 3 of the bill into the Restraining Orders Act 1997. It will close off any loopholes, as much as they can be closed off, and make sure that family members in particular can have access to the Restraining Orders Act if there are any issues around the distribution or the threat of ongoing distribution of intimate images without someone's consent. That could cover a range of areas, including adults and children. It is extraordinarily important and I have no problem with it.

Part 4 will ensure that people who have been convicted of the offence of distribution of intimate images, when the image is of a child, will be covered by the Working with Children (Criminal Record Checking) Act 2004. Based on my previous comments about the importance of protecting our children, I think that is good sense and it will have practically 100 per cent support across our community. We are here to protect our children. If someone has been convicted in the past of distributing intimate images of a child, they ought to be caught up in the working with children regime. The regime has opportunities for people who have historic charges to prove to the authorities that they should not be subject to restrictions on working with children. I hope I speak for everyone in this chamber and the general public—I am pretty sure I do—when I say that that is how it should be. These people should not be given a blank cheque to carry on their merry way in the future and have access to children unless someone has looked at it to see whether, perhaps, it was a youthful indiscretion or whether 30 years of good citizenship allows these people to work with children. *Prima facie*, initially, let us always work on the basis of protecting children first and not put more children at risk of harm in the future.

I am reluctant to use the word “concerned”, but I am interested to know how, within the regime that will be created by this bill, someone will be able to access the protective mechanisms in our legal system, particularly suppression orders. Once that concept has been raised, I think that every member of the house will be able to recognise situations in which one of the harms that could be caused to the victim or victims would be the public becoming aware that this was happening. I am primarily interested in victims. I know that perpetrators might want to take out suppression orders. However, in this case there might well be very good reasons why a victim would want to seek a suppression order so that the subject matter did not become publicly known. I would also like to know how the ability to access suppression orders would interact with the family law system. Again, the publication of information that may ordinarily have been prevented from being published in Family Court proceedings may inadvertently be made public through the procedures provided for in this bill—the prosecution of the crime of the distribution of an intimate image contained in proposed section 221BD(2). As I said, this will not cover off every single crack. There may be an explanation of how the existing suppression order and non-publication of information provisions would be attached to the provisions that this bill will introduce. I welcome the Attorney General covering that off in his response to make it very clear that information that is required for Family Court proceedings will be protected from being inadvertently disclosed through the criminal process introduced by this bill and victims who believe that the publication of this sort of information would cause them further harm and distress—especially people in the public realm—will be protected. How would the existing suppression order regime interact with the provisions of this bill to ensure that they get that protection? I would welcome receiving that answer from the Attorney General in due course. I am not sure whether amendments will need to be brought in to cover it off or whether it is already covered off. I think it is important for the public as well. I think the public want to know that perpetrators of the distribution of intimate images without consent or intimate images of children under 16 will be brought to justice and that further harm will not be caused through public discourse of what is happening.

I said at the outset that the opposition supports this bill. I personally strongly support this bill and welcome it. I cannot profess to be remotely knowledgeable about the subject matter—that whole area of young people feeling this desire to create and distribute intimate images of themselves and others. It is beyond the realms of my comprehension. I should probably put on record that, as a father of five children, I have two who are slightly older, being in their early to mid-20s, and never had this sort of stuff happening when they were teenagers, so I did not

have personal experience at that end. My three younger children are all aged under 10 so we have not got there yet as a family and I do not have any experience from that level. We know that it is happening and we are told that it is happening. I have had victims of what should be the illegal distribution of intimate images visit my office, as, I am sure, many other members have had. We have spoken to friends who are either aware of this or have fallen victim to this sort of stuff. We need to protect them. I agree with the Attorney General. I think I have managed to resist using the term that the Attorney General used in the second paragraph of the second reading speech that is occasionally used in this area—that is, the term “revenge porn”. I need to mention that I agree with the Attorney General and encourage everybody—the general public, media outlets, members of Parliament; everyone—to stop using that term. Firstly, it is not comprehensive and complete. Secondly, it in some ways diminishes the significance of the harm being caused. The Attorney General said that it is a form of abuse, and I agree. Whether we call it image abuse or image-based abuse or simply say that there are people out there who disrespect others, are distributing images and causing immense harm to the people who are the subject of the images, I encourage everyone in our community, especially the media, to make sure that they use appropriate terms and do not use a term that may in some instances be considered to be a bit dismissive or restricted to a particular set of fact circumstances that do not cover the entire field.

Again, I cannot stress enough that the best protection any community member can have in this area is not to create these images, not be a party to creating these images and certainly not distribute them to people they trust. However, we know that some people want to do this. Other people may be coerced into doing this. Not just young people, but particularly young people, may be coerced into creating images or having those images created. We need to protect those people as much as we can because if they created the images in good faith to go to a restricted number of people for themselves, a partner or friend, their desire to restrict the distribution or restrict people from seeing these images ought to be respected.

I guess probably a good point to round out this discussion on is that what we need here as a community is more respect—more respect for individuals who could potentially be harmed if their images are distributed without their consent. That has to go all ways. It is about males respecting females; females respecting males. I think trust is an important element in the coherence of our society, but I caution very strongly people who do these things ordinarily or young people who may think it is a good idea to not rely on trust. We have seen way too often that trust has been breached in this area. Will the introduction of this Criminal Law Amendment (Intimate Images) Bill 2018 stop this abusive practice of distributing people’s images without their consent? In a perfect world, I hope it will, but just as we will not stop people from taking these images and sending them to others, we will never stop every single person from abusing the trust someone else has put in them by sending them an image and telling them not to move it on any further.

We can create a legal framework within which those people who abuse that trust, lack respect and distribute images without consent can be investigated, charged, prosecuted and convicted for their criminal act. We are sending a strong message when we pass this bill that we consider that activity to be a criminal act and we will have significant punishment written into our laws with a maximum of three years’ imprisonment for the offence. Of course, magistrates and judges have a range of sentencing in this area so that they can consider an appropriate sentence. Even on summary conviction, the penalty is a maximum of 18 months and a fine of up to \$18 000. No, we will not ever stop every single person from doing it. Provisions probably already exist that may be used to create a criminal offence, but on the passing of this bill, it will be a clear criminal offence with its own section in the Criminal Code. I hope that that sends a very, very strong message to the vast majority of people who may in the past have been predisposed to delivering intimate images to third parties without the consent of the person who is the subject of the intimate image. It sends a very clear message to them: it is a criminal offence; do not do it.

We know that the vast majority of citizens in this society that we live in respect our laws and they will respect this one, as well as continuing to respect all others. But that small hardcore group of people who want to continue to cause harm, who want to use the distribution of intimate images without consent as a method of harassment, of intimidation or of abuse of other people, will be subject to criminal action; and that is a good thing, I reiterate, especially to young people. I say to those young people: try very hard. I know it is hard. I know there is a lot of pressure and sometimes all sorts of things going on. Try extraordinarily hard to resist arming these people of bad faith with the ability to cause you this great harm. If you do succumb, know that you at least have the protection of this criminal justice system. It will not protect you if someone does want to do the wrong thing and destroys your reputation or causes you other harm. But know that if you are the victim of this sort of crime, you can report it. There will be a very clear offence in our Criminal Code. Police are conscious of it. They already get dozens of reports, based on information about this action fed to me and other members of Parliament. They will now have an extraordinarily clear provision in the Criminal Code that they can utilise to bring those offenders to justice. That is what we are here for. We are here to protect our community as best we can. The community has to help by protecting themselves but when something goes wrong in this very, very important area of image-based abuse, the Parliament of Western Australia and the WA Police Force, which will be working on this, as well as the entire criminal justice system, will be there to assist them at the very least to prosecute the offender and, at best, especially if we can use the areas around restraining orders and rectification, to stop the harm from occurring.

MS A. SANDERSON (Morley — Parliamentary Secretary) [4.18 pm]: I rise also to make a contribution to the Criminal Law Amendment (Intimate Images) Bill 2018. I thank the previous member for his contribution. This is an incredibly important bill. I want to congratulate the Attorney General for introducing this bill. This was a promise made prior to the election and is something that is long overdue in Western Australia. It is something that jurisdictions have been grappling with over many years and have acted on, but we had not done so in Western Australia. The previous Attorney General sat on his hands. He wrung his hands. I know that he understood the importance of it, but he could not find a way to a solution through a bill. We now have an Attorney General who has done that. I want to congratulate the Attorney General on the excellent second reading speech to this bill, which beautifully articulated the issues around non-consensual sharing of intimate images, the strong links with family and domestic violence, and the long-lasting impact on victims, which is exacerbated by a very pervasive victim-blaming culture. Every time we say to someone, “Don’t send those images. Try not to do that,” it is like saying to someone, “You shouldn’t walk in the park at night. You shouldn’t walk home at night.” There is nothing wrong with sending those images. There is nothing illegal about sending those images. They are not doing anything wrong. It is the people who then misuse those images who are the problem here. This bill criminalises that act, which is why it is such a good bill. It is not a civil penalty and it is not a complaint system; it is actually going to be enshrined in the Criminal Code.

This is an important piece of legislation for many, many people. The proliferation of social media is just one reason for the proliferation of this crime. New methods of communication are developing all the time, which means that the kinds of infractions that people experience are developing and changing. The law needs to do that as well; it has been incredibly slow and clumsy in this area. As the previous speaker said, it is also referred to as revenge porn, but it is so much more than that. Calling it revenge porn is slightly dismissive and really limits it to the context of a relationship breakdown. It is not just about relationship breakdowns or these images even being consensual—this image-based abuse can take on many, many forms. Images can be photoshopped. A person can have a completely harmless image of themselves on holiday on Facebook and someone will photoshop it and send it around. People can have their devices and clouds hacked into—we have seen examples of that. I do not really understand the cloud. I have everything in the cloud. I do not understand how it can be secure or how it works, but it clearly is not that secure. Many of these images are also used to hold people to ransom in exchange for money or actions or to keep people in relationships. That is why “image-based abuse” is a much more accurate term than “revenge porn”, because it helps to encompass a much broader spectrum of abuse that goes well beyond the narrative of a vindictive partner. It is essentially an extension of sexual violence that is perpetrated against both men and women, and can be a very strong aspect of family and domestic violence. In many instances, a victim may not even know the person responsible for the image-based abuse. They may have no idea that this person exists. They may not even know that these photographs exist—they could have been taken while they were asleep. We have seen many instances of upskirting, which is a particularly unpleasant practice used on adults and children. People do not even know that those pictures exist. Some images are taken during consensual sex, but without a person’s knowledge that they are being filmed. Many minority and marginalised groups are particularly vulnerable to this practice.

This is a rapidly emerging issue, and laws and policies have not kept pace with community expectations. It is very important that when we introduce or discuss these laws, we differentiate between legitimate crime prevention and punishment and victim blaming. This legislation puts the responsibility on the offender. Many practices around the world require the victim to prove that it was non-consensual or that the image was stolen—the onus of proof is on the victim. That is not necessarily the case in this legislation, as the previous speaker outlined. Many victims are young and are not well-equipped to manage those kinds of processes. In fact, the best kind of legislation that we could have, and the police have called for this a number of times, is federal legislation, but the federal government has really dropped the ball on this. It is a very hard issue to police overall, because of piecemeal state legislation and outdated federal laws. Social media and communications devices do not have state boundaries—they do not understand the difference between federal and state jurisdictions. My understanding is that the only two states that have intimate images legislation are Victoria and South Australia. I think some of the penalties in Victoria are as high as \$100 000, which sends a really strong message.

The current federal legislation is incredibly clumsy—it was not written for this purpose. A specific piece of federal legislation is required. The current legislation covers a situation of a person using a carriage service to harass—there is no specific federal criminal law that deals with image-based abuse. Cross-jurisdictional or even transnational investigations are complex. If a person’s image appears in Victoria and they live in Western Australia, it is virtually impossible to police and prosecute that offence, yet that person is still burdened with all of the impacts of that. In 2015, Tim Watts and Terri Butler, Labor members of the federal Parliament, introduced a private member’s bill, but the Liberals in the House of Representatives have not yet moved to criminalise this offence. The Commonwealth Director of Public Prosecutions actually said that a commonwealth offence targeting revenge porn—their own words—would fill a gap in the existing law. Even the Commonwealth Director of Public Prosecutions has admitted that this is a serious gap! The Australian Federal Police have said that uniformity of legislation would be most helpful for police, so that they could investigate and charge

perpetrators. Even though this is really important legislation that we are delivering in Western Australia, it is not going to help nationally. What we need is a federal drive and the agreement of all state and territory governments to introduce uniform legislation, so that it applies across the board. It is great that states, including Western Australia, are stepping up on this issue, but it is not good enough; we need the federal government to do more. The Senate recently passed the Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Bill 2018. It is very important to distinguish that this bill establishes a civil penalty and a complaint system regime—it is not part of the criminal law. It simply does not, and will not, go far enough.

Some really good research from RMIT and Monash University was quoted by the Attorney General in his second reading speech. The research goes through some of the really significant impacts on people from the non-consensual sharing of images. Just over 4 000 people aged between 16 and 49 years were surveyed. One in five of those people had suffered image-based abuse. The research found that men and women were equally likely to be victims. There is differing research on this—some research demonstrates that women are more likely to be victims, but there is also research that says that men and women are equally victims. My anecdotal experience is that men and women are equally victims of this practice. Many marginalised groups are especially vulnerable. There was a one in two rate of victimisation of disabled and Indigenous people. One in three people aged 16 to 19 have been targets. One in three people who identify as gay, lesbian or bisexual have been victims. Thirty nine per cent of female victims were targeted by an intimate partner or ex-partner; 20 per cent of people had had nude or sexual images taken without their consent; and 11 per cent had had someone share an intimate image of them without their consent, and of this group, 75 per cent had suffered moderate to severe depression and/or anxiety. Nine per cent had experienced so-called “sextortion” and been threatened with having an image of them shared with others, and those of those, 80 per cent suffered moderate and severe depression and/or anxiety, and 46 per cent felt highly afraid for their safety.

The chief investigator in the report states —

“Image-based abuse has emerged so rapidly as an issue that ... our laws and policies are struggling to catch up,”...

RMIT’s Anastasia Powell says —

“We need to rethink our approach both from a legal perspective but also as a community, to change attitudes that often blame the victims and play down the very real harm caused by image-based abuse,”...

Posting what we do is now part of everyday life. We have to accept that. We can say that we do not understand it and I do not—in that sense I share the confusion of the member for Hillarys—but it is now a part of everyday life. I am having a harsh reality check on that when I can say, “Just don’t send it, don’t go there, just don’t do it. Of course you don’t need to do that.” I have an 11-year-old daughter who is nearly 12, going on 18 it feels like. She desperately wants a phone; she is one of only two of the kids in her class who does not have a phone. I am the only one hanging in there. It feels like there is no solidarity with the other parents and I am resisting. She is allowed to use certain apps on my phone, she desperately wants an Instagram account and wants this and that. Kids are cunning and sneaky, and the more we say, “No, don’t do that”, the more they will. It is up to us to make them as safe as we possibly can. That is what this legislation seeks to do. I see all the issues around eSafety and supporting our children and I am horrified to see what parents will allow some kids to do, but I cannot control any of that. It is now the way that kids engage. It is the way kids start relationships, by sending pictures of themselves. That is a fact. We will not change that with this legislation. We can make them safer from long-term harm with it, but we are never going to change it. Saying to them, “Just don’t do it. That’s just silly, because I’m a 42-year-old woman and I don’t need to do it”, does not relate to them in any way. It is not the reality of their lives. We have to make them safer.

The impact on victims is incredibly serious. As I stated earlier, research states that the impact of non-consensual sharing of images can be similar to that of a sexual assault. Jennifer Lawrence, the Hollywood actress who was a victim of this, put it very articulately when she had her own intimate photographs hacked from the cloud. She had sent them to her previous partner; there is nothing wrong with doing that. It is not illegal and she is not in the wrong here. It is important to make that point. In a recent article she said —

... so unbelievably violating that you can’t even put it into words,”...

...

I feel like I got gang-banged by the ... planet — ... there’s not one person in the world that is not capable of seeing these intimate photos of me. You can just be at a barbecue and somebody can just pull them up on their phone. That was a really impossible thing to process.”

That really articulates the deep personal effect and impact that it has on every part of someone’s life. It can cause severe anxiety and depression, not just at the point of it happening, but it can have lifelong mental health impacts for those people. There can be social exclusion and social isolation and it can have really serious employment and financial implications for people who lose their job or find it untenable to stay in their employment any longer.

This happens in Perth, in Western Australia. There's a big Facebook site called "Help a Sister Out!—Perth" It has over 40 000 members, women only and no boys allowed—the website's own rule. There are dozens of accounts of so-called revenge porn and image-based abuse, in both the context of ex-partners and domestic abuse, but also instances in which private images were stolen and leaked. There was an incident in 2016 in Perth, "Starfox", in which literally thousands of photos of girls and young women were posted on a Google drive and the photos were organised by folder, name and sometimes suburb. Some of the women and girls were from Perth, pictured in their school uniforms and very easily identifiable. There was an investigation, but it is very hard to establish if any kind of prosecutions or ramifications came out of that investigation. It is so important that we are protecting men, women, boys and girls from this. We are not blaming them. But the other really important aspect of this is the responsibility of the digital platforms. We have seen these enormous multibillion dollar companies—that have essentially changed the world with the way they operate and the way we communicate—take virtually no responsibility for the impact they have and they call it free speech. We saw that with Facebook with the manipulation of elections, not just in the United States but around the world.

[Member's time extended.]

Ms A. SANDERSON: These organisations have a responsibility to protect people from this. Whether these images were consensual or not, if they are distributed in a non-consensual fashion they have to protect them. All the current policies around those platforms require the victim to prove it was non-consensual, which is almost impossible to do. They require the victim to prove that it is non-consensual distribution. These companies need to seriously look at themselves, how they operate in the community and the danger that they put in them. The other disturbing aspect of this is the fun news story in which we see some of the Australian Football League players or rugby players sending a photo around of a topless woman who then requested that photo not be distributed, and the news outlet publishes it on the front page. The news outlet publishes it again! They have blacked out her face, but they have published the photograph again. News outlets need to stop doing that because that is a further distribution of that non-consensual image. There is a raft of responsibility across the community on this, and the responsibility is not on the victim. The responsibility is on the platforms, the law and the perpetrators. That is where the responsibility lies and that is very much where this legislation is pitched at. I congratulate the government and the Attorney General for bringing in this legislation.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [4.37 pm]: I rise to make a contribution to this debate, and I am supportive of the Criminal Law Amendment (Intimate Images) Bill 2018. In researching for this debate I came across quite a few interesting publications on cyberbullying and the exposure that our children have to this particular form of abuse. An interesting publication from ECU in 2009 was a review of existing Australian and international cyber safety research documents by Julian Dooley, Donna Cross, Lydia Hearn and Robyn Treyvaud. There are some interesting statistics in there. It states —

The majority of Australian households (67% in 2007–2008) have access to the Internet and over 11 million Australians use the Internet as an integral part of their personal, social and occupational activities. By mid-2008, there were over 22 million active mobile phones being used in Australia, which equates to more than one phone for every citizen.

It is difficult to estimate online privacy breaches. They have been notoriously difficult to quantify, but quoting from that 2009 review, a survey was conducted at that time.

The ACTING SPEAKER (Ms M.M. Quirk): Member for Churchlands, you have walked in front of the member for Scarborough.

Mr S.K. L'Estrange: I apologise, Acting Speaker.

Mrs L.M. HARVEY: This review suggested that over 40 per cent of university students had had a photograph posted online without their permission in 2009. Further to that, despite young people having a positive attitude towards the internet—obviously it is a part of their lives—75 per cent consider that technology is a threat to their privacy. What is really frightening about some of this research is that when we look at the motivator for young children posting images of themselves online, or, indeed, any individual, it is very much driven by peer group pressure, and 47 per cent of children younger than 14 years and 41 per cent of those older than 14 years disclosed personal information on the internet because they believed that their friends were also doing it. That was the motivator for putting private images of themselves on the internet.

Looking at the prevalence of transmissions through our mobile phone network, we can see the difficulty that we have trying to manage information. In 2004, 500 million SMS messages were sent each month. If 500 million text messages were sent each month in 2004, one photograph can certainly move around the globe in a very, very short space of time. Notwithstanding that 92 per cent of our young people feel that privacy is important, the scary statistic is that 40 per cent of our young people said that they have had pictures of themselves posted online without their consent. When we look at how those images are used as part of the cyberbullying culture we find ourselves in, we are now at the point at which 32 per cent year 5s and 29 per cent of year 8 students report frequent school bullying, and most of it is done online.

In supporting this legislation, I thought I should find out a little bit about who these people are, what the statistics are and why we have the problem that we have. During my time as Minister for Police, I remember several different situations proposed to me by police, some were really awful, sad stories of suicides of teenagers who had had images transmitted purposefully as part of a vengeful attack for some slight in the playground, and the relentlessness of that bullying on a 24-hour cycle of various forms of social media. The entire school saw images of one particular girl. She felt like the entire school had seen her naked and she was just so humiliated. She could not go to school and ended up with depression and anxiety, and ultimately took her own life. Those are the ramifications and the circumstances that surround the victims of this particular practice. When it comes to looking for work in the future, one simple, silly action of a 15-year-old could preclude them from being employed in certain areas, because once the images are online, they are online forever.

Another area that I found particularly concerning and the reason that I am very pleased to see this legislation before Parliament is the area of domestic violence. Members would be astonished to know the number of victims of domestic violence who are trying to escape from the perpetrators and the number of women who actually stay in these awful, dreadful relationships, putting themselves in harm's way, under the threat of having images of themselves released. Indeed, this is a new way perpetrators try to keep women and some men in domestic violence relationships, because they leave under threat of having these images of themselves published. It is really concerning. It is bad enough for victims of domestic violence to try to get the courage to leave when they may not have a credit card or a bank account, probably do not have car keys and probably do not have any self-confidence, but if their partner has forced them to pose and taken images of them and said that they will go around their entire network of family and friends if they choose to leave, it is a very compelling leash to put on an individual in terrible circumstances. It is a control mechanism. I am not sure whether this legislation addresses the threat of using images in that fashion with a potential penalty, but it is certainly something that I think we are going to need to consider as a society in the future. I have just been advised that it does address that, and I am very pleased to hear that.

Of course, the difficulty we have is that once the images are released, they are out there forever. No matter what happens with respect to ramifications for the perpetrator and the individual who has unlawfully transmitted the images, the images will still be out there. That is the difficulty we have with this particular issue. Obviously, legislation passing through Parliament creates a really good opportunity for an education program. I believe that by having legislation such as this when individuals will know that they can go to jail, even children will know that they can go to detention, if they illegally transmit private images of someone else or their private parts or whatever it might be that that education piece can start to happen in our schools and we can start to reset that culture of cyberbullying that has unfortunately erupted and perhaps prevent this practice from occurring. Whenever we look at legislation that involves penalties, a carrot-and-stick approach is always needed. For some people knowing that a serious penalty will result from their criminal actions may prevent them from taking that step into criminality. Other individuals basically need the stick once they have acted in a criminal way because for whatever reason the message does not necessarily get through that they need to behave in a different way. But I have faith and confidence in the vast majority of Australian young people and indeed Australians who are using the internet and sending those 500 million or so text messages every month, and knowing that the legislation is here will give them some peace of mind. Knowing that there will be penalties in place for offenders who commit these offences will no doubt provide some relief to individuals who have been harmed and victimised in this way. But it is a very vexing issue. We would like to hear from the government about the value of the education piece for this legislation and how it will be managed. Will additional funding go through to schools, some of the sporting organisations and universities to ensure that the message gets out about these new penalties?

Mr J.R. Quigley: I'm sorry, member, I couldn't quite hear what you said about if the government —

Mrs L.M. HARVEY: It was about the education piece that will need to go with this legislation, educating our children and young people about the ramifications of their actions and having them understand first of all that if they take that picture in the first place, then send it to someone and they send it on, or if they do that in retaliation, for example, if their relationship breaks down, they send that nude shot of their partner, they need to understand the consequences. Hopefully, in understanding the consequences, we can actually have a reset and change the behaviour of our young people to prevent this activity from occurring in the first place. We find ourselves in a really unfortunate set of circumstances. We know that we have an inordinate number of children—11, 12, 13 and 14-year-olds—who can be coaxed very easily into taking a photograph of themselves naked or taking a photograph of their private parts and transmitting it. The very sophisticated grooming that occurs to have children participate in that way is of great concern, and that is a constantly emerging area. When we start to find out about new and different types of this grooming behaviour by individuals who want to get access to these photographs of young people, they change and morph as we educate young people, so we have to be in a constant conversation to try to stay ahead of the predators who try to elicit these photographs from children. There are a couple of different pieces here. There are children transmitting photos that are being on-sent without their consent, and there are also cyber predators who specifically target children to try to get these images so they can send them on and sell them to others. It is a big problem. I am pleased to see this legislation before the house and I am very pleased to offer my support to government in bringing it through and expediting its passage.

MS S.F. MCGURK (Fremantle — Minister for Women's Interests) [4.50 pm]: I want to make a few points about this Criminal Law Amendment (Intimate Images) Bill 2018. I appreciate that I had to jump the queue a little to speak, so I thank members for indulging me. This is an important bill before the house. The changes it will bring are of real interest to me in my ministerial responsibilities in relation to the portfolio of women's interests, but also in the prevention of family and domestic violence. Critically, this bill focuses on the issue of consent. As the Attorney General outlined when introducing this bill, when it comes to consent, the overarching requirement is that it is free and voluntary. Giving out an intimate image without consent is abusive behaviour. This behaviour is about exercising control over another person. The impacts of controlling and coercive behaviours on victims can be multiple—fear, shame, humiliation, loss of confidence and exclusion from social life. Too often in such situations, our community tilts towards blaming victims for abuse. I am very aware of this view in our community, particularly when it comes to the work we are doing on family and domestic violence prevention. People ask, “Why doesn't she leave?”, and “Why doesn't she go back?” A national survey on attitudes across the community about violence against women shows that nearly eight in 10 people agree that it is hard to understand why women stay in a violent relationship. With victim blaming persisting in our community, our responses to people experiencing and disclosing family and domestic violence will not be sufficient. It is unacceptable that women are held, even partially, responsible for their victimisation, whether it be family and domestic violence or sexual assault. These attitudes and misperceptions need to change.

The bill before us today on the distribution of intimate images asserts a new normal by shifting the attention to perpetrators, and I congratulate the Attorney General on this bill. It ensures that perpetrators are held to account for their actions, not victims. Instead of saying, “She shouldn't have sent a picture of herself half-naked to her boyfriend in the first place”, we say, “If you circulate an intimate image of a person and you do not have their consent, you are committing a crime—full stop.” The legislative changes before us send a sharp signal to would-be perpetrators. Distributing without consent is the harm. This law does not require a victim to prove that they have suffered harm or injury or that the accused —

[Interruption from the gallery.]

The ACTING SPEAKER: I am conscious there is some noise from the gallery. I do not want to be a wowser, but I might advise the people that they are free to go and get some fresh air, because I think the speech they are waiting for is not for half an hour or so.

Ms S.F. MCGURK: I was making the point that this law does not require a victim to prove that they have suffered harm or injury or that the accused intended to cause any particular harm to the victim. Just as importantly when it comes to the impacts of abuse, this bill puts victims at the centre of the picture. The court will be able to make a take-down or rectification order. Once a person has been charged with an intimate image offence, the court may order the person to take down, remove, recover or destroy the image in question.

In September last year, I had the pleasure of meeting with 11 young people who participated in the annual YMCA Youth Parliament. That youth Parliament gives young people a chance to act as parliamentarians and have their say about important matters that affect them. I am sure many here have had the pleasure of presiding over or meeting of YMCA youth parliamentarians. I was contacted by Taylor Watson, who last year took on the role of shadow Minister for Women's Interests, to discuss their experiences during youth Parliament. In particular, she wanted to discuss a bill that had been drafted in relation to the non-consensual distribution of intimate images. Taylor and her peers were motivated to address this issue because they believed it disproportionately impacts on young women as all persuasive social media encroaches on all of our lives and especially across high school and university campuses. During the youth Parliament participants held an impassioned and informed second reading debate, as we are doing here this evening, and moved to a vote. Their bill passed the Parliament to a count of 50 ayes, zero noes and two abstentions. This is the first bill to pass the youth Parliament without any form of opposition—an overwhelming endorsement of the view that better legal protections are required in relation to this issue. I will read an excerpt from the explanatory memorandum prepared for the youth Parliament. I quote —

With the rise of technology in this digital age, the sexual harassment of women online has become a significant issue in Western Australia, and indeed across the nation. One of the most serious concerns associated with this trend is the sending of explicit images or videos by an ex-partner after a relationship breakdown ... once the material is out in the public domain, the individual depicted has no idea how many other people will view it, or worse still, transmit it on. Such actions are distressing, damaging and detrimental for any person, but unfortunately, women seem to disproportionately bear the brunt of these encounters. Hence something must be done to ensure that their dignity is protected, and their safety and security guaranteed.

We can be confident that this bill being considered today reflects the views of young people and responds to the concerns they encounter as part of their daily and digital lives. Social media, text messaging and sharing of images by a range of applications are part of their everyday lives. It is incumbent on us as lawmakers to ensure that our legislation keeps pace with that change and to ensure that people are protected from exploitation in the business of normal daily social practice. The research tells us that males and females equally report being victim of

non-consensual distribution of images; however, when considered alongside the very real issue of women's safety, I believe this bill goes a long way to improving women's safety in the community. As Minister for Women's Interests, I am proud we are taking steps to put measures in place that create accountability and provide protection for victims.

In conclusion, 80 per cent of Australians agree that it should be a crime to share sexual or nude images without permission. That figure is from a 2017 report from RMIT University by Henry, Powell and Flynn entitled "Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse — A Summary Report". Clearly, there is broad agreement across the community about the seriousness of this issue, yet distributing an intimate image without consent is also not respectful. We need to keep promoting equal and respectful relationships as the norm. When that standard slips, it is reassuring that laws that this government is bringing to this house are working to support that norm.

DR D.J. HONEY (Cottesloe) [4.59 pm]: This is a really important bill before Parliament. The motivation for the Criminal Law Amendment (Intimate Images) Bill 2018 is very clear, and we have heard that from all speakers today. As with all such issues, there is a wide range of causes and a wide range of intents of these potential incidents. At one extreme, an individual may obtain intimate images of someone without their consent and then distribute those images to, for example, their workmates with the specific intent of humiliating and causing harm. It may be not just personal harm to the individual, but harm to that person's career. That is at one end of the spectrum. They are typically the examples that we hear as the justification for this legislation. Those examples are at the extreme end and there is clear intent that the person distributed those images to cause harm. That is very clear. No-one has any concerns about that. Everyone recognises that it is important for governments to respond to those sorts of issues. However, as with all legislation, we should be concerned about the breadth of the legislation. At the other end, we may end up capturing people who do something that does not fall within the purview of what would be regarded as a criminal offence.

I think this will have a bearing on a significant amount of legislation that we look at in this place in terms of potential unintended consequences. It may dramatically affect young people. It is interesting that the children in my family range from children to adults. I think we have the most profound generational gap that has existed since the 1960s. The way that people under 30 years of age view a whole range of issues, whether those issues relate to drugs or intimate images, is profoundly different from the view held by older people. I hate to say it, but all of us seem to be old fogies, and some of us may be older fogies than others.

Mr Z.R.F. Kirkup interjected.

Dr D.J. HONEY: Over the age of 30, member for Dawesville—that is the definition.

That has clearly been driven by technological change. That is the ease with which these things can occur. Previously, it required a great deal of intent for someone to install an electronic device in a particular room, capture an image in secret and then somehow download and transmit that image. Now it simply involves a person pressing a couple of buttons on their electronic device and all of a sudden it is done. This is endemic amongst younger people. It is quite apparent that, for many young people, sharing intimate images is part of the early courtship ritual, not the latter part of a young couple getting together. They go out and have a few coffees and get to know each other and the next level of intimacy is sharing images. I see the Attorney General shaking his head. I agree with him. It seems incomprehensible that anyone would take these images. I agree with the previous speaker; it seems incomprehensible. Younger people and, in some cases, children see this as something that people do. A number of members will be aware—I believe it was in the press, but I heard about it recently—of an older person who has been masquerading as a 16-year-old boy and then soliciting connection with young women at a variety of schools. Apparently, some 2 000 or 3 000 young people have been contacted by this person. I have been told that 50 year 8 students at one particular school communicated with this person and many shared images with this person. That must be pretty well the entire cohort of the 13-year-old girls at that school. It seems incomprehensible, but that is how endemic it is.

I will go further into the unintended consequences. There is a fundamentally different attitude towards collecting and sharing these images. This legislation is very broad. I am happy for the Attorney General to inform me otherwise, but I understand that this legislation covers the sharing of direct images and transposing an image of the body part of another person with or without the face of the person who is involved and simply ascribing that body part to the victim in this matter. That would be an offence under this legislation. I understand that even a Pickering-type caricature of a person would qualify as an offence under this legislation, but I am happy to be informed otherwise on that. As I understand from the briefing we had on the bill, the victim or the person portrayed in the image is not required to make the complaint; another party could make the complaint and that would initiate the police prosecuting the matter as an offence.

Mr J.R. Quigley: Such as a parent.

Dr D.J. HONEY: Such as a parent. I used this example in a discussion in our party room earlier today. Many parents, particularly of younger children, make a habit of looking at what their children are sending. It may be that a parent sees an image and then tackles their child about it and the child subsequently makes a complaint or says that it was unintentional or they did not give permission to share it further. That is very clear.

I am sure that the young member for Dawesville is very aware that memes are a way of life. A meme is an element of a culture or system of behaviour passed from one individual to another by imitation or other non-generic means and, more specifically, is an image, video, piece of text et cetera, typically humorous in nature, that is copied and spread rapidly by internet users, often with slight variations. It is absolutely endemic. I can pretty well guarantee that if any member's children have access to any form of electronic device, they will be participating in the distribution of memes. In this case, a meme could include a person taking a picture of someone and drawing some part of genitalia on them. As I understand it, if that meme was forwarded without the victim's consent, that would qualify as an offence per se. I know that it is not the intention of the Attorney General or the Minister for Prevention of Family and Domestic Violence, who have in good faith put this legislation forward because this is a serious issue for those people who are doing it for the worst possible reasons, but I am extremely concerned that there could be an unintended consequence; that is, we could potentially criminalise the actions of a very large number of people. Another thing that has become apparent to me quite recently is that it is very clear to us that serious matters that could be criminal matters could result in jail time. For us, it is very, very clear that drug matters are serious matters that could end with offenders going to jail. Despite all the education and the communication about this, it is not what children or young people believe. Drugs are pervasive, just as the transmission of these images is pervasive. For example, recreational drugs are so pervasive that young people do not believe they are illegal. It is sort of a circular argument. They see it everywhere so they think, "How could it be illegal? I see it everywhere; at every party I go to, every time I go to a school function and every time I am over at a friend's house." It is the same with these images. I am not talking about the extreme end. I think we all agree that on the extreme end, when someone has clear intent, it is obvious. But here I am talking about unintended consequences.

I was really disturbed by the statistics mentioned by some of the previous speakers. If I heard correctly, I learned that at least one in 10 of the entire population, including children, believes that they have had intimate images taken and distributed. If that were the case, then 2.5 million Australians—perhaps a little less when very young children clearly cannot use the devices—would have committed an offence under this legislation. I find that profoundly disturbing. I appreciate that clearly it is not the intention to jail a large percentage of the population. I know the Attorney General believes that jailing should be a last resort because it rarely solves fundamental problems, hence I echo the Deputy Leader of the Liberal Party's comments that if we expect that this legislation by itself will alter behaviour, particularly of young people, we are sadly mistaken. I do not think that it will alter behaviour. This legislation could have the effect that people want to achieve for good reason, but only if this bill is accompanied by a massive education program. Otherwise, I suspect that we are at real risk of criminalising a significant proportion of the younger generation. There are other parts to that. Specifically, the legislation states that a child under the age of 16 cannot provide consent. I know I am looking at the fringes here, but it means that if a 15-year-old takes an intimate image and transmits it to another 15-year-old and says, "Hey, share that with all your friends; I'm pretty proud of whatever", the 15-year-old who shares it around has committed a criminal offence, because the depicted 15-year-old could not possibly have given consent. Again, that is a real risk. We sit here and look at this lucidly and we are horrified that the initial image could be collected, and then we are even more horrified that someone would share it with another person, let alone that other person sharing it with other people. But our view of the world is a dramatically different view from that of young people, who, with no particular intent to cause harm, could do so immediately. It is very clear; this act is very binary. It takes the most extreme view. It is per se a criminal offence. Obviously, there are other factors in sentencing young people. Not being a lawyer, I am no expert on that, but I understand that the court has options. Indeed, it has a range of options in this legislation.

I have a query and am concerned about another aspect of the legislation. Based on the briefing that we received, I understand that if a parent took a picture of a very young child in the bath that included their genitalia or breast area and forwarded it to people without consent—of course, a child under the age of 16 cannot give consent—that may also be a criminal offence under this legislation. I am happy if that is not the case, but I am concerned that it could be the case. I am not trying to create the impression that I believe that that is the case from reading the legislation, but I would like to be reassured that it is not the case. Many of us and many parents take pictures of their kids in the bath or down at the beach, maybe running into the water and having a swim without bathers on, and they will post that to relatives and the like and transmit it electronically. Clearly, the child or the young person who has had the image taken of them, under this legislation, cannot provide any consent for that.

I understand the reason for this legislation and I think that there is a very clear justification for the legislation that people have articulately outlined. I have a concern. I have had this discussion with other people about whether intent should be part of the legislation. There are two parts to intent. There is an intent to cause harm and there is an intent to transmit the image.

[Member's time extended.]

Dr D.J. HONEY: I understand it is almost time to adjourn this debate.

The ACTING SPEAKER: Keep going.

Dr D.J. HONEY: I will keep going. I will try to wrap up in any case.

I understand that there is a debate and discussion about whether someone should have to show intent. In all the examples that I heard today, there was a clear and patent attempt to cause harm. I refer to the second part, the intent to transmit an image. It is terribly easy for so-called smart devices to transmit something unintentionally. I have unintentionally transmitted an email to someone I did not intend to transmit it to. The trouble is that it is easy because we do not have to do something dramatic such as setting up a camera in a bathroom; we just have to touch a little plastic screen and—guess what?—something has gone to a wider audience. There is no consideration in this bill of whether there was an intent to transmit. I understand that if we make these things too hard, the law is not enforced or becomes unenforceable. However, I believe that it is a most serious consequence. Clearly, speakers today have articulated very well the very serious consequences for victims, but there are also serious consequences for the offender, such as going to jail for three years, having a criminal offence on their record and going onto the sexual offenders register. There are also very serious consequences for the victim. Typically, because there are such serious consequences, a fair effort is made to prove someone's guilt, and I believe part of it is proving intent.

Like the other members who have spoken, I support the need for this legislation. I understand that this legislation is based on federal legislation. A joint-party working group is developing legislation and is about to report. This legislation is ahead of that report. I understand that the proposed measures by that working group are not quite as broad as this bill. Perhaps there may be an opportunity for us to consider that as a whole Parliament before this bill goes through. As I said, I fully support the intent of the legislation and I fully understand why the government has to move on this. It is very, very important. However, I am very concerned about the other side and that we are going to criminalise people unknowingly or unintentionally distributing images and, potentially, have a large number of people before court. That is not really the intention of members in this chamber.

Finally, I reinforce the point that the Deputy Leader of the Opposition made: when this legislation is passed, which it will be, if a large education package does not accompany it, it will result in an overwhelming outcome for the courts. We will need the most phenomenal effort to educate people on this legislation and to change attitudes.

Debate adjourned until a later stage of the sitting, on motion by **Mr D.A. Templeman (Leader of the House)**.

[Continued on page 4326.]

PREMIER'S STATEMENT

Consideration

Resumed from 12 April on the following question —

That the Premier's Statement be noted.

MRS A.K. HAYDEN (Darling Range) [5.20 pm]: Thank you, Madam Deputy Speaker. It is my absolute honour and privilege to stand here today as the Legislative Assembly member for the seat of Darling Range. I would first like to apologise up-front because, as I have come from the other place, you may get called another name; it is not meant to disrespect you, but hopefully I will stick to "Deputy Speaker" throughout the whole of my speech. I would like to thank the enormous number of people who have turned up this evening. I was hoping you would all still be at work so I would have a smaller crowd, but that is what happens when you put on free drinks!

I am extremely excited and honoured to have been elected to the seat of Darling Range and to represent a seat that is as diverse as our state. It is an electorate that offers unique lifestyle choices, from the hills along the Darling Ranges through to the urban foothills. The electorate is rich with food producers, from orchards and vineyards to cattle and sheep farms. The tourism potential is enormous, with talented artists, businesses and attractions.

I had the privilege of growing up in the hills and this community environment provided a safe, loving and adventurous childhood—a memory and foundation I will cherish forever and will protect for the generations to come. The people of Darling Range are hardworking, honest individuals, who share a passion to protect the lifestyle that they enjoy. The opportunity to represent our community at a state level is one that is shared by only a few and it is an opportunity that I will never take for granted.

It is well known in this place that I have enjoyed eight years representing the East Metropolitan Region in the Legislative Council. In preparation for today's speech, I reflected on my time as a Legislative Council member through both my inaugural and valedictory speeches. I started, of course, with my credentials of being a small business operator, a staffer to a Western Australian federal member and a senator, my joy of growing up as a hills girl raised in Mt Helena, and going to Mt Helena Primary School and Eastern Hills Senior High School. The rest of my education has come from the school of hard knocks and the lessons learnt from dusting myself off and starting again. In business, you rely on being surrounded by like-minded people to help you get through the tough times. This is where I learnt the importance of having a strong body representing the small business community. I have enormous respect for the chamber of commerce and business associations around the state.

During my eight years as a member for the East Metropolitan Region, I had the opportunity to work with the dynamic tourism industry as Parliamentary Secretary to the Minister for Tourism. However, the experience of

working within the bureaucratic system has only fuelled my original desire to insert commonsense into the system. My term ended in 2017. At the time I hoped that it was not the end of my political career. Little did I know that it would be only 13 months until I returned. Nor did I know that I would be returning to this place and not the other. I have always been a person who simply gets straight back up, dusts myself off, learns from the lessons along the road and keeps on getting on. When the by-election for Darling Range was called, it soon became obvious to me that this was my opportunity to continue the work I had already started and to provide the people of Darling Range with a voice that they so rightly deserve—a voice of someone who will not shy away from standing up to the difficult issues, who will stand up for them and deliver their message to this place. It is a voice that has been missing since the change of government.

“How sweet it is” has become the victory cry of the Darling Range by-election and although on the surface the meaning appears obvious, throughout this speech I hope you will go with me and understand the depth of it. “How sweet it is” reflects winning the unwinnable. Everyone on the government side thought they had it in the bag. The polls had it as a Labor win and political commentators said it was a done deal. However, I did not. The opposition team did not. But, most importantly, the people of Darling Range did not. History shows that oppositions do not usually win seats from the government in by-elections. Members might be interested to know that since 1945 there have been 69 by-elections for the Western Australian Legislative Assembly, with the opposition winning only three. I am extremely honoured to now join the only three Liberal opposition members to win seats off the government at a by-election. On 23 June 2018, the Darling Range by-election saw a swing of 9.3 per cent against this first-term Labor government. Premier, you lost this seat by a swing of 9.3 per cent—a swing that would have seen many of your backbench members gone if it had been a statewide election on 23 June. I am sorry to say, but the member for Joondalup would have been gone. The member for Kingsley would have been gone. The member for Jandakot, the member for Murray–Wellington, and the member for Pilbara would also be gone. The member for Kalgoorlie, the member for Burns Beach, the member for Bicton, and the member for Mount Lawley would also be gone.

Several members interjected.

Mrs A.K. HAYDEN: I said Mount Lawley! I did not say Kalgoorlie!

The member for Mount Lawley, the member for Albany, the member for Balcatta, the member for Baldivis, the member for Wanneroo and the member for Southern River would also be gone. That would be 15 members gone. The member for Forrestfield would be just hanging in there. My job is to remind each and every one of you of this every single day. The question before us now is: will the Premier and his team, both the frontbenchers and backbenchers, listen to the result of the by-election on 23 June? My guess is that they will not. Will you change your ways? Are you going to ignore the voice of the people of Darling Range—the people who sent you a strong message on behalf of the entire state? It appears that arrogance and a disconnect to the community has already crept into this government. The Premier ran a presidential style campaign after having to replace his second pick for Darling Range. However, the people of Darling Range turned up. They voted and delivered a 9.3 per cent swing against his government. That was a clear message. They are fed up with the lies, broken promises and increases in the cost of living. The Mark McGowan government has already delivered many of these within its first 15 months. The community simply cannot afford this Labor government and it is nervous about what is in store for the next three years. At a time when there has been little or no increase in wages, households in our outer suburbs are hurting. People are struggling to find jobs and are struggling to pay their mortgages.

In 2017, it was a win-at-all-costs campaign by the Labor opposition. It had a plan. Its plan was to win no matter what it took—to promise whatever it would take to win. Sadly, that win-at-all-costs campaign meant that there was no plan—no plan how to govern or to deliver the promises. The people of Darling Range experienced this more than most. The thing is that members of the Labor government, in their wildest dreams, never anticipated that Western Australian voters would get to voice their opinion and disappointment and vote so early into their term. They did not expect that their campaign lies and broken promises would get to be judged and voted on so quickly. The promise of no new taxes was broken with the introduction of an Uber tax, a gambling tax and an unsuccessful gold tax thanks to a united and strong opposition. The biggest furphy of them all was the propaganda designed to deliberately misinform the WA voters and scare them into believing that their power bills would be safe only under a Labor government. Sadly, households are now paying for that broken promise. The promise of a 1.5 per cent wage increase for our dedicated police officers has been reduced to an insult. Our communities have been slapped across the face with cuts to education funding, the closure of Moora Residential College and funding withdrawal to Landsdale Farm School and the infamous backflips on Perth Modern School and the School of the Air. As if that were not enough, this Labor government then targeted our remote communities, with planned cuts to the community resource centres. These centres are the lifeline for so many in our regional towns who seek to access the simplest of services. Thankfully, this government has added another backflip to its ongoing circus routine by retracting the cuts it had planned for the CRCs. In Darling Range, I can share with you all that they are relieved. They are relieved that the kneejerk decision to cut this funding has been overturned. The local Serpentine–Jarrahdale community resource centre supports and connects our seniors, our business community and the isolated who are in real need.

Sadly, this Labor government is still turning its back on the very people it promised to represent. Every household, every struggling family and every pensioner has been hit where it hurts the most. The simple act of keeping a roof over your family's head has been made near on impossible with massive increases to household bills. While doorknocking my electorate, time and again I heard how the government's increases to power, water and car registration bills are draining the purses and wallets of our community. Under this government, it is death by a thousand cuts, topped with hip-pocket robbery! This by-election enabled every voter to have their say, for every voter to say, "Enough is enough, Premier." I will continue to remind you and the silent majority on the backbench, that if they want to continue to enjoy this amazing opportunity they need to start standing up for their communities. If they do not stand up for their communities, they will not be here for very much longer. At this rate, we will definitely see a Liberal government returned in 2021, simply because the Western Australian public will not be able to trust or afford a Labor government.

The Tonkin Highway extension from Thomas Road through to South Western Highway was a key Labor election promise in 2017 for the people of Darling Range. Like so many other promises made, the people of Darling Range are still waiting for this commitment to be delivered. Regardless of the federal funding that has been given of \$253 million through Andrew Hastie, the member for Canning, nothing has been done. This project is still not a priority. It has not been made a priority by the minister, the Treasurer or the Premier. The southern extension of Tonkin Highway will provide a safe commute for the local community and truck drivers, redirecting heavy vehicles away from town centres and local roads. It will also open up access to developments already underway in Mundijong and provide jobs and land, the very things this government says it stands up for. The southern extension of Tonkin Highway is a no brainer, and I am at a loss, to understand why this government is simply ignoring the people who voted it in in 2017, by choosing to put this project at the bottom of the pile. However, the more important question is: what has happened to the \$253 million given by the federal government for this project? I have many questions that I will continue to ask on behalf of the people of Darling Range to make sure their issues are heard and their projects are delivered during my time in this place.

Working alongside the shadow Minister for Tourism, Libby Mettam, another line of question will be to hold this government to account on its commitment to invest in tourism. The government took its plan to grow tourism to the 2017 state election. To date its performance in this space has been nothing but disappointing. Determined to pretend tourism is front and centre of the government's agenda, the Premier made an announcement during the by-election for the Perth hills region to develop a proper plan for the precinct. I sincerely hope that this was not at the mercy of an election result. I would like to work with the Premier to make sure that this commitment comes true. As a member of the tourism committee reference group for this region, working with the Cities of Kalamunda and Armadale and the Shires of Mundaring and Serpentine-Jarrahdale, we look forward to being involved with the Minister for Tourism and you, Premier, to make sure this commitment is delivered.

On another note, I have been raised amongst a family of small business operators and with my husband still in small business, along with my previous experience, it is not surprising that my passion to reduce government interference and taxes will always be on my agenda. Small business is the backbone of our state and it is the real creator of jobs and employment. Home businesses are forever increasing, with women turning to innovative businesses that allow them to work at home while caring for their families. We continue to see new groundbreaking concepts surfacing from our talented younger generation. The thing is that with business you need to be flexible to keep up with the modern demands of technology. To be in business you need to continue to change. The biggest challenge for all governments is to try to keep up. Engagement and continued support for our small business sector is vital and I will continue my advocacy to create an environment to support this sector.

The previous Liberal member for Darling Range, Tony Simpson, was also a small business operator. He demonstrated that the small business sector is extremely important and he is held in high regard across the electorate. The year 2017 saw the departure of a top grassroots local member in Tony Simpson. I had the honour of calling Tony a colleague for eight years and witnessing firsthand his passion for the people of Darling Range. Tony had been a part of this community as a baker for 14 years prior to representing them for 12 years as their member. I knew from the start that I had big shoes to fill. This was cemented only when I was doorknocking and speaking with the community during the election campaign. Tony is well respected and loved by many in Darling Range and I cannot thank him enough for his support during this time and I wish him all the very best in his retirement out of politics.

[Member's time extended.]

Mrs A.K. HAYDEN: My being here today was not achieved alone and my first acknowledgment is, of course, to the people of Darling Range. I understand the apprehension shared about politics right now. They had been let down on so many fronts. However, certain aspects caused this election. I do not believe reliving it over and over again will benefit anyone, so I will leave it at that. I am one that focuses on the positives and looks to the future, as I believe the people of Darling Range did when casting their vote on 23 June. I thank them for this enormous honour and I will work to repay them for the privilege and will work to be the best possible member I can. To my campaign team members, who all seem to be here today, chaired by my good friend Matt O'Sullivan and supported

by Heather Gilmour, Glenda Cooper, Lewis Hutton, Jessica Wright and Chris Garner, we made a great team and I truly appreciate your commitment and generosity of time. To my now colleagues who joined me on the campaign team, my former East Metropolitan Region colleague Hon Donna Faragher, your support and friendship during this time has been second to none. I have seen a whole new side to you. The member for Dawesville, Zak Kirkup, you were a great sounding board during the whole campaign. I truly value our friendship that we have shared for many years and look forward to many more. Senator Linda Reynolds, your passion and your personal and professional support was greatly appreciated. We are extremely fortunate in the Liberal Party to have some amazing and professional Young Liberals within our party. The tireless work, support and energy they provided me in the campaign surpassed all my expectations. Sam Calabrese, the state director of the WA Liberal Party, whose political prowess guided and directed our campaign to an outstanding result, I cannot thank you enough or speak more highly of you. Thank you, Sam. Of course to my fellow state parliamentary colleagues, thank you for all your support throughout the campaign and the kilometres you travelled. So many of you joined me on the campaign trail and I will be forever grateful. To the Leader of the Opposition, Dr Mike Nahan, you were by my side throughout the entire campaign and checked in with me every morning and night to make sure I was okay. I could not have asked more from you or for more support. Thank you. To the deputy leader, Liza Harvey, and good friend, the member for Vasse, Libby Mettam, I sincerely appreciate the hours, kilometres and personal time you both gave up to be by my side. To my good friends in the other place, Hon Peter Collier and Hon Nick Goiran, I thank you for your unwavering friendship over the years and for your support during the campaign. To Ian Blayney, member for Geraldton, you were the first to lend a hand, and you have always been a true friend. It is an honour to once again call you a colleague.

I thank my federal colleagues for all their assistance: Hon Julie Bishop, Andrew Hastie, Hon Ken Wyatt, Hon Christian Porter, Hon Michael Keenan, Senator Mathias Cormann, Senator Slade Brockman and Senator Michaelia Cash. I say a massive and sincere thankyou to you all.

To my National Party friends, we make a great team. Thank you for your support. I am looking forward to working further with you.

I wish to thank Ray and Lianne Gianoli and Daniel Parasiliti for the support they gave in encouraging me to throw my hat into the ring once again.

I turn to a few former colleagues. There is one man whom I do not need to introduce and who will be remembered for the amazing transformation of our state for years to come—my former leader and our former Premier, Hon Colin Barnett. Also, to my two good mates Paul Miles and Michael Sutherland, you have been available and by my side over the past few months, and I could not have done it without you. I knew you were always available on the other end of the phone.

To all the Leader of the Opposition's staff, I have added a few new skills to my résumé. I will always be grateful for having the opportunity to work alongside you.

To the many Liberal Party volunteers who travelled far and wide, from one end of the electorate to the other and from one state to another to get there and help, I cannot thank you enough; I am still humbled. In particular, I thank the Canning, Brand and Hasluck divisions, and Murray Cowper and Joe Francis for all their help. I make special mention of Jeremy Buxton, life member of the Liberal Party; we are extremely fortunate to have you within our party.

I cannot finish my thankyou without thanking the committed supporters of the Save Moora College campaign. Your passion is second to none, guys. I promise you that I will continue to stand by your side until this government rights this wrong.

I am extremely fortunate to have an amazingly strong family and husband. They did not choose the political life that we in this house decide to run for; however, they do get targeted and dragged into the political unpleasantness. I am grateful for their conduct and their strength. I could never come close to ever thanking my mum and dad, Arthur and Sandra Wallis, for the wonderful upbringing they provided me. During the campaign, dad was out bright and early positioning the trailers, and then along with mum they would collect their mate, Brian Jarvis, hop into the bus and drive it around the electorate and then finish the day at a pre-polling booth, handing out their daughter's how-to-votes. They know how much they mean to me and how loved they are, but I also need them to know how proud I am of them. To my much loved husband, Terry, you gave me a scare near on three months ago by having a heart attack. I know my decision to run again did not help your recovery process, but I appreciate you hanging in there. Over the past 30 years we have always ridden the highs and lows of life together, and I suppose this has not been any different. I have been extremely lucky to have married the love of my life and my best mate; his humour and honesty will always keep me grounded.

In the past few weeks I have enjoyed setting up my new office. The welcome from the local community has been overwhelming. I am extremely fortunate to have been able to employ two dynamic, amazing ladies—Jess Wright and Amy Calabrese. Together, we will work tirelessly to serve the community of Darling Range; I am proud to have them as part of my team. My commitment to the people of Darling Range will be to continue my grassroots

engagement, to always listen and to be the voice required to ensure that the projects needed for our community are delivered. I will work tirelessly to serve and defend the values on which I stood—Liberal values of small government, with less interference and taxes; supporting small business, innovation and communities; and ensuring community safety and family values. I will work to maintain our Australian way of life while welcoming and embracing our different backgrounds, and for the return of a Liberal government—a government with conviction and purpose, with the future of this state and its people front of mind.

Fifteen months ago I made my valedictory speech in the other place. I closed by saying that I had unfinished business and that I would be back. I am back, and how sweet it is!

[Applause.]

Debate adjourned, on motion by **Mr D.R. Michael**.

CRIMINAL LAW AMENDMENT (INTIMATE IMAGES) BILL 2018

Second Reading

Resumed from an earlier stage of the sitting.

MR T.J. HEALY (Southern River) [5.45 pm]: I pass my congratulations to the new member for Darling Range on her first speech. I certainly acknowledge her defeat by the people of the East Metropolitan Region and her defeat by the people of the City of Kalamunda, and now her election here, so congratulations.

We are in changing times. I seek to make a short contribution on the Criminal Law Amendment (Intimate Images) Bill 2018. I wish to speak about the grave dangers for young people and of my experiences as a high school teacher. I am very honoured to have taught at two of the three high schools in my electorate. I was a teacher at Southern River College most recently. I have student services experience, which is the pastoral care wing of most schools; I have been a year 10, 11 and 12 coordinator and a workplace learning coordinator; and I have assisted with TAFE applications. Unfortunately, I have found that the sharing of intimate images is a very prolific and common thing amongst our young people. This bill is very important, because it will create an appropriate offence and punishment. One thing I seek to discuss in my contribution is, unfortunately, the sheer number of images that are shared by young people. That is a cause for concern. An education and awareness program about these new laws is needed. I am very proud to say that I have already spoken to some of the principals in my electorate about how they are going to continue to raise that awareness.

The member for Scarborough mentioned earlier that these images are online forever, which is one thing young people need to understand. I do not seek to draw any fun from this situation, but I recall the Liberal Party launch of 2017—that was not intimate, but it was certainly offensive. I remember *One More Time*. That is an offensive image that is burnt in my mind.

To draw back directly to this bill, dating has changed. The member for Cottesloe said that courtship had changed. I was going to say dating, but courtship has changed. I would summarise it as a very relaxed attitude by young people to the sharing of intimate images. We now have within our pockets phones that can take complex videos and photos. We have iPads and other devices that are equipped for this. As the member for Morley said, it is definitely a concern that so many young people have access to this technology. One thing we need to understand is that young people interact in a different way, which will be greatly affected by this bill. I mentioned that I have approached the schools in my electorate about the effects of this bill. They are already dealing with these situations. As a teacher, I know this is something that is dealt with on a day-to-day basis, and certainly within student services. The bill will address and create those crimes. This is something that school-age children deal with on a daily basis, even from primary school, but I will focus principally on high school students. People from year 7 to year 12—so, aged 11 and 12 years to 18 years—are on the same campus, in different relationships, and sharing images. I have discussed with principals, education assistants, student services staff and school psychologists how they deal with this and what they do about it. I am conscious that there is a large education caucus and a number of educators in this chamber who have experience in this matter, and I would best describe it as digital citizenship. It is really important that we promote digital citizenship, which is a key part of the passage of this bill. As I said, a lot of the principals and the student services staff whom I have already spoken to are already running programs such as this as part of their pastoral care programs and in home room with discussions about the fluidity of our images and what can be shared and those types of aspects. Digital citizenship needs to be conveyed in a very appropriate way. The member for Morley said this very well: “We can help keep them safe from long-term harm.” That really summarises digital citizenship. We can help to educate people on their digital identity and about the long-term aspect of their images that can be shared, not necessarily now but in the future, and that is the key.

I am getting a fair bit of grey hair, but I went through most of my childhood before Facebook and the internet arose, whereas young people now will be dealing with and sharing selfies and other images. I will not go into too much technology or many references to memes and so on, but images now will be permanently recorded for decades to come. I made many mistakes in my life but, luckily, Facebook did not exist when I made those mistakes. For young people now, facial recognition technology and other image technology that will be available in years to

come will be significant. We need to educate people now about how and who we share digital information with. The principles of dating have changed. The member for Cottesloe said movies and coffee may be the usual way that we used to do our dating, but there are a lot of online interactions now and almost a staple part of that is the sharing of an image. When that escalates to an intimate image, it complicates matters for all parties concerned.

I mentioned that on a high school campus we now have people aged from 11 years to 18 years old. There are people before and after the age of consent of 16, for sexual practice, but also in the bill the age of consent for a person to give their consent for sharing an image is 16 years old. When I was in high school, year 10s did not go out with year 12s; it was always a bit of a class system. But in my experience as a teacher, a school is a school and there can easily be a 16-year-old dating a 15-year-old and a 17-year-old with a 14-year-old in a casual friendly relationship that can certainly escalate as the relationship develops. We need to ensure that our young people are informed, aware and educated about those ages of consent and the consequences, especially when there are criminal aspects attached to this, because a 14-year-old or a 15-year-old cannot give their consent to forward their image to a person receiving it. Clause 4 is about the consent that a person gives. The consent from a 16-year-old or someone who has consent is for now. When an image is sent, that consent is for now. It is not for tomorrow or the day after. It is not consent, as concluded in this bill, to forward it to a third party. I fear that with the unfortunate ease with which images are shared this is certainly a complicating factor that will be dealt with by schools, parents and police with the passage of this bill.

As a career counsellor, I have provided assistance for young people's job, TAFE and university applications. Their Facebook page and social media profile, and other platforms as they develop in years to come, is what employers will access and banks will access regarding loans. Electronically stored images on a person's social media profile and attached to their name via facial recognition technology, whether it be pictures of partying or other inappropriate activities, but certainly shared online images, will have an impact in the long term on a person's job prospects. It is very important that it is an offence; it is very important.

An aspect of this bill outlines affecting working with children cards. Many applications, jobs and careers are affected when a person cannot access a working with children card. Again, I fear that if young people before and after the age of consent, and before and after becoming a legal adult, are not aware of things that they have forwarded or not forwarded, we really need to make sure that young people are aware of those consequences for all aspects of their career, job applications and education applications.

Education programs are key and the focus of that needs to be about privacy: "What is your privacy and what is important?" It needs to be about safety and cyberbullying. I have mentioned that the high schools that I have spoken to are already running programs and will incorporate what is proposed in this legislation. It is really important that at all levels from primary school through to years 7 and 12 have programs available to educate young people and ensure that they are aware of the consequences. I would like to commend a couple of organisations that are doing great work. SHQ—Sexual Health Quarters—is a great organisation that talks about sexual health and identity. There are local councils and not-for-profit organisations that run programs available to high schools and come into schools to educate parents, school and communities about that, which is really important.

I would like to wrap up by saying that I commend the government for introducing this bill. It is a very important piece of legislation. This bill will help protect my community. I look forward to helping promote responsible well-informed young people and ensuring that they are protected.

MR Z.R.F. KIRKUP (Dawesville) [5.56 pm]: Before I speak to what is a very important piece of legislation, it is important and prudent to raise the ridiculous commentary from the member for Southern River, who, as part of his contribution to the very important Criminal Law Amendment (Intimate Images) Bill 2018, while he exalted the many virtues protecting the victims who have this heinous harassment conducted against them, somehow sought to incorporate the 2017 Liberal Party launch as if that is in the same theme or genre of what we are dealing with.

Mr P.A. Katsambanis: Grubby.

Mr Z.R.F. KIRKUP: That is disgraceful and grubby, as the member for Hillarys rightly puts it. It was a disgraceful contribution from the member for Southern River. I would expect more from him, but I suspect on his 7.9 per cent margin we do not have much to fear given the result in Darling Range because soon enough he will be gone. In that time, it would be prudent at some point during this debate for the member for Southern River to get up and apologise for that contribution.

Mrs M.H. Roberts: You should apologise.

Mr Z.R.F. KIRKUP: I would expect far better of him, member for Midland.

Mrs M.H. Roberts: I would not expect any better of you, though.

Mr Z.R.F. KIRKUP: Thank you. I would expect far better from him, member for Midland.

Together with my colleagues who have spoken already, we obviously fully support this legislation. It is legislation that is good in spirit and, as the member for Scarborough noted in her contribution, is something that we would

have endeavoured to introduce had we been in government. As the member for Cottesloe pointed out to me, I am one of the only millennial members of the Legislative Assembly, and that means that with the majority of my generation, I have been connected electronically for most of my life. In fact, I figured out that since I was in year 10 at Governor Stirling Senior High School, I had a phone with a camera and a colour screen. That was 2002 or thereabouts. Since that time, more than half my life has been connected, in a mobile sense, with a device with a screen and a camera. I suppose as part of that, that is the sort of contribution that I couch my experience in and what we are seeing occur globally when we are dealing with this very important legislation. I fear, as the member for Cottesloe has pointed out, the practical implications this will have for our young people who basically from birth have an Instagram account created for them, not by choice. I have found or come across plenty of new parents who have created a social media account for their children that they will likely carry with them for the rest of their lives, if they so choose. The reality is that they are now carving out these types of online presence from an incredibly young age. Some of my contribution will revolve around what I fear when it comes to legislation dealing with a rapidly evolving space, and that is the electronic and digital worlds. That is a very important part of this legislation, but it is something that I am concerned about at every point in time as this Legislative Assembly, this Parliament, this jurisdiction and jurisdictions across the globe try to keep up the pace, because we are seeing time and again that legislative bodies are behind. We see these types of acts that we have spoken about being committed for years and even decades in some instances and Parliaments, respectively, globally, have not been able to keep up. As part of that, I will talk about the role of the social media platforms and the concerns that I have as part of the opposition.

Sitting suspended from 6.00 to 7.00 pm

Mr Z.R.F. KIRKUP: I would like to continue the contribution I was making before the dinner break. It would be remiss of me at the outset of the remainder of my contribution to not speak about the rise, role and responsibilities of social media platforms, which I think have been far too slow to respond to the practice of online harassment. Of course, that means not only text-based harassment, but also the harassment referred to in the legislation that we are dealing with here—image-based abuse, harassment and blackmail. For too long, platforms such as Facebook and Twitter have been slow to react to the phenomenon that can be described as image-based abuse—or revenge porn, as it is called. A recent episode of *Four Corners* was an exposé of Facebook that made very clear that Facebook's model is entirely based on the monetisation and commercialisation of viral images. Images that continue to be spread sometimes are not only violent images, but also sexually explicit. I encourage all members to look at that *Four Corners* episode because it is an exposé on the individuals, basically the gatekeepers, whose responsibility it is to flag content that is posted online. The program showed how they would decide at that point in time whether a post was particularly violent or, in the case in point, whether nude videos and the like should continue to be present on the platform. The program showed a video of a very young child being physically abused by his father. Even after the censors, as they are termed, allowed that to persist on Facebook, when it was raised with the executive of Facebook by, I think, BBC Four in the UK, it continued to be on the platform for some time even though it had been flagged a number of times. What we have here is a social media giant whose responsibility it is, as a corporate citizen, on a platform that enables the sharing of content between individuals —

The ACTING SPEAKER (Mr R.S. Love): Members, could you take the conversation outside or keep it low.

Mr Z.R.F. KIRKUP: I encourage all members to look at that *Four Corners* episode. It was very good and an interesting insight into Facebook. From what we saw, it was relatively disturbing to see that the commercialisation of that platform thrives on those explicit images. Again, that goes to what we are seeing here—that is, those platforms that have been enabled ensuring that people, victims, can have this image-based abuse used against them on platforms like Facebook, Twitter, Instagram or Snapchat and certainly, person to person through text messages, which I will get to in a moment.

The other platform worth mentioning is Google. Google for too long has been listing websites from searches that are predicated on getting twisted revenge or harassment-based sites listed in active searches. A 2014 article in *The Economist* found that on Google there were more than 4 000—again, I hesitate to use the term, because it is more colloquially used—revenge porn genre sites. No doubt that number has exploded by now in 2018. These giants of social media and the digital media, who interact with us on a daily basis—an interaction that is growing more with a younger audience—have a responsibility, I think, to shut down the practices that we are discussing here. I suspect that if they had been more active in doing so, if they had taken their corporate responsibility to heart and put in some technology, we would not need this legislation in many parts because these images and videos would not be able to be found on the internet.

The ACTING SPEAKER: Minister for Police, Attorney General, Minister for Asian Engagement, could you keep the noise down? I am having trouble hearing the member for Dawesville.

Mr Z.R.F. KIRKUP: I mention Google because it appears that its practice of allowing these types of videos and images to be hosted and available on the internet is still alive and well.

I draw members' attention to the New York legislature, which was one of the last states in the United States to not have legislation in relation to this type of image-based abuse, and to a *New York Post* article on 21 June this year

entitled “Google kills revenge porn bill”. Basically, the New York state legislature was dealing with a bill that was not dissimilar to the bill we are dealing with today, which would have made the non-consensual dissemination of sexually explicit materials a misdemeanour under its criminal code, punishable by up to a year in jail. Therefore, again, we are not necessarily inconsistent with that; it is slightly more lenient with its term. It would have also enabled to victims to sue web hosts, which is a key difference to legislation we could be looking at here today, to remove those offending images. Although New York legislature’s equivalent of the lower house passed the bill, the New York state legislature’s Senate was at the eleventh hour being lobbied by lawyers, largely by Google and other tech giants, to have the language of the bill changed, which meant that effectively it could not be voted on by the state legislature of New York. As a result—thank you, member for Murray–Wellington—the bill could not be voted on and would not pass. A lawyer, whose name pops up in a number of articles and I think may have even informed some of the Attorney General’s commentary, called Carrie Goldberg is quoted in the *New York Post* article as follows —

“There could be no better showing of what unfettered power big tech has on our government. It’s sickening. Any claims they make that big tech is aligned with victims of revenge porn are as hollow as Trump saying he’s aligned with separated immigrant families facing deportation ...

“Big Tech, especially Google, created the revenge porn problem. And now, just as we were about to enable victims to demand removal of their most intimate material from the internet via this law, Google renews its abuse.”

What we have is a continuation of social media platforms, these digital content providers, enabling these acts to continue to occur. That has been perpetuated for so long now that it is time that legislatures around the globe took a stand. It is very unfortunate that we see this type of irresponsibility—that is, these companies pressuring legislators in other jurisdictions—when trying to set up rules that will result in companies that host that material being sued. To me that makes a lot of sense. If I take any image or any slanderous, defamatory or liable information and perpetuate it, I could be actively pursued through the courts without any remediation. I think it is absolutely fair that a victim should be able to take action against a content provider, not necessarily a transmitter, like Facebook, whose responsibility it is to host these types of images, or Google whose responsibility it is to list these websites and the like. That would be an important addition.

Mr C.J. Tallentire: Wouldn’t the best way to regulate that be that if the company—Facebook—does not respond to the complaint?

Mr Z.R.F. KIRKUP: The member for Thornlie asked whether we might be able to pursue the company if it did not respond to the initial complaint. That makes a lot of sense to me because the mechanism at least would be in place. If it fails to meet those mechanisms within a reasonable time, then, yes, that should absolutely be the next step. At the moment, there is no next step.

That *Four Corners* episode found that within a day, or a very short period, maybe within 48 hours, 25 000 images were posted in Ireland, which is where the BBC exposé was based, and had been flagged, but they could not get through it all. There was no way that the content moderators could stop every single one—take it down or mark it as sensitive. What happens is that because more and more content is provided online, if it is flagged, there is very little chance that any quick action can be taken by the people who host this content to take it down. I think it would be a great move from a victim’s perspective to be able to pursue them through the courts, because I suspect that they would take a more active interest in making sure that material was —

Mrs R.M.J. Clarke: What if they’re a US-based company, you couldn’t hold them to account?

Mr Z.R.F. KIRKUP: The member for Murray–Wellington is right. But if it were a WA-based company that did that, perhaps we could pursue them here. We just need to make sure that all states are locked down and, indeed, I think the commonwealth should probably look at that.

I also note, probably because of the rise in the type of legislation we saw in New York state legislature, in November last year, Facebook announced that it would introduce an algorithm that would try to identify sexually explicit material so that at the point of uploading on Instagram, on Messenger, on WhatsApp—now that Facebook is in WhatsApp—or on Facebook, the image would basically be flagged and the onus would be reversed. People would not be able to automatically provide something online, because a gatekeeper would make sure that the image or video was reviewed before it proceeded to go online. As we all know, once content goes online, it can spread very, very quickly. From my perspective, it could spread very easily. I think all members are aware of such scenarios.

If members are interested in this issue, I encourage them to read *Conspiracy: Peter Thiel, Hulk Hogan, Gawker and the Anatomy of Intrigue* by Ryan Holiday. It is a very good read. Ryan Holiday is an author whom I follow a bit; he did some work on Stoic philosophy. In this case, he writes about Peter Thiel and the Hulk Hogan sex tape. The Hulk Hogan sex tape was taken down only after some years when Peter Thiel had enabled Hulk Hogan to sue Gawker Media to have the tape taken down. That is a very interesting case. That video can no longer be found

because the website that enabled this video-based abuse, a sex tape that was produced in what Hulk Hogan, the WWE wrestler, thought was a private environment—not unlike what we are doing here—was leaked to a value-add site, which was owned by Gawker, and it went viral. Only through the pursuit of Peter Thiel, giving millions and millions of dollars to Hulk Hogan to pursue it in, I think, the Californian court system, was that video eventually taken down. That led Gawker Media, which was perhaps an early version of BuzzFeed, to collapse; it no longer exists. It was a \$140 million judgement against Gawker and the value-add site, and they collapsed. That was done entirely through this legal remedy that we are pursuing. It was a great thing because it indicated to those media websites that their practices in 2007 were wrong and should be stopped. In that case, that video can no longer be found, not even on torrent websites, as I understand it, because the severity of the court penalty saw a media giant collapse at that point and it meant that no-one wanted to touch it.

A person should not have to spend millions of dollars on legal teams to make sure a judgement can be made to have a video removed from the internet. I think that right should be open to everybody. If a person is compromised and they have image or video-based abuse of an “intimate image”, as it has been called here—or “invasive image”, as I think it is called in New South Wales—I think the onus should be on the person who hosts it and on the person who distributes it, especially if it is a large digital platform, to make sure that it can be pulled down in quick time. If they do not, a legal remedy could be taken against them. The book *Conspiracy* by Ryan Holiday that deals with quite a lot of the back story of that 2017 case is a fantastic book. It really outlines the impact this had on the actor’s life. In court there were arguments about his sexual acts, whether that was in the public interest, and that the media company thought it was.

The member for Cottesloe a number of times raised the issue that unfortunately young people are now living digitally and they look at celebrity sex tapes—I could name a number of them off by heart; I think most have been widely reported—and seem to try to replicate some of that in some way, shape or form.

[Member’s time extended.]

Mr Z.R.F. KIRKUP: It might be in a personal one-to-one manner or it might be on a larger sync. Talking about one-to-one, the member for Scarborough referred to text messaging. Most messaging now happens on Messenger, which is owned by Facebook, on WhatsApp or on some other variant, and they are actually very easy to spread digitally because they can be added to a group very quickly and the content goes. It can morph online very quickly as well. When we talk about sexting, which is the sharing of intimate images with consent because the sender has generated and sent the image to that person, it is actually a very encouraged practice now. The member for Cottesloe rightly pointed out that it is part of the dating or courting process, as the member accurately described it. There are multiple media sources now. As part of my research for this speech, I looked at *Cosmopolitan* magazine, which has an entire mini-site on its website dedicated to how people can best sext their partners. There are articles on this micro-site headlined—I did not read them, mind you—“What Does Sexting Say About Your Relationship?”, “Sexting: Naughty Ideas to Try Today”, “10 Things Guys Really Want You to Sext”. This practice is actively encouraged on mainstream digital platforms that young people interact with on a daily basis. There is a very quick reference on the site not only about these images that they are seeing, but also how they can best do it—how they can do it in the most optimal manner. This is part of the process that we are seeing.

Ms C.M. Rowe: Would they not be complaining?

Mr Z.R.F. KIRKUP: No, sorry. I appreciate the interjection from the member for Belmont. Not from my perspective. I certainly was not trying to make that point. From my perspective, the ease by which it occurs also demonstrates the ease by which it is forwarded on. I suppose that is the point I am trying to get to. As someone who has grown up with a phone with a colour screen and a camera in my possession since I was in year 10 and who has gone through many dating and courtship processes, I am aware of the ease with which these things can happen. But what it does show as well, member for Belmont, is how quickly these things can be spread. When there is encouragement and normalisation, it means that people will actively exchange images on a more regular basis, which means that more content is being shared.

A Kinsey Institute study from 2016 found that one in five study participants had engaged in sexting. As that practice continues to spread and that number inevitably continues to grow, I suspect that, unfortunately, those images will get forwarded on. Part of the Kinsey Institute study, which surveyed 5 805 single adults in the United States, found that although 73.2 per cent of participants recorded discomfort with unauthorised sharing of text messages and images, 23 per cent had shared them anyway. Again, this shows that there is a high prevalence of this content being shared, which, again, in a consensual manner, is part of the normalisation of relationships now, it seems. But more than likely that content will be shared now. People have almost a one in four chance that that image or video will be shared even if other people do not want to see it. This seems to me to be a very unfortunate development in our society that leads to the abuse of people—the blackmailing of individuals—from a very, very young age, at times. Perhaps it is people who are in their formative years, right through to people, no matter how old they are, who could be in their forties or fifties, who engage in this. It impacts all manner of people of all ages, and it is why this legislation is so important.

The member for Morley quite rightly pointed out that it is a significant issue for parents. I am not a parent. I do not have children yet, but hopefully I will one day. It is obviously a very confronting issue for parents to have to deal with as well, because at some point their children will gain access to a phone and it is likely this normalised behaviour will occur. Unfortunately, it seems to me that there is a prevalence for these images to be shared on as well. It is important that this Parliament sends the message that that is not a behaviour that should be expected in Western Australia, but moreover it should not be expected anywhere we live—in real life or online. It is impossible to stop the spread of these images once they are online. Importantly, we should stop them at the source through these severe penalties. We should also heed the fact that jurisdictions in the United States—for example, in New York, which is a very populous state—still do not have this law in place. If they did, offenders would get only a year's imprisonment for a misdemeanour charge. Whereas, in the state of Western Australia, this Parliament and this government are taking it very seriously and making sure that sentences of many years are given to people who forward images that have been taken privately in a consensual manner.

I apologise for taking up more time than I anticipated but I would like to point out a slight concern. At the start of my contribution, I referred to the fact that I worry about legislatures, generally speaking, trying to keep up with the evolution of technology. It is a very big issue for us. Governments of all ilk—certainly this state government—have still not necessarily bedded down exactly how we can best deal with services such as Uber. That has been around for some time but it is a relatively short period when we consider the length of time that these text-based and image-based harassment cases have been going on—for decades in some instances.

This Parliament and Parliaments across the commonwealth have identified that they are struggling to keep up with technological evolution. I recently read that there are things called deep fake porn or morph porn, which involves the replacement of an image of someone—basically, superimposed—on a body that is not theirs engaging in an act that they did not do. It is so lifelike that competitions are held whereby people try to figure out which video, not just in a pornographic sense but in a general sense, is the real one and which is the fake one. People cannot determine the difference. We have also got to the point at which artificial intelligence is doing it for us. All we need to do is provide a head shot at a relatively high resolution and an algorithm will superimpose it over a figure in nearly any movie scene. Right now, Mr Acting Speaker, someone can put your head on one of the Jedi in Star Wars very quickly. This legislation keeps up with that in the sense that if any image of any type is superimposed or portrays an individual engaging in an act, even if they did not engage in that act, the offender can be punished under this legislation. I worry about where we will go next. This was not even a concept one or two years ago. Our legislation needs to be robust enough to allow governments and law enforcement in particular to keep up with the rise of that type of evolution.

Ms C.M. Rowe: There is a clause in there that allows for future changes to technology. I am sure the Attorney General will speak about that.

Mr Z.R.F. KIRKUP: I appreciate the member for Belmont's interjection; the legislation needs to keep up with those types of digital or electronic means. That is important but the reality is that it might create more grey areas. If we were talking about an artificial image, who is responsible for that and what does that look like? It relates to the ownership. That is where I am coming from.

The other issue that I raised during the briefing with the Attorney General's team yesterday is the nature by which something might be released. The member for Morley pointed out that Jennifer Lawrence had her iCloud account hacked and images were released. It had a horrible impact on that young actress and her development. The reality is that with iCloud, relatively new software will try to upload material online from most people's phones. I have a concern, which I raised with the Attorney General's team that briefed us, about shared folders and things like that—things that may have been stored in shared folders and people are notified if they subscribe to those folders. I will give a good example. A constituent wanted to share an idea that he had relating to sharks. He sent me a Dropbox link. It is a shared folder. He sent it to a number of people. I am notified every time that gentleman changes the nature of that folder. He could inadvertently, for argument's sake—I am not certain this would be the case—upload a private image to that Dropbox. That could happen if he got confused about where an image was located, it could have been dragged to the wrong folder or it could accidentally be uploaded to the wrong area. That may then notify people who were linked to that shared folder. He could possibly be liable under this legislation and face criminal charges. Again, it is a matter of evolution. There is the test of what is a reasonable consideration of criminal activity. We need to be aware of the modern technological implications that this has.

I welcome the legislation. I think it is very good. It is very well spirited. It is important to send a message to those who seek to exploit vulnerabilities and private video sharing between people who exchange information in a consensual manner and then exploit that and break that person's intimate trust. It is important that we do it now in this place in Western Australia to stop it happening in WA. I would also like the legislation to hold corporations and companies liable if they host that information. It is an important remedy that should be available to the citizens of Western Australia if a Western Australian company did it. There might already be some capacity for that. It is an important avenue that we should pursue where we can and make sure that this legislation is as robust as possible to keep up with those technological evolutions.

MS C.M. ROWE (Belmont) [7.25 pm]: I rise to make a very brief contribution to the debate on the Criminal Law Amendment (Intimate Images) Bill 2018. I would like to start by taking the opportunity to congratulate the Attorney General on the bill that is before us this evening. I am very happy to be making a contribution.

The issue of revenge porn in our community and the sharing of intimate images of a person without their consent is a huge problem. It has ruinous effects on victim's lives. Listening to other members' contributions to this bill, it is quite apparent that nobody is immune from falling victim to such abuse. As the member for Morley pointed out, we have seen Hollywood actresses and famous male sports stars in Australia fall victim to it as well. Most worryingly is when young people, particularly young girls, fall victim to what will hopefully be crimes if this legislation is passed and we can stamp out this behaviour.

It is really important to note the comments made by the Minister for Women's Interests. She had some great comments to make, saying that it is important that we do not victim-blame the people who share intimate images in a consenting fashion with parties they are in a relationship with. They are not doing anything that is in any way a criminal offence. We all might think it is not necessarily what we would want to be doing but it is happening out there and we certainly do not want to be victim blaming. We want to make sure that people are protected in those instances where images are shared without their consent.

This bill will make it a criminal offence to distribute intimate images of a person when it is not consensual. That includes when a person is engaged in a private act when they can safely assume or reasonably expect to be afforded privacy, such as showering, using the toilet, undressing or engaging in a sexual act. It also includes circumstances in which an image has been created or altered in such a way as to make it appear as though the person depicted is engaged in those acts that I just mentioned, even though they may not have been.

The distribution of such images has quite a devastating effect on victims. I did quite a bit of research on victims and how they felt about their experience. Some of them found images of themselves online and they were not even aware that this had happened to them. Somebody had hacked into their social media account and so forth. It is troubling to read the impact that it is having.

As has been mentioned quite a bit this evening, we know that a lot of people, especially young people, often engage in sexting, which is the consensual sharing of intimate images via SMS or some other platform. Obviously, this bill does not prohibit that activity because, as I mentioned before, it is consensual, but we want to stamp out the practice of such photos being forwarded to other parties without the person's consent. Under this legislation, thankfully, that will become illegal. This activity is incredibly harmful to the victim, especially given the fact that once an image is on the internet, it will more than likely remain there in perpetuity. That can have a detrimental effect on someone's capacity to have relationships in the future and when seeking out employment opportunities.

An article from news.com.au on 17 November 2016 titled "Revenge porn has more than doubled over the past two years and now affects more than one in every five Australians" highlights just how big a problem this is in our society. The article states that revenge porn affects more than one in five Australians and that people who send photos of themselves are in the highest risk category of falling victim to this dehumanising and degrading abuse. The article explains—I must admit that I was quite surprised by this—that both men and women are vulnerable targets of revenge porn and that those most at risk, sadly, are disabled people, Indigenous people and young people. One in three teenagers aged between 16 and 19 reported this type of abuse. That is exactly what that behaviour is—it is abuse. It is designed only to humiliate and degrade the victim, which is why the government is choosing to act and make this a criminal offence.

This bill sets out the consequences of engaging in the distribution of intimate images without consent. Courts will be given the authority to order a person charged with such offences to remove or destroy the content. The penalties will be jail terms between 18 months and three years, and fines of up to \$18 000. I believe that is the highest fine out of all the Australian jurisdictions, and I think that is really fantastic. The bill is clearly designed to act as a major deterrent. It is in the hope that we can stop the prevalence of revenge porn and its catastrophic emotional impact on those upon whom it is inflicted. It is very much time that such a law was introduced to protect people against revenge porn.

In an article on ABC online news on 28 June, titled "Revenge porn crackdown announced by WA Government offers hope for victims", Noelle Martin, who is now 23, details how a photograph that was taken without her knowledge from her social media page when she was 17 was altered and superimposed. It was basically an image of her in a pornographic pose. She described discovering this image on the internet was akin to "someone stripping your dignity and your humanity". She then went on to say that she has still been unsuccessful in having this content removed from the internet. That was a number of years ago now. This would continue to cause enormous distress to her as an individual and, no doubt, to her family. Currently, there is absolutely no way to police such activity because there is no law that prohibits it. This bill will make it illegal to circulate intimate images without consent. However, as I mentioned previously, it will not be an offence to share intimate images between consenting parties. When images are distributed without a person's consent, it robs that person of their dignity and it is horrendously violating and is no doubt incredibly degrading.

Given the psychological damage caused by revenge porn, this legislation is so important. So many people are affected by this and it can cause so much pain and distress, especially when in many instances the image cannot be removed from the internet. Quite simply, this behaviour ruins lives. We as a government are saying that we will not tolerate this; it is completely unacceptable. I am certain that this bill will go a really long way in providing a real deterrent for people who engage in this activity and as a result I am hopeful that we will see far fewer victims of this abuse. Distributing intimate images without consent is degrading.

As a mother of two young girls, this is something that is a big concern. They are still very young, but it is a real concern. I do not want my children to grow up in an environment in which we tolerate that kind of behaviour. I would like to commend the bill to the house.

MR K.M. O'DONNELL (Kalgoorlie) [7.33 pm]: Greetings, Mr Acting Speaker. I rise to contribute to the debate on the Criminal Law Amendment (Intimate Images) Bill 2018. The member for Belmont made a comment that I did not realise, and it is devastating; one in five people in Australia are impacted by revenge porn. We are talking about five million people. That in itself is devastating.

As a former police officer, a father and a sporting coach, I have dealt with youth for over 34 years. My observations and experience are that it has become a way of life for youth. It has become “the norm” as you would say. Two 16-year-old boys I knew were laughing and chuckling near me, so I asked them what they were laughing about. They were looking at a phone. They said, “We just got another photo from a girl.” I said, “What!” They showed me a photo of a 16-year-old girl standing in a bathroom in front of a full mirror taking a photograph of herself. The flash covered her face but nothing else. The rest of her body was clearly shown. I took the phone straightaway and ascertained who the girl was so that that could be stopped. I then spoke to the boys and they said it is common practice not just for the girls to do it but for the boys to do it—it was acceptable. I tried to tell them, and I have tried to tell others, that going down that track is not acceptable first-up, but down the road they might want to have a career change and do other things such as have a family. There is nothing worse than all of a sudden the mother’s photo is spread out and she has got young children. It can be very embarrassing.

The second reading speech states that it is a degrading and dehumanising practice that violates personal privacy and dignity, and it does. I am glad that part 4 of the bill amends the Working with Children (Criminal Record Checking) Act 2004. When such acts are committed against a child, the convicted person cannot be permitted to work with children unless exceptional circumstances apply. I have tried to think what exceptional circumstances would apply. No doubt there probably is, but personally I would rather not see that person being cleared with a working with children card if that person has been convicted of doing this. I like the idea of young offenders still being able to go before the juvenile justice teams for first offences. That is a good thing. For those who do not know what a juvenile justice team is, the juvenile attends an office with their parent or guardian. A police officer is also in attendance. If the victim is also a juvenile, their parent or guardian is in attendance. A social worker from child protection is in attendance and then they go through the process. The victim gets to tell the offender how their actions affected them. They plan how the offender can move forward without offending against any other lady in society. I think that is a very good thing. I am glad that they are doing it. I also like the rectification order that judges can make. That is good too because it will remove everything. I am not going to talk anymore; I will be brief. I commend the government for doing this. It is a very good bill.

MR J.R. QUIGLEY (Butler — Attorney General) [7.38 pm] — in reply: I would like to thank members on all sides for their contributions during the second reading debate on the Criminal Law Amendment (Intimate Images) Bill 2018. I would particularly like to thank the opposition for confirming its support for this important piece of legislation. It is apparent from all the contributions that everyone in this place is aware of the issues that surround image-based abuse and most know a constituent, friend or family member who has been directly affected. The rapid emergence of this issue speaks to the way technology is constantly changing and the way we live and inter-react. The bill before us this evening addresses an election commitment to criminalise the non-consensual distribution of intimate images. It responds to the growing community concerns about the prevalence of and the harm caused by image-based abuse. It sends a strong message to the community that this conduct will no longer be tolerated.

The lead speaker for the opposition, the member for Hillarys, observed that the brevity of the bill belies its complexity. This is true. It means that I will need to defer some of the issues that have been raised to consideration in detail so that they can be dealt with in the appropriate detail. However, I wish to take this opportunity to comment on some of the issues that were raised by the member for Hillarys and others. I want to start at the end of the comments in my notes because I have a note for the member for Dawesville. At the conclusion of his speech, he expressed a concern about the automatic uploading of intimate images. This legislation fits within the total matrix of criminal law. To put the member’s mind at ease, section 23A of the Criminal Code is entitled “Unwilled acts and omissions” and section 23A(2) provides that a person is not criminally responsible for an unwilled act. That probably takes care of the member’s concern.

The member for Hillarys inquired how several of the definitions contained in the Criminal Law Amendment (Intimate Images) Bill 2018 were arrived at. I am sure that we will discuss the specifics during the consideration

in detail stage, but it might be helpful at this stage to provide some context around the development of the bill. The definitions in question were crafted in view of other provisions of the Criminal Code. The definitions adopted the equivalent legislation in other jurisdictions, including South Australia, Victoria, New South Wales, the Australian Capital Territory and the Northern Territory. They also took into account the national statement of principles that was developed by the former Law, Crime and Community Safety Council, now the Council of Attorneys-General. Concepts drawn from these sources were then road-tested with the key stakeholders and practitioners including the Office of the Director of Public Prosecutions, subject matter experts within the Western Australia Police Force, Legal Aid WA, the judiciary and the Commissioner for Children and Young People. The result is a carefully crafted and, we believe, balanced bill. The member for Hillarys also characterised the bill as a starting point. After all, in an emerging field such as this, how can we be sure to capture all relevant scenarios while, at the same time, avoiding inadvertent overreach?

The risk of overreach was also a dominant theme in the member for Cottesloe's contribution. It is needless to say that legislating in an emerging area carries risks and it would be unwise to assert that this legislation will not need to be adjusted again at some future point. However, I can assure members that every care has been taken to minimise the risks that have been identified, especially those that were raised by the member for Cottesloe. For example, he raised the concern that the bill would criminalise a mother who sends her husband a picture of their nude child in the bath. Although this would fall within the definition of an intimate image, the defences within the bill have been framed to ensure that normal, reasonable conduct is not captured by the new offence. It will depend whether the transmission was reasonable in the circumstances. The member also raised the spectre of people being criminalised for accidental distribution or the sketching of lewd caricatures. The practical hurdles to conviction in these scenarios are as numerous as they are formidable and I will happily enumerate them for the member during the consideration in detail stage rather than try to go through all the layers at the moment. The member for Cottesloe also suggested that conviction would lead to inclusion on sex offender registers. I can assure members that this is not the case. As I stated in my second reading speech, a conviction under this legislation will not result in registration under the Community Protection (Offender Reporting) Act.

Although I agree with the member for Cottesloe that we need to be careful not to unduly criminalise young people, which was one of my prime concerns, the answer is not to exempt them from the law. Saying a person was just young and naive could be a defence for a child throwing rocks off a bridge at car windscreens on the freeway. It is criminalised. There are many other acts that we can say are the result of young, naive behaviour, but are also subject to criminal law. I also take the member's point about the use of so-called recreational drugs, which has become normalised, but we still apply sanctions to that behaviour. We have to be sure that criminal law responds to this sort of conduct in a way that is age appropriate. For example, I would not think, and I have not heard it said here, that if a 14-year-old sexts an intimate image of themselves to a partner who then on-sends it without consent, the partner is anywhere near as culpable, morally or otherwise, as an adult who engages in the same conduct. A function of the Young Offenders Act is that cautions can be issued. If a complaint is made about someone's image being distributed in this way, it will depend how far it has gone. That will be within police discretion, as police have a discretion at the moment in all offences as to what level to charge at. In some cases, it might be appropriate to issue a formal caution notice, which may have the salutary effect upon the child and their parents.

The member for Hillarys also raised whether suppression orders could be made in connection with proceedings relating to the new offence or whether the prosecution of this offence would see the victim re-victimised by publication. No-one wants to see that happen, and this circumstance is covered by section 171 of the Criminal Procedure Act 2004. Section 171(4)(b) provides that the court may —

make an order that prohibits the publication outside the courtroom of the whole of the proceedings, or a part or particular of them specified by the court;

The prosecutor, on behalf of the victim, can ask for the name of the victim or the image to be suppressed from publication outside the courtroom. Section 171(4)(c) provides that the court may —

make an order that prohibits or restricts the publication outside the courtroom of any matter that is likely to lead members of the public to identify a victim of an offence.

This occurs regularly for victims of sexual assault. These powers of the court can be exercised at the initiative of the court or on application of a party to the case and will be available during criminal proceedings relating to the new distribution offence.

On the question of how such orders would interact with the Family Court, which was also raised by the member for Hillarys, I can advise the Legislative Assembly that family law proceedings are suppressed as a matter of course. I refer members to section 243 of the Family Court Act of Western Australia and also section 121 of the equivalent commonwealth legislation, the Family Law Act 1975. Those proceedings are suppressed, so it would not happen unless a specific order of the court was made to publish them. Otherwise, there cannot be any publication of proceedings. We saw a graphic example of the way the Family Court operates in that area with the recent mass murder down in Margaret River. I think the father of the deceased children wished to have a psychologist's report published on the quality of his parenting. It was part of proceedings in the Family Court of

Western Australia. *The West Australian* launched an application in the Family Court to allow the publication of that report, which the father had seen because he was a party to the proceedings. That case was heard by Chief Judge Thackeray of the Family Court, who upheld the principle in section 243 of the Family Court Act that no publication is allowed.

Mr P.A. Katsambanis: I am comfortable with the issue of the Family Court on its own. The issue that I raised, which I will try to clarify quickly, is that Family Court proceedings are on foot. Those proceedings are suppressed. However, evidence provided within those proceedings is then used in an action for criminal proceedings under this legislation that we are introducing. I am concerned about that interface.

Mr J.R. QUIGLEY: Sure. We would then fall back on section 171(4)(b) of the Criminal Procedure Act, which provides that the court has the power to order suppression of publication outside the courtroom, on the application of any party to the proceedings; and section 171(4)(c), which provides that the court has the power to prevent the identification of the victim.

The member for Scarborough asked whether an education campaign will be conducted to support the bill. I am pleased to advise that my department—that is, the department for which I temporarily bear responsibility, the Department of Justice —

Mr P.A. Katsambanis: What are you telling us that we do not know?

Mr J.R. QUIGLEY: I am telling members that which everybody knows. When I spoke to the Chief Justice the other day, I said, “I’m temporarily the Attorney General”. He asked me what I meant by that, and I said, “It’s not a career. It’s a privilege. It’s an office that we pass through.” In the span of our lives, even if we are in an office for six or eight years, we pass through it briefly. For as long as I am the Attorney General responsible for that department, I am able to advise that the Department of Education and Legal Aid Western Australia are working with the Department of Justice to develop an education campaign targeting students and young people. I understand this will be handled within the existing resources of Legal Aid, Education and Justice. The Department of Justice is also consulting with the Ministerial Youth Advisory Council to ensure that the campaign messages are informed by young people themselves. I do not think young people would listen to something if it was not expressed in their own idiom, or it certainly would not have as much traction.

I thank all members for their contributions to the second reading debate. This bill delivers on an election promise that we made. The one little hook in all this is that the federal government has been promising to bring in similar legislation. Its legislation will cover transmission of intimate material over a telephone network service, but not over wi-fi, which can happen in schools, shopping centres and other areas in which wi-fi is available. Its legislation constitutionally will not cover that. This bill has also been drawn with the federal legislation in mind. Under section 109 of the federal Constitution, if any inconsistencies arise between our legislation and the federal legislation, the federal law will take precedence on that particular subject matter or circumstance. We cannot think of any possible inconsistencies at the moment. However, the law has not passed through federal Parliament. The alternative was to stay our hand and wait for movement in Canberra. However, with a federal election on the horizon and not knowing what priority that legislation would get, we thought it would be imprudent to delay this legislation. It is clear that the Western Australian public wants this law. These offences are prevalent in our community. Therefore, we believed it was best to get on with it and bring our law up to date with the law in other states and territories and see what comes out of the national capital, if anything. We know that may or may not happen and that we may need to do a little adjustment. However, as I said earlier in my second reading response, our laws have been developed bearing in mind the laws passed in the jurisdictions of South Australia, Victoria, New South Wales, the Australian Capital Territory and the Northern Territory, and the general principles that came out of the Council of Attorneys-General. The best course is to do what the government has elected to do and proceed now. If any subsequent amendments or adjustments need to be made, I am sure all members will understand the need for that.

Once again, I thank all members for their contributions.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Mr P.A. KATSAMBANIS: I could probably fit this question in anywhere. However, following on from the Attorney General’s summing up, I am concerned about any possible application of section 109 of the federal Constitution. I recognise that the Attorney General did say that according to his best advice, he cannot foresee any conflict at the moment. However, he also pointed out that any legislation that the commonwealth may pass is not certain at this stage. Has the Attorney General received specific advice about any issues that may arise from section 109 of the federal Constitution; and, if so, who was that advice received from, and would the Attorney General be prepared in good faith to provide that advice?

Mr J.R. QUIGLEY: That question does not really fit within any issues around clause 1. However, having said that, I will say that the Department of Justice has received early drafts of the commonwealth bill, and it appears that this bill does not conflict with those early drafts. However, who knows what the federal Parliament will do? As far as the department is concerned, the bill as currently drawn does not raise any constitutional issues. I hasten to repeat what I said recently in my second reading reply—namely, that this bill reflects the legislation in the jurisdictions of South Australia, the Northern Territory, the Australian Capital Territory, New South Wales et al.

Mr P.A. KATSAMBANIS: I accept the Attorney General's explanation. We still do not have the final version of the commonwealth bill —

Mr J.R. Quigley: If it passes one.

Mr P.A. KATSAMBANIS: If it passes one; and we will see what happens in the interim.

Clause put and passed.

Clause 2: Commencement —

Mr P.A. KATSAMBANIS: This pretty standard clause about when the act will come into operation reads —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

It is the standard question from me: Why can all of the bill not come into operation after it has received royal assent or on a specific date? Is there any current intention that some parts or provisions of the bill may commence on different days?

Mr J.R. QUIGLEY: No, there is no current intention that other parts of the bill—other than that set out in clause 2—will start on separate days. The member for Hillarys has already remarked to the chamber that clause 2 is pretty standard. If the member recalls, it was the same with the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017, which we said we would pass and then proclaim—as we did—as soon as everyone was set up for it. Once this bill completes its passage through Parliament, the police will be able to inform their e-crime section that it is coming and the courts will be able to update their systems, and then we will proclaim it. But there will be no substantial lag between assent and proclamation. It is not intended that there will be; we want to get this thing rolling as quickly as we can. But as soon as it has passed, the courts and police will know what is coming and they can update their systems, and in a matter of weeks we will proclaim the legislation.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Chapter XXVA inserted —

Mr P.A. KATSAMBANIS: This is one of the substantive clauses of the bill, and I will work through the issues as they appear in the bill. I do not intend to drag this out in any way, but I think we need to clarify some issues so that not only are members in this chamber on the same page, but also it might inform members in the other chamber. It will certainly inform the public and judiciary, who will be interpreting and utilising this bill.

On line 10 of page 3 of the bill, consent is given the meaning in proposed section 221BB, and that is very good. That is what consent will mean in this new provision of the Criminal Code. But immediately after the definition of “consent”, we have “distributes”. The definition is —

distributes an intimate image of a person includes the meaning given in section 221BC;

That is quite different from consent, which is defined in the proposed section. Distribution includes the meaning given in proposed section 221BC, and implies and actually means that necessarily the definition contained in proposed section 221BC is not the whole definition of “distributes”. What else could be included in that distribution that is not contained in the new sections being introduced to the Criminal Code?

Mr J.R. QUIGLEY: Proposed section 221BC, of course, is very descriptive and prescriptive of what distributes means. “Distributes” includes the meaning given in proposed section 221BC, as the member has rightly pointed out. The member asked what else might be included. I heard this wag on TV the other night on *Grand Designs Australia*. He was speaking to the interviewer in front of his wife and said, “I’ve got ideas that I haven’t even thought of yet”! And I suppose this takes care of that sort of eventuality—that there might be in the future, with the development of technology, some means of distribution that we do not yet know about, but that the courts would regard as distribution. So rather than any little nook in the development of technology arising and us having to come running back into this chamber to amend the act, it includes those things. If some new method of distribution arises out of the advancement of technology—in other words, an idea we have not yet thought of—it will be included.

Mr P.A. KATSAMBANIS: We will see how that works in practice. I do not have any question around the definition of “engaged in a private act”; if other members do, they can speak up. If not, I will move to the definition of “intimate image”. I will not read in the definition at this stage, but I will refer to it. It means a still or moving image, so it covers the possibility of a photograph, video or any other type of technology. The first concept in the bill that I would like some clarification around from the Attorney General is —

... in circumstances in which the person would reasonably expect to be afforded privacy —

We can all foresee a number of cases when that would be relatively clear-cut, such as in the comfort of people’s own homes. I think there is plenty of established practice for people being in their backyard, surrounded by a fence. But can the Attorney General expand more broadly on what should be a reasonable expectation of being afforded privacy?

Mr J.R. QUIGLEY: Sure. The reference to “in circumstances in which the person would reasonably expect to be afforded privacy” reflects the reality that the intimate character of an image is determined by not just what is depicted, but also the attendant circumstances. For example, an image of a person without clothing may not be an intimate image—for example, when a person is streaking at a sporting event. We would not regard that as an intimate image if it is of someone running across Optus Stadium without their gear on.

Mr P.A. Katsambanis: It is a public spot; that’s pretty clear, yes.

Mr J.R. QUIGLEY: Yes. That definition includes —

in the case of a female person, or transgender or intersex person identifying as female, the breasts of the person, whether bare or covered by underwear; ...

So if we have a film of Victoria’s Secret underwear catwalk models, that would not be an intimate image. The very purpose of them being in the Victoria’s Secret show is to walk down the catwalk with as many people as possible watching them do so. We would have to look at the actual circumstances in which the image was taken to decide whether or not it is intimate. As the member quite rightly pointed out, we would say that an image taken of someone nude in their backyard is intimate. But if someone dropped their gear at a large gathering in the same yard with 50 people present, we would say, “There’s nothing much intimate about that because they’ve done it in front of a crowd.” The purpose of having the circumstances in the bill is to determine whether it was an intimate occasion or a public or semi-public occasion.

Mr P.A. KATSAMBANIS: I can understand the circumstances of someone streaking and clearly we can understand the circumstances of people in their bathroom, home or backyard. Without asking the Attorney General to express a legal opinion, would he consider that this aspect would cover somebody who may be in a public place late at night—a river, stream or beach—who chooses to skinny-dip on the basis that they think no-one is around and, in their expectation, no-one will see them but then someone takes their image, or would we rely on a reasonable-man test that if a person disrobes in public, they should not have the expectation that they will not be seen and therefore will not be photographed?

Mr J.R. QUIGLEY: We get down to the phrase “would reasonably expect”. The member and I know that the reasonable person sits on the back seat of the Clapham omnibus —

Mr P.A. Katsambanis: Correct.

Mr J.R. QUIGLEY: But I do not know whether he would regard the back seat of the Clapham omnibus as a circumstance in which he could drop his gear and it be an intimate situation. I do not want to utter words at the ministerial table that are prescriptive of the judiciary because the circumstances, as the member would appreciate, are endless. If I can just do a variation of the proposition the member put to me: if a person went to the northern section of Swanbourne Beach and took off their clothes, they could hardly regard it as a circumstance in which they could reasonably expect to be afforded privacy because it is Perth’s nudist beach, whereas in a change room they would expect to be afforded privacy. At the end of the day, it is really going to be a question of fact, not a question of law, for the court to decide having regard to all the attendant circumstances. The police use the phrase “time, place, circumstance” and I think that will be apposite here. The member cited a circumstance in which someone does it in the middle of the night with all care taken and whether they would expect to be photographed. I say probably not, and if someone took a photograph and transmitted it, there could be a case against them. But, as I said, I do not want to be prescriptive at the ministerial table. It is going to be for the court to decide what is reasonable in the circumstances. I had the privilege of attending a debate in the House of Lords during which they said that the most maligned person in England is that passenger on the Clapham omnibus because he gets loaded up with everything!

Mr P.A. KATSAMBANIS: I often wonder whether that reasonable person on the Clapham omnibus ever reached his destination or whether he is still stuck on the bus. Having taken a bus to Clapham Junction, I think it is, I looked around to see whether I could find that reasonable person.

Mr J.R. Quigley: Member, I don’t think that a reasonable person would take their clothes off in the back seat.

Mr P.A. KATSAMBANIS: We would not expect that, and we would expect other criminal offences to be triggered if that happened.

Moving on with the definition of “intimate image”, I do this with some form of reticence. I do not want to be considered to be pedantic, but I think we need clarification around this. The first issue is in proposed paragraph (a)(i) of the definition of “intimate image”, which refers to —

the person’s genital area or anal area, whether bare or covered by underwear; ...

This might sound silly, but the first question that arises is: what is underwear? What is the test of reasonableness of what is underwear and what is outerwear? Is lingerie underwear? Are garments that some people wear as underwear but other people choose to wear as their public persona while walking around in public or at home considered underwear? A similar question—the Attorney General could incorporate his answer—is: how do we deal with transparent or translucent clothing that is not underwear but may still end up being revealing, as is referred to in proposed subparagraph (i) and in proposed subparagraph (ii), which refers to the breasts of a person who either is female or identifies as female? How would this provision deal with the circumstance in which a person, still in relatively intimate and almost explicit circumstances, is not wearing underwear and their genital area, anal area or breasts are covered but the covering is of a see-through nature and may expose those body parts in an image that is seen by other people?

Mr J.R. QUIGLEY: I refer to proposed paragraph (a) of the definition of “intimate image” in proposed section 221BA. The first line refers to “a still or moving image, in any form” of that person’s genital or anal area. That really covers the situation the member raised in which a person wears translucent clothing and their genital or anal area is photographed. The definition then goes on to say “whether bare or covered by underwear”. It is going to be an offence if a person takes a photograph of the area bare; and, if the clothing is translucent, one will see a bare image through it, but if it is covered by underwear, it will not be bare. The amending legislation does not carry a separate definition of “underwear”, but the courts will apply commonsense. If someone took a picture of my posterior while I was wearing a suit, there would be nothing that could possibly fall within the definition of an “intimate image” and it would be the same if I were wearing a pair of jeans. But what do we mean by undergarments? We mean underpants, knickers, G-strings—all those garments that human beings wear on their body first before they put on their clothes. I think that the courts should not have too much difficulty in deciding whether the person is covered by underwear, a suit or a pair of Levi’s jeans. If I were in a portion of this building such as the gentlemen’s toilets and I did not have my suit on but had my underpants on, although a person could not see any part of my skin, that would still be covered by the definition because I would not be expecting to be photographed in my undergarments, unless I was a model. I know it would be beyond the imagination of a lot of people in this chamber, but if I were a model, modelling, for example, Bonds underwear, that would be covered because I would not reasonably expect it to be a private or intimate occasion.

Mr S.K. L’Estrange: The Minister for Water in a mankini!

Mr J.R. QUIGLEY: That is not in the clause, and I do not want to contemplate that image! So that we do not take too long tonight, I think that is plain enough.

Mr P.A. KATSAMBANIS: I take the Attorney General’s explanation. We will not get into a debate on this today. I am not necessarily sure about his indication that, under either proposed subparagraph (i) or (ii) of the definition of “intimate image”, if one could see the body parts through transparent clothing that was not deemed to be underwear, it would be covered, but I take his explanation and I think the explanation he has put on the record would definitely help guide any judicial officer who was interpreting this proposed section. I want to go to proposed subparagraph (ii), which deals with the exposure of the breasts of a person who is either a female person or a transgender or intersex person identifying as female. At the end it says, “whether bare or covered by underwear”. I am informed a little bit on this by some of the high-profile cases of public figures whose intimate photos have come into the public realm. I think it is pretty clear what “bare” means in relation to breasts, and I think it is pretty clear what “covered by underwear” means. Photographs have been circulated in which the breasts would have been otherwise bare except for the fact that they were covered by a strategically positioned arm or by flimsy pieces of clothing that may not have been underwear. They could still be classed in the realm of being relatively provocative or explicit. Would those types of scenarios be covered by this definition?

Mr J.R. QUIGLEY: We have to go back to time, place and circumstance all over again on this, and use our commonsense here. What is sought to be criminalised is the non-consensual transmission of photographs of people’s naked breasts. It does not matter whether they are covered by underwear—that is, a brassiere, which is underwear—as opposed to, for example, a bathing costume, which is not underwear, when a person would be seen in a normal bathing costume. It is really images of naked breasts that are the issue. I do realise that it is fashion for people to wear very flimsy tops, where not a lot is left to the imagination, especially some of these outfits worn on red carpet events. That then takes us back to: was it an intimate image? The person was out on the red carpet, walking with a footballer to the Brownlow Medal awards. She wants to be seen; she is on display. The same applies to models and many women in the city in the summer who wear nice flouncy blouses and may not choose to wear

a brassiere underneath. But that is not an intimate occasion; it is out and about. This is protecting people whose breasts are photographed in circumstances in which they never had any reasonable expectation of the photograph being transmitted to anyone. It does not matter that that person was in their undergarments at the time, because that could be equally embarrassing.

Mr P.A. KATSAMBANIS: I take the Attorney General's explanation. I understand that we are dealing with exceptions rather than what is most likely to be dealt with under this proposed legislation. Taking the model scenario, we have often seen photographs in which a model is dressed in perhaps flimsy clothing, which I think is the word the Attorney General used, but still with the expectation—in the model's mind, anyway—that they were not going to reveal anything beyond what is traditionally covered by that flimsy clothing, and all of a sudden there is a wardrobe malfunction in public; say, for instance, at a modelling show with models who do not model underwear but just model clothes. There was also the scenario of Janet Jackson at the Super Bowl some years ago in which there was a wardrobe malfunction, and photographs were taken. Obviously, it is a public event and a public place, but it is really then a question of the level of privacy. Obviously, Ms Jackson and any of the models there expected to be photographed—that is what they were there for; they knew what they were getting into—but they had no expectation that there would be a wardrobe malfunction and that their breasts or rear ends or other parts would be photographed. It is also the case sometimes when, inadvertently, celebrities are stalked by paparazzi and rather revealing photos are taken of them when they are getting out of motor vehicles. They clearly had no expectation of showing those parts of their body, but a persistent, stalker-type paparazzi has managed to acquire those photographs. How do we deal with those admittedly relatively rare and esoteric cases? As we know, they might be rare, but they do happen; they are not totally and utterly uncommon.

Mr J.R. QUIGLEY: Certainly. Of course, paparazzi do like to get photographs of a lady alighting from a vehicle, and try to snap them when they can get a little bit of their knickers or whatever—their undergarments around their genital area. That is what paparazzi do with those great big metre-long lenses. In those circumstances, a person could be charged. It would be up to a court to decide whether a woman alighting from a vehicle could reasonably expect privacy in relation to her genital area. I would say that any woman alighting from a vehicle in public would have a reasonable expectation of privacy in relation to her genital area, and not have the expectation that someone with a three-foot-long zoom lens, two blocks away, would try to snap her undergarments. We would say that those circumstances should go before the courts, and let the courts determine whether it was reasonable in all the circumstances.

As to the wardrobe malfunction, if someone is taking photographs at an event like that and then someone's skirt falls off, either by design or otherwise, and the person is standing there naked from the waist down—perhaps no underwear—taking a photo in those circumstances is, of course, not an offence. However, to then go and sell that image or transmit it without the model's consent—I do not know what Janet Jackson's situation was at the Super Bowl, but that is live —

Mr P.A. Katsambanis: The member for Murray–Wellington is conscious of it! She is the one who prompted the name!

Mr J.R. QUIGLEY: If someone then further transmitted that image, they would be running a big risk because we want those people before the courts. We say that those people are entitled to their privacy, and let the court decide.

Mr P.A. KATSAMBANIS: Paragraph (b) on page 4, under the definition of “intimate image”, states that it includes an “image, in any form, that has been created or altered to appear to show any of the things”. In many cases, these sorts of images are never taken or created with the consent of the victim or the person depicted in the images. It covers photoshopping and stuff like that, but it also appears to cover things such as—the Attorney General is of the vintage to remember—those old Larry Pickering calendars that exposed public figures to mild humiliation. Back in the day he would depict public figures, both male and female, in cartoon form. Would that form of cartoon be covered? I preface this by saying that we have seen more nefarious cartoons than that in Australia. Many years ago a newsreader was depicted in a cartoon in what may have been a truck-stop magazine. I do not recall the exact circumstances, but I recall a female newsreader's caricature appearing in a magazine, which was drawn so as to indicate she was revealing her body in an explicit manner. I think that would be covered under the existing law. There are probably more nefarious things, but I am more interested in the Larry Pickering-type approach, and also, heaven forbid, if Alston were to draw some of us in states of undress in his cartoons, would that be picked up by paragraph (b) of the definition of “intimate image”?

Mr J.R. QUIGLEY: Alston would not be prosecuted if he were to draw me in a state of undress with Tarzan's physique! But, seriously, a question about caricatures was raised during the second reading stage of the bill. The member has to bear in mind, firstly, the definition of “intimate image”. The bill states that “intimate image” —

- (a) means a still or moving image ... that shows, in circumstances in which the person would reasonably expect to be afforded privacy —
- (i) the person's genital area or anal area ...

That definition would catch someone if an image was altered by photoshopping and putting someone else in that photo. We must turn to the offences. In dealing with the caricature issue raised by the member for Hillarys and, I think, the member for Cottesloe, we must go to the offences under proposed section 221BD, “Distribution of an intimate image”. Proposed section 221BD3(d) states —

A reasonable person would consider the distribution of the image to be acceptable, having regard to each of the following ...

Because we are talking about cartoons in the media, the circumstances are —

- (i) the nature and content of the image;
- (ii) the circumstances in which the image was distributed;
- (iii) the age, mental capacity, vulnerability or other relevant circumstances of the depicted person;
- (iv) the degree to which the accused’s actions affect the privacy of the depicted person;
- (v) the relationship between the accuse and the depicted person;
- (vi) any other relevant matters.

A lot of these offences would be applicable in the cartoon situation. Once again the court would have to decide the test on the basis of reasonableness having regard to the matters set out in proposed new section 221BD.

Under proposed section 221BA, the definition of “intimate image” states in paragraph (b) that it includes an image, in any form, member for Cottesloe, “that has been created or altered to appear to show any of the things mentioned in paragraph (a)”. Of course, they are genitalia, the anal area or the breasts. An image would have to appear to be showing one of those things and not showing some mock-up or some sketch. It has to show a person’s genitalia, breast or anal area.

Mr P.A. KATSAMBANIS: As I said in my second reading contribution, I always err on the side of caution when there are these grey areas to make sure that the victim has appropriate protection. But it seems that in these grey area sorts of matters there could be a prima facie case and then it would be up to the accused person to plead these definitions.

Mr J.R. Quigley: Or the police whilst investigating would have regard to that.

Mr P.A. KATSAMBANIS: I was about to say that, or in better circumstances, the police would take that into account, and certainly the DPP would take that into account when considering whether to prosecute. I am comfortable with the Attorney General’s explanation because this is a relatively new area. We cannot cover off on every eventuality. We are considering some of those things tonight and I think on balance there are defences, as the Attorney General pointed out. It is probably the right way to deal with it. I do not have any more issues to raise on this.

Mr J.R. QUIGLEY: I will make one comment. The test always is whether the reasonable person would consider the distribution of the image to be acceptable in the circumstances. One of the most powerful intimate images ever published was that of Kim Phúc. On 8 June 1972 she was photographed running down the street in Vietnam. All her clothes had been burnt by napalm, and her skin was blistering. That photo changed the debate about the Vietnam War. Someone could say that even though she was totally naked, in the circumstances the publication of that photograph was reasonable. The most powerful air force in the world had set this eight-year-old girl on fire. These matters always have to be considered in the context of time, place and circumstance when applying the test of reasonableness.

Mr P.A. KATSAMBANIS: Unless other members want to discuss the definition of “law enforcement agency”, I want to now move to proposed section 221BB and the term “consent”. I am relatively comfortable with this provision. It goes through various subsections and raises a few questions that will, I think, be litigated in time. We could go down all sorts of culs-de-sac tonight that may not necessarily be helpful. In a more general context in relation to consent, the threshold question that I think needs to be clarified here is the issue of how a victim communicates the withdrawal of consent to the other party. I know a lot of it will be evidentiary and depend on each individual fact or circumstance but when an accused person says, “I didn’t receive the withdrawal”, how would this definition or the rest of the provisions of this bill assist the victim in proving up that they communicated it? I raise this in the context of verbal communication in the main. If there is a text message or an email or a letter, there would be evidence there. But in a he-said, she-said scenario, where would there be protection for the individual in those circumstances?

Mr J.R. QUIGLEY: Proposed section 221BB(2) states —

... consent is not freely and voluntarily given if it is obtained by force, threat, intimidation, deceit or any fraudulent means.

That really repeats the definition of “consent” in section 319 of the Criminal Code dealing with sexual offences.

If a person whose body parts have been photographed consents to its distribution to another person, that is it. They cannot then ex post facto say, “I withdraw my offence” and therefore the offence is created ex post facto. That cannot happen. But giving consent to limited publication is covered by proposed subsection (3), which states —

A person who consents to the distribution of an intimate image of themselves on a particular occasion is not, only because of that fact, to be regarded as having consented to the distribution of the image or any other image on another occasion.

Having given consent, one cannot withdraw the consent to make that consented transmission suddenly a criminal offence. But giving consent on a limited basis does not infer or carry with it an imputation that the person is consenting to a further distribution or wider distribution. Proposed subsection (4) states —

A person who consents to the distribution of an intimate image of themselves ... is not, only because of that fact, to be regarded as having consented to the distribution ... or any other image ...

If the person distributes their own intimate image in a limited way, that cannot then be said to be consent to wider distribution. I make that clear. It is not like a sex act where during the sexual act consent is withdrawn, because the person can immediately desist from engagement in that act. Once a person has consented to the distribution of their image, if they withdraw consent, there is nothing they can do to withdraw the distribution, like they can desist from a sexual act. I do not know whether that helps the member.

Mr P.A. KATSAMBANIS: It probably helps in communicating to the public that they should just be careful what they consent to. My question is around when someone does offer consent and whether it is done voluntarily, or whether the elements in proposed section 221BB(2) cannot be made out that consent was obtained by force, threat, intimidation, deceit or any fraudulent means. They offer consent at a point in time. Someone provides a photo to a friend or a partner or whoever and the partner asks, “Can I distribute it to my mates? Can I post it on the internet?” Consent is given: “Just go for your life.” Then there are the second thoughts and the regrets.

Mr J.R. Quigley: There’s no unscrambling the eggs.

Mr P.A. KATSAMBANIS: Unfortunately, yes. I agree with the Attorney General that if the victim thought at some point, “This isn’t right. I was silly. I was naive. I now withdraw consent”, that we cannot prosecute the distributor, if you like, for events that happened prior to the withdrawal of consent.

Then we get into this he-said, she-said and “Stop distributing it.” The issue here is a victim who has previously consented or is deemed to have consented at some point in time and makes it very clear that they no longer consent. What happens to the distributor, if you like, is probably clearer. The distributor cannot keep distributing it. That is pretty clear in proposed subsection (3), whereby if consent is given on a particular basis, it cannot be regarded as consent for broader distribution. I am paraphrasing. It is out in the public realm. The victim has very limited ability to contact the third parties who received it, and may not even know who all of them are, and particularly in this circumstance may have no way of communicating withdrawal of consent to those other third parties. Would they still be able to distribute it?

In asking this question, I note that the rectification order that is available later on in clause 4—in proposed section 221BE—is triggered by a charge. Again, when the first distributor cannot be charged, is the victim just left to the fact that they made one silly mistake and the image is going to be out there and live on the internet and be continually transmitted forever?

Mr J.R. QUIGLEY: The first thing I would like to say in response to the member’s contribution is that there cannot be deemed consent; there has to be actual consent. There is no deeming provision. They have to give actual consent. Let us look at what happens. The person whose intimate image is captured gives consent to its distribution. Subsequently, once it is out there in the public realm on the internet, it just keeps going and going and the person feels harassed by this and now wishes to withdraw consent. This will not involve the people in an offence because consent has been given but they can contact the commonwealth’s eSafety Commissioner, Ms Julie Inman Grant. In circumstances like this, the eSafety Commissioner will contact the provider with a request for a safety takedown. If it is an intimate image, that is likely to be met with a favourable response by the Office of the eSafety Commissioner, a commonwealth agency. I cannot take it beyond that. Once the consent is given, it is out there. It is not an offence then but the eSafety Commissioner, Ms Julie Inman Grant, can prevail upon the provider to take it down. If it involves an intimate relationship—we have talked about sexual abuse via the transmission of images—the person might be going to the Magistrates Court to get a restraining order.

It might be a misconduct restraining order as opposed to a violence restraining order, if there is no evidence of violence, and in the course of those proceedings they can seek from the court a take-down order as described in the legislation, or a restraint from further distribution. They can restrain the person from any further distribution in a family violence restraining order. That would be the way home in circumstances in which it is an intimate relationship.

Mr P.A. KATSAMBANIS: I think that is relatively helpful. Again, it sends a strong message that once it is out there, controlling its distribution is extraordinarily difficult. Even if elements of coercion or whatever can be proven, once it is there, it is there; it is extraordinarily difficult in the modern age to remove it. It was well described by the member for Dawesville, mind you, who has a lot more practical knowledge of young people's use of the internet. I am comfortable with the definition of "distributes". I think that is a relatively good definition. Sometimes it depends on the evidence; the factual circumstances of each particular case.

I go to proposed section 221BD, "Distribution of intimate image", at clause 4 of the bill. There is a definition there for "media activity purposes". I note that it states —

- (a) material having the character of news, current affairs or a documentary; or
- (b) material consisting of commentary or opinion on, or analysis of, news, current affairs, or a documentary.

My question is: how broad is this in practice? What used to be referred to as women's magazines, magazines such as *New Idea*, *The Australian Women's Weekly* and *Woman's Day*—I am not necessarily sure they all still exist, or the more truck-stop equivalents; I think the Attorney General understands what I mean by the truck-stop equivalents of those—may choose to run an image and claim that it was for media activity purposes. Would those magazines be covered by news, current affairs or a documentary, or do they fall into that crack of general public interest but do not have any of those elements of news or current affairs; it is really just celebrity gossip rather than news, current affairs or a documentary?

Mr J.R. QUIGLEY: Before answering the member's question, I would like to clarify an answer that I gave in my previous commentary, and that was that they could get a take-down order in the course of violence restraining proceedings. They cannot get a take-down order; they can get an order against further distribution. Where I misspoke was I meant that the take-down order is available, we would call it a rectification order, once a person is charged—not convicted. As soon as a person is charged, under section 221BE the court may order rectification and issue the take-down order. I just wanted to clarify that.

In relation to the media defences, this government did not want to fetter in any way genuine media reporting—not titillation, which is not genuine media reporting. The material has to have the character of news, current affairs or a documentary. In my youth, I recall a magazine—I do not think it was *Woman's Day*, it was a magazine called *Pix*—that depicted on page 3 women in underwear; they did not have bare breasts. It was in the nature of titillation rather than having any news element to it at all. I think that a court applying commonsense could soon discern whether the publication had the character of news. I mentioned earlier the case of Kim Phuc who was set alight by a napalm bomb on 8 June 1972. That was a compelling news story that changed a whole attitude to a war. I think the courts applying commonsense could soon determine whether it was news, current affairs or a documentary; for example, if there was a documentary on some other countries and it was the custom in some other countries for women to be bare breasted. If there were a documentary running on this, of course there is a media defence available because of that. If it were a show on let us see who has the biggest boobs or something like that, and they were going around photographing bare-breasted people in different countries for that purpose, it is hardly in the nature of a documentary.

My experience in the last 20 to 25 years has been that the news media, especially in Western Australia, which is my main exposure to it, has been responsible by pixilating intimate images. One does not pick up *The West Australian* and see offensive photographs that are not pixilated both as to identity and to relevant body parts. The government believes that that speaks for itself. We certainly do not want to bring in any legislation that could be a fetter on genuine news distribution or the analysis of news et cetera. We do not want to be a society that fetters a free and open press. The aim of the defence is to ensure that these new criminal offences do not have a chilling effect on the freedom of speech or the debate of subjects in our democracy.

Mr P.A. KATSAMBANIS: I accept that explanation. I think a lot of this is going to be up to the interpretation of specific facts and circumstances. I, like the Attorney General, have confidence that our judiciary, be it in the District Court or the Magistrates Court, will be able to determine this. Over time, I think those determinations will guide police and prosecutors as well. I am comfortable with that.

Obviously proposed section 221BD(2) creates the offence. I am not at this stage going to ask why the penalty was set at three years and not some other amount.

Mr J.R. Quigley: Most summary offences are. We had that discussion before. Most summary offences had that as a maximum; not all.

Mr P.A. KATSAMBANIS: Sure. Firstly, is it the intention that the majority of these matters will be dealt with summarily and, secondly, without wanting to ask the Attorney General how long a piece of string is, what is the expected volume of cases over an annual or three-yearly basis that will be brought before the courts now that we are creating this new criminal offence?

Mr J.R. QUIGLEY: I am sorry, I missed the first part of the question.

Mr P.A. KATSAMBANIS: One, is the intention that most of these matters will be tried summarily; and, two, what is the estimated volume of cases? I do not want to ask the Attorney General how long is a piece of string, but there must be some evidence from the reporting to police of these matters, and perhaps from the reporting back by police that they have difficulty prosecuting under the existing legislation.

Mr J.R. QUIGLEY: It is how long is a piece of string—we simply do not know. A lot of things come into play as to the type of complaints. For example, a lot of the complaints that I have heard about involve people who are quite young. The member for Cottesloe referred to how it has become passé among young people to engage in sexting. The police can take different actions in their investigation of these matters. They might choose just to issue a caution. They might refer the young person to a panel under the Young Offenders Act. We cannot put a specific figure on that. However, it is important to note that subsection (2) of proposed section 221BD provides —

A person commits a crime if —

- (a) the person distributes an intimate image of another person (the *depicted person*); and
- (b) the depicted person does not consent to the distribution.

By nominating that the person has committed a crime, the matter may be dealt with on indictment—therefore, it is an each-way offence—at the election of the prosecutor. If it is a crime, it needs to be at the election of the Director of Public Prosecutions—which would apply in the most serious cases—that the person be taken before a court. Section 5 of the Criminal Code provides that if an indictable offence has a summary conviction penalty, the court is to try the charge summarily unless the prosecutor or the accused person applies to have the matter heard on indictment. The court may decide the charge is to be tried on indictment of its own motion if, among other things, the circumstances of the offending were so serious that the punishment would be inadequate in the lower court; or the charge forms part of a course of conduct in which the offences were committed, so it is part of a more pervasive and serious course of conduct; or there is a co-accused who is to be tried on indictment, in which circumstance both cases would be sent up on indictment; or that the interests of justice require that the matter be heard on indictment.

For example, in a media case there might be a debate about whether the material broadcast had the character of news, current affairs or a documentary. The media organisation might complain that the criminal offence was being used to fetter or have a chilling effect on public debate of a matter of public interest. In that case, the defendant might apply to the court and say the matter is of such importance to our democracy that it should be heard before a jury and let the community decide. We cannot at this stage predict all those variables. We live in hope that this will do what the member hopes it will do. We live in hope when we are in this chamber, do we not, member? We hope this will send a message to the community that it is not on to distribute intimate images of a person without that person's consent.

Mr P.A. KATSAMBANIS: I thank the Attorney General. I agree that this is about the hope that we will send a message to the community. I made it clear in my contribution to the second reading debate that a lot of this will rely on that message getting through.

I move now to the defences that are contained in proposed section 221BD(3), which provides —

It is a defence to a charge under subsection (2) to prove that —

- (a) the distribution of the image was for a genuine scientific, educational or medical purpose; or ...

I note that “artistic purposes” has been excluded. I hope that was done specifically upon consideration. In the past, we have often seen situations in which explicit images are displayed, either with or without consent, and often of very young persons who cannot possibly consent under this legislation or generally. The claim has been made that those images are being displayed for artistic reasons, and we should not interfere with art. I want to clarify 100 per cent that these sorts of claims will not be considered as a defence in these circumstances.

Mr J.R. QUIGLEY: I would not expect that if it was a photograph of a nude person taken without consent and put on public display, it would fit within the defences provided for in this proposed section. It goes on to provide —

- (d) a reasonable person would consider the distribution of the image to be acceptable, having regard to each of the following (to the extent relevant) —
 - (i) the nature and content of the image; ...

I notice that an artist is travelling the world and taking mass photographs of nude people. I think that artist did that recently on top of a Myer's store in Melbourne. If such a photograph were put on display, would it be regarded as an intimate occasion? It probably would not be. Would we consider the distribution of such a photograph acceptable having regard to the nature and content of the image, which shows, in the distance, a mass of nude people holding yellow umbrellas, or whatever they were holding? We would not think it was a great invasion of privacy. It goes on to say —

- (ii) the circumstances in which the image was distributed; ...

I think the question the member asked about artistic distribution may fit within paragraph (d), but only in limited circumstances. I think the member can see the purpose of paragraph (a), namely, that we do not want to put a fetter on scientific, educational or medical advancement.

Mr P.A. KATSAMBANIS: I do see that. It is excellent that that has been clarified, because there have been issues around the public display of photographs of naked very young children, in the name of art. That is offensive to many people in our society, including me. It is clear that in those circumstances, these defences would not apply. In the circumstances that the Attorney General described, yes, I accept that if an artist puts out a call for people to come to a public place in Melbourne, Perth, San Francisco or wherever, and display all their bodily parts because he is going to take a photo and display it in galleries, it is pretty much an open and shut case that that image will be distributed, and that should not be fettered.

Proposed section 221BD(3) provides also —

- (c) the person who distributed the image —
 - (i) distributed the image for media activity purposes; and
 - (ii) did not intend the distribution to cause harm to the depicted person; and
 - (iii) reasonably believed the distribution to be in the public interest;
- or

These things are inclusive—they all need to be met. We have dealt with the definition of “public interest” in all sorts of cases, including defamation and others, mainly in other jurisdictions but also in the Western Australian jurisdiction. I think that is relatively straightforward. However, it introduces an element of intention, namely, that there was no intention to cause harm to the depicted person by the distribution of that material. Again, the interpretation of paragraph (c) will be based on evidence, and in each case, it will be different.

But that raises the question of the matter that members raised in debate—including the member for Cottesloe, who put it very, very well—that there could be a circumstance in which a person has a photograph on their phone or their computer that has been given to them in good faith that they will not distribute it. It has been taken, and the person depicted knows the other person has it, and then that other person clumsily, by pressing a button by mistake or uploading the picture by mistake, ends up distributing that photo to a third party, clearly without consent for distribution. Those errors, mistakes and clumsy fingers do not seem to be covered in the defence section. I am not necessarily sure that paragraph (d) offers comfort in those circumstances, so I seek some sort of clarification from the Attorney General. If somebody did distribute this sort of image, but clearly did it by mistake—they had no intention of doing it and it was simply a moment of someone being not so good with the technology or just a genuine error, rather than a lapse in judgement—how would that be covered in the defences?

Mr J.R. QUIGLEY: The member has skilfully posed a question that could take about three or four weeks of law lectures to unravel, because, of course, it covers those important areas of the Criminal Code between sections 23A, 23B and 24. They deal with unwilling acts or omissions. Section 23A(2) reads —

A person is not criminally responsible for an act or omission which occurs independently of the exercise of the person’s will.

That covers the scenario that the member for Cottesloe raised; that is, they have a setting on their computer so that when the image comes in, it is automatically distributed.

Mr P.A. Katsambanis: I think the member for Dawesville raised that.

Mr J.R. QUIGLEY: The member for Hillarys is quite right. If it is uploaded automatically, that happens independently of the person’s will and therefore no criminal liability attaches.

Mr P.A. Katsambanis: Or by hacking, for that matter.

Mr J.R. QUIGLEY: Yes. Subsection (2) of Section 24, “Accident”, reads —

A person is not criminally responsible for an event which occurs by accident.

That is, it was not foreseeable that the distribution would occur by reason of the person’s act. But when we get down to pressing the wrong button on a computer, which is what the member for Hillarys alluded to, I think that would be covered by section 24 of the Criminal Code, “Mistake of fact”, which reads —

A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

That does not cover negligence, but it covers a mistake of fact. He thought he was doing this, but by reason of the way the computer works, in fact he was doing that. He or she could then plead a mistake of fact. They thought that that button did this, but it did that. But it would not cover negligence, when the person knew what the button did but casually and negligently pressed it, and that image was sent out to the world. However, if there was a genuine

mistake of fact, that section would cover it. We have to look at those early sections of the Criminal Code to answer the member's question.

Mr P.A. KATSAMBANIS: Thank you. That again goes to show that this is part of our Criminal Code. The Criminal Law Amendment (Intimate Images) Bill 2018 will become part of our Criminal Code and criminal law in Western Australia, and those provisions will apply. The Attorney General read them out. In reading them, it is quite clear that they are clumsy and may be subject to significant legal debate in some cases. But those protections exist, and it is a good clarification. I do not have any more questions around proposed section 221BD, but I think the member for Cottesloe has. I will allow him to ask about proposed section 221BD, and then I will move to the next proposed section in clause 4.

Dr D.J. HONEY: My question is about intent. This bill does not include a defence of intent. I understand that for serious criminal matters, intent often forms part of a defence; it has to be proved that someone intended to cause harm. All the examples I have heard of the egregious cases that have occurred have shown clear intent to cause harm, but I do not see that lack of intent to harm is a defence. I just wondered whether the Attorney General could explain whether that was quite conscious or whether intent is covered. Just to be clear, proposed section 221BD(3)(c) refers to intent for media activity, but it seems to ignore intent for everyone else in the community.

Mr J.R. QUIGLEY: Of course. I am happy to answer that. No, an intention to cause harm is not an element of the offence. I will first deal with proposed section 221BD(3)(c), to which the member referred. That is conjunctive. We are talking about a person who distributes the image for media activity—that is defined earlier; we have been through that—and then there is the conjunctive “and”. It is not just enough that it is for media activity —

and

(ii) did not intend the distribution to cause harm to the depicted person; ...

So it was just intending to further the public debate —

and

(iii) reasonably believed the distribution to be in the public interest;

Intention there is not an element of the offence as such; it is a defence that they did not intend to cause harm, that it was part of their media activity, and it was believed to be in the public interest. But to prove the offence, one does not have to prove that there was an intention to cause harm or otherwise. What we are dealing with here is non-consensual distribution. That, by itself, is unacceptable, irrespective of any harm that may or may not occur. Harm or intention to cause harm does not have to be proved; it just has to be proved that it was an intimate body image that was distributed without consent. I do not know whether I need to take that any further.

Dr D.J. Honey: I think that is clear. I have another question, though.

Mr J.R. QUIGLEY: Yes.

Dr D.J. HONEY: Does the legislation in other jurisdictions cover intent or does all the legislation in other jurisdictions exclude intent?

Mr J.R. QUIGLEY: Intention is an interesting subject at criminal law. For an offence, there has to be *actus reus*, an action, and *mens rea*, the mental element connected to the action. Beyond that, a specific intention to achieve a particular outcome does not have to be proved. There has to be an action of distribution and there has to be the mental element in the sense that it is a willed act, but the prosecution does not have to prove any specific intention to cause harm or do anything else.

Mr P.A. KATSAMBANIS: I move on to proposed new section 221BE, which is about orders for rectification. I seek a little bit of clarity.

Mr J.R. Quigley: Member, before you go on, can you grant me an indulgence for a moment so that I can give a supplementary answer to the member for Cottesloe?

Mr P.A. KATSAMBANIS: I will grant the Attorney an indulgence!

Mr J.R. QUIGLEY: I said that the legislation was drawn in line with national principles. It has just been drawn to my attention that principle 14 of the “National Statement of Principles Relating to the Criminalisation of Non-consensual Sharing of Intimate Images” states —

... sharing intimate images should not require proof of an *intention* to cause harm or distress or another outcome.

Leaving the element of intention out was in compliance with the national principles. I am sorry, member, but I wanted to give that supplementary answer to your colleague.

Mr P.A. KATSAMBANIS: It raises an interesting issue. Clearly, an intent to cause distress or harm is different from an intent to send.

Mr J.R. Quigley: That's the mens rea.

Mr P.A. Katsambanis: Yes, that is the mens rea part and, as the Attorney General pointed out, it has been codified. Large parts of the old common law, actus reus and mens rea, have been codified in the Criminal Code. I think there is a fair understanding of that.

Moving on to the rectification orders. I support rectification orders and think that they are great. How far can they go? I ask that question—I do not want it to sound glib—but clearly the prosecution can get a rectification order against the person charged. There is no doubt about that, which is great. But can that charge against the offender trigger the ability of a rectification order, or what in civil proceedings sometimes we might call cease and desist orders, on third parties who may have received the image, which may well have triggered the charge, but where there is no way of charging them because there is no evidence that they have on-distributed it, if you like, or further distributed it? A victim would want the level of comfort that the recipients of the distributed image will not continue to distribute it even after the original distributor was charged and eventually convicted.

Mr J.R. Quigley: Of course, it would be reckless of a subsequent person, having seeing someone charged with making the distribution, to then flout the law and compound the offence by committing one himself.

Mr P.A. Katsambanis: Except that they may not necessarily know.

Mr J.R. Quigley: That is true.

Mr P.A. Katsambanis: We are talking about the internet here.

Mr J.R. Quigley: If they do not know and they have no knowledge of these events, it would be very hard for the court to make an order against them. The short answer to the question, of course, is found in proposed section 221BE(2), which provides —

If a person is charged with an intimate image offence, the court may order the person to take reasonable actions to remove, retract, recover, delete, destroy or forfeit to the State any intimate image to which the offence relates within a period specified by the court.

We understand the difficulties of rectification notices. I ask this question rhetorically because we asked it of ourselves. Is it therefore better to leave rectification orders out or put them in? That is a rhetorical question and I do not expect the member to answer it. We answered in the affirmative to give the courts the best chance of ordering an offender to require someone to return the image to them, destroy it, take it down or whatever. We recognise that there are limits to the jurisdiction of Western Australian courts. I note that some companies, such as Facebook, have refused to take down the most offensive publications—not intimate images—such as those posted by Holocaust deniers, who offend people of the Jewish race. They refuse to take them down. What can an Australian court do when this is hosted somewhere else? I get back to that rhetorical question: is it better to put our best rectification order in or leave it out because of the practical limits of the jurisdiction? We opted to put it in and it might be that the person using their best efforts can recover some of these photographs or cause someone else who has posted them to take them down. This is our genuine best effort at rectification.

Mr P.A. Katsambanis: In that context, I agree. I think I made that point in my second reading contribution and the Attorney has made the point that we err on the side of giving victims more rather than fewer powers. In proposed subsection (2), to which the Attorney General referred, there is a series of actions that can be ordered by the court—remove, retract, recover, delete, destroy or forfeit any intimate image. Is the Attorney General comfortable that that covers a situation, perhaps by the use of the word “retract” or other words in this subsection, of a court being able to order the person charged to communicate to each and every person to whom they personally distributed the image that they ought not distribute it any further and that they had no consent to distribute it?

Mr J.R. Quigley: If one goes to the language in proposed section 221BE(2), the court has the power to order the defendant to take reasonable steps. We cannot say that the offender has to contact everyone one who has received the image, because they might not know.

Mr P.A. Katsambanis: You would know everyone you sent it to.

Mr J.R. Quigley: That is right. The offender would know everyone they sent it to and it might be that they are asked to remove, retract recover or delete and further ask that person to request of those that he or she has on-forwarded it to do likewise.

Mr P.A. Katsambanis: I am comfortable with that. I do not have any other questions on this or any other clause. Thank you, Attorney, for your indulgence in the consideration in detail stage.

Mr J.R. Quigley: Not at all, member, not at all.

Clause put and passed.

Clauses 5 to 14 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR J.R. QUIGLEY (Butler — Attorney General) [9.29 pm]: I move —

That the bill be now read a third time.

MR P.A. KATSAMBANIS (Hillarys) [9.29 pm]: With the indulgence of the house, I thank the Attorney General for introducing the Criminal Law Amendment (Intimate Images) Bill 2018. It has bipartisan support. We wish it well; I do not want to delay its passage any further. I thank all the members who contributed. The majority of contributions from all members have been very useful and have highlighted not just the importance of this issue but also its complexity in an ever-changing environment. Community attitudes are changing and technology is always rapidly advancing, and our law is trying to catch up. There have been far too many victims in the space of image-based abuse, and, hopefully, this legislation will provide them with some comfort in the future and will ensure that the perpetrators of image-based abuse are properly charged and convicted for the great harm and distress they have caused their victims.

I thank the Attorney General for his indulgence in consideration in detail as well. I think that process has teased out some information that will be very useful for practitioners, police and the courts interpreting this legislation in the future. I think it has been implied by the Attorney General, and I take it as a given, that if issues arise in the practical application of this legislation—which is groundbreaking in many ways and covers some uncharted waters—the government and the Attorney General will very quickly bring amendments to this place to make sure that the totality of the protection provided to victims is maintained as much as possible.

MR J.R. QUIGLEY (Butler — Attorney General) [9.31 pm] — in reply: I want to thank all the members of the chamber for their contributions during this debate on the Criminal Law Amendment (Intimate Images) Bill 2018. I think it has been very helpful to have the depth of discussion we have had in the chamber this afternoon and this evening. Some very good points were raised by members during consideration in detail, particularly by the spokesperson for the shadow Attorney General—that is, the member for Hillarys. I also thank the member for Cottesloe —

Mr P.A. Katsambanis: I'm not the shadow Attorney General!

Mr J.R. QUIGLEY: I said the spokesperson for the shadow Attorney General. The member should be the shadow Attorney General, because he knows more law! That is clear. But in the interim, until what should happen happens, he is the spokesperson for the shadow Attorney General.

Mr P.A. Katsambanis: I'm not necessarily sure that comment would actually advance my cause anyway!

Mrs M.H. Roberts: It's not intended to!

Mr J.R. QUIGLEY: There might be a little indulgence at the moment, but there certainly was not during consideration in detail; the government was here to answer the member's probing questions, which we hope we have done to the satisfaction of the chamber; I know we have. As we have said, this is a groundbreaking area of the law; we are dealing with new technology, and that is why we had to include in the definition of "distributes" under proposed section 221BA the word "includes", because we do not know how technology is going to advance. That is why the member for Hillarys has rightly acknowledged that if any other unforeseen circumstances crop up, the government will attend to them in a timely manner because this is a very, very important area of the criminal law that impacts, on a daily basis, thousands of people in our community.

The Deputy Leader of the Opposition raised the point that there should be an education program. The government has already turned its mind to that in the manner I described during consideration in detail, with the Department of Education, the Department of Justice and Legal Aid, to get the proper guidelines and information out there for the public. Once this bill passes through this Parliament, educators and parents will be able to definitively say to their children: this conduct is not only dangerous and not only harmful, it is against the law, and it will have consequences. I thank all members for their contributions.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 9.34 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — OFFICE SPACE

2882. Mr Z.R.F. Kirkup to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For each office space owned or leased by Departments, Agencies and Government Trading Enterprises (GTEs) in the portfolio of the Minister, I ask:

- (a) what is the total area (SQ/M) of office space owned by departments, agencies and GTEs within your portfolios;
- (b) what is the total area (SQ/M) of office space leased by departments, agencies and GTEs within your portfolios;
- (c) of the office space owned by departments, agencies and GTEs, within your portfolios, what is the total area of vacant space (SQ/M):
 - (i) where is each vacant office/space located;
 - (ii) what is the cost of the outgoings associated with this space; and
 - (iii) what is the reason for each space being vacant; and
- (d) of the office space leased by departments, agencies and GTEs, within your portfolios, what is the total area of vacant office space (SQ/M):
 - (i) where is each vacant office/space located;
 - (ii) what is the amount paid in rent and outgoings associated with each vacant space; and
 - (iii) what is the reason for each space being vacant?

Mr W.J. Johnston replied:

Department of Mines, Industry Regulation and Safety (including the Minerals Research Institute of WA)

- (a) 19 256.45m²
- (b) 21 203.64m²
- (c) Nil.
(i)–(iii) Not applicable.
- (d) Nil.
(i)–(iii) Not applicable.

WA Industrial Relations Commission

- (a) Nil.
- (b) 2 903.1m²
- (c) Nil
(i)–(iii) Not applicable.
- (d) Nil
(i)–(iii) Not applicable.

WorkCover WA

- (a) 3 580m²
- (b) Nil.
- (c) Nil.
(i)–(iii) Not applicable.
- (d) Not applicable.
(i)–(iii) Not applicable.

Construction Industry Long Service Leave Payments Board (MyLeave)

- (a) Not applicable.
- (b) 479.3m2
- (c) Nil.
(i)–(iii) Not applicable.
- (d) Nil.
(i)–(iii) Not applicable.

WA Electoral Commission

- (a) Nil.
- (b) 2 159m2
- (c) Not applicable.
(i)–(iii) Not applicable.
- (d) Nil.
(i)–(iii) Not applicable.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — VEHICLE CRASHES

2900. Mr Z.R.F. Kirkup to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

In respect to any taxpayer funded vehicle within the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards and ask:

- (a) how many vehicles have been involved in a crash that have involved injury or death for each year between 2016 and 2018 inclusive:
 - (i) how many vehicles were repaired and what was the cost for each vehicle repaired;
 - (ii) how many vehicles were written off and what was the associated financial loss incurred; and
 - (iii) how many have resulted in either workers' compensation or insurance claims made against the Government or its insurers?

Mr W.J. Johnston replied:Department of Mines Industry Regulation and Safety

- (a) Deaths: Nil.
Injuries: Two in 2016 and one in 2017.
 - (i) One \$17 465.89.
 - (ii) Two totalling \$65 562.01.
 - (iii) Three.

WA Industrial Relations Commission

- (a) Nil.
(i)–(iii) Not applicable.

Mineral Research Institute WA

- (a) Nil.
(i)–(iii) Not applicable.

Construction Industry Long Service Leave Payments Board (MyLeave)

- (a) Nil.
(i)–(iii) Not applicable.

WorkCover WA

- (a) Nil.
(i)–(iii) Not applicable.

WA Electoral Commission

- (a) Nil.
(i)–(iii) Not applicable.

MINISTER FOR MINES AND PETROLEUM — LUCID ECONOMICS — CONSULTATIONS

2931. Mr Z.R.F. Kirkup to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Has any Department, Agency, Government Trading Enterprise or Board within the Minister's portfolio engaged the consulting company Lucid Economics since 1 January 2017, and if so:

- (a) why was Lucid Economics engaged;
- (b) on what date(s) was Lucid Economics engaged; and
- (c) what was the total cost associated with the engagement of Lucid Economics since 1 January 2017?

Mr W.J. Johnston replied:Department of Mines, Industry Regulation and Safety

No.

- (a)–(c) Not applicable.

Mineral Research Institute of Western Australia

No.

- (a)–(c) Not applicable.

Construction Industry Long Service Leave Payments Board (MyLeave)

No.

- (a)–(c) Not applicable.

WA Industrial Relations Commission

No.

- (a)–(c) Not applicable.

WorkCover WA

No.

- (a)–(c) Not applicable.

Western Australian Electoral Commission

No.

- (a)–(c) Not applicable.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — GIFT REGISTRY

2948. Mr Z.R.F. Kirkup to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

I refer to the answer to Legislative Assembly QON 2492 and ask, does the Minister's office maintain a gift registry:

- (a) if so, will the Minister table the registry dating back to March 2017:
 - (i) if not, why not; and
- (b) if not, how are records of gifts maintained and who is considered the custodian of that information?

Mr W.J. Johnston replied:

- (a)–(b) Legislative Assembly Question on Notice 2492 was a question to the Minister for Health.

MINES AND PETROLEUM — AGENCIES — WELCOME TO COUNTRY CEREMONIES

2991. Mr Z.R.F. Kirkup to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For events, meetings, conferences and seminars held by the agency since 1 January 2017, have there been any 'Welcome to Country' ceremonies or acknowledgements paid for by the agency, and if yes:

- (a) what was the event, meeting, conference or seminar;
- (b) where was the event, meeting, conference or seminar held; and
- (c) what organisation or individual conducted the ceremony or acknowledgement and how much were they paid?

Mr W.J. Johnston replied:

Please refer to Legislative Assembly Question on Notice 3003.

WATER — ANNUAL WATER CONSUMPTION

3078. Dr M.D. Nahan to the Minister for Water:

Can the Minister advise the number of households with annual water consumption greater than 500 kl for each metropolitan suburb in the greater Perth region?

Mr D.J. Kelly replied:

[See tabled paper no 1556.]

This data is for accounts, not households, and is for the 2016/17 financial year.

Some of the accounts will be for multi-unit complexes services by one water meter.

This data includes accounts that may have had a leak during this year, accounting for once-off high water use.

POLICE STATIONS — MANDURAH — OFFICERS

3100. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:

- (1) What is the breakdown of police officers (i.e. response team) stationed at Mandurah Police Station, including detectives, as at 1 June 2018?
- (2) What is the breakdown of police officers (i.e. response team) stationed at Mandurah Police Station, including detectives expected to be deployed after the operational restructure in July 2018?

Mrs M.H. Roberts replied:

- (1)–(2) The Western Australia Police Force advise that, under the operational restructure, District Superintendents are responsible for deploying their allocated resources to deliver the best possible policing service for their local community.

As stated by Commissioner of Police, Chris Dawson, when introducing the WA Police Force operational restructure, the new district structure will provide greater connectivity and communication with police and their local community. There will be more police officers in local police stations. This will be achieved by amalgamating local policing teams and response teams into one stream, as patrol/inquiry officers. In addition, each district will soon have a dedicated family and domestic violence response team.

The WA Police Force further advises that specific information relating to staffing levels at individual police stations is not publically released. The Government is well on track to deliver our commitment for an 138 additional officers for the WA Police Force. In contrast, the previous government failed to commit to any additional police over the 2017–2020 forward estimates.

MINISTER FOR WATER — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3101. Mr Z.R.F. Kirkup to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr D.J. Kelly replied:Aqwest

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Busselton Water

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

ChemCentre

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Department of Primary Industries and Regional Development

Please refer to Legislative Assembly Question on Notice 3112.

Department of Water and Environmental Regulation

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Forest Products Commission

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Department of Jobs, Tourism, Science and Innovation.

Please refer to Legislative Assembly Question on Notice 3117.

Office of the Government Chief Information Officer

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Water Corporation

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3102. Mr Z.R.F. Kirkup to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Ms S.F. McGurk replied:

The Department of Communities covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth and Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

MINISTER FOR HOUSING — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3103. Mr Z.R.F. Kirkup to the Minister for Housing; Veterans Issues; Youth:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr P.C. Tinley replied:

Please refer to Legislative Assembly Question on Notice 3102.

MINISTER FOR TOURISM — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3106. Mr Z.R.F. Kirkup to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr P. Papalia replied:Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3117.

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 3114.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3110.

Racing and Wagering Western Australia (RWAA)

- (a) No.
- (b) Not applicable.

Western Australian Greyhound Racing Association (WAGRA)

- (a) No.
- (b) Not applicable.

Burswood Park Board (BPB)

- (a) No.
- (b) Not applicable.

Small Business Portfolio

Small Business Development Corporation

- (a) No.
- (b) Not applicable.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3117.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3110.

TREASURER — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3107. Mr Z.R.F. Kirkup to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr B.S. Wyatt replied:Department of Treasury

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Department of Finance

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Western Australia Treasury Corporation

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Economic Regulation Authority

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Department of Planning, Lands and Heritage

Please refer to the answer to Legislative Assembly Question on Notice 3104.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3117.

Western Power

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Synergy

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Horizon Power

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Government Employees Superannuation Board

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Fire and Emergency Services Superannuation Fund

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Insurance Commission of Western Australia

- (a) No.
- (b) Yes.
 - (i) The Cisco Smart Install feature was on two Cisco devices at 1 June 2018. The two devices had the Smart Install feature disabled on 12 June 2018 as part of a planned change process.

Office of the Auditor General

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3108. Mr Z.R.F. Kirkup to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr M.P. Murray replied:Department of Communities

Please refer to Legislative Assembly Question on Notice no 3102.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3110.

WAIS

- (a)–(b) No.

Combat Sports Commission

- (a)–(b) No.

VenuesWest

- (a)–(b) No.

ATTORNEY GENERAL — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3109. Mr Z.R.F. Kirkup to the Attorney General:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr J.R. Quigley replied:The Department Of Justice

- (a) No.
 - (i) Not applicable.
- (b) Yes.
 - (i) The Cisco Smart Install is still in use on some network devices in the Department of Justice (the Department) as at 1 June 2018. The Department has a plan to replace these devices which are currently on extended support by December 2018.

All Other Agencies

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3110. Mr Z.R.F. Kirkup to the Minister for Local Government; Heritage; Culture and the Arts:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr D.A. Templeman replied:Department of Local Government, Sport and Cultural Industries

- (a) No.
- (b) Not applicable.

Metropolitan Cemeteries Board

- (a) No.
- (b) Not applicable.

National Trust of Western Australia

- (a) No.
- (b) Not applicable.

Department of Planning, Lands and Heritage

- (a)–(b) Please refer to Legislative Assembly question on notice 3104.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS —
CISCO DEVICES — CYBERSECURITY

3112. Mr Z.R.F. Kirkup to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr M. McGowan replied:

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

MINISTER FOR POLICE — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3113. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mrs M.H. Roberts replied:

- (a)–(b) The Western Australian Police Force and the Road Safety Commission advise no and no.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS —
CISCO DEVICES — CYBERSECURITY

3115. Mr Z.R.F. Kirkup to the parliamentary secretary representing the Minister for Education and Training:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr P. Papalia replied:

Department of Education

Department of Training and Workforce Development

North Metropolitan TAFE

South Metropolitan TAFE

North Regional TAFE

South Regional TAFE

Building Construction Industry Training Fund

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

Central Regional TAFE

- (a) No.
 - (i) Not applicable.
- (b) This feature is enabled by default on all new Cisco switches, however it is not utilised by Central Regional TAFE. This feature will be disabled on all Cisco switches by 31 July 2018.

MINISTER FOR HEALTH — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3116. Mr Z.R.F. Kirkup to the Deputy Premier; Minister for Health; Mental Health:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr R.H. Cook replied:

I am advised that:

- (a) No.
 - (i) Not applicable.
- (b) Not applicable.
 - (i) Not applicable.

PREMIER — PORTFOLIOS — CISCO DEVICES — CYBERSECURITY

3117. Mr Z.R.F. Kirkup to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, noting the statement made by the Australian Cyber Security Centre on 17 April 2018 in relation to the malicious targeting of Cisco devices using the Smart Install feature:

- (a) Were any devices in the agency affected by this attack:
 - (i) If so, what was the nature of the cyber-attack and what information held by the agency was unlawfully accessed; and
- (b) Is the Cisco Smart Install feature still in use by the agency as at 1 June 2018:
 - (i) If so, why?

Mr M. McGowan replied:GoldCorp

- (a) No.
- (b) CISCO smart installer is not utilised by Gold Corporation.

Lotterywest

- (a) There were no Lotterywest devices affected by the malicious targeting of Cisco devices using the Smart Install feature.
- (b) Lotterywest does not use the Cisco Smart Install feature.

Premier and Cabinet

- (a) No.
- (b) No.

Public Sector Commission

- (a)–(b) No.

Salaries and Allowances Tribunal

- (a) No.
- (b) No.

Department of Jobs, Tourism, Science and Innovation advises:

- (a) No.
 - (i) Not applicable.
- (b) No.
 - (i) Not applicable.

MINISTER FOR WATER — PORTFOLIOS — KASPERSKY LAB PRODUCTS — CYBERSECURITY

3118. Mr Z.R.F. Kirkup to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr D.J. Kelly replied:Office of Minister Kelly

Please refer to Legislative Assembly Question on Notice 3134.

Aqwest

- (a) Nil.
- (b)–(d) Not applicable.

Busselton Water

- (a) Nil.
- (b)–(d) Not applicable.

ChemCentre

- (a) Nil.
- (b)–(d) Not applicable.

Department of Primary Industries and Regional Development

Please refer to Legislative Assembly Question on Notice 3129.

Department of Water and Environmental Regulation

- (a) Nil.
- (b)–(d) Not applicable.

Forest Products Commission

- (a) Nil.
- (b)–(d) Not applicable.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Assembly Question on Notice 3134.

Office of Digital Government

Please refer to Legislative Assembly Question on Notice 3134.

Water Corporation

(a) Nil.

(b)–(d) Not applicable.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS —
KAPERSKY LAB PRODUCTS — CYBERSECURITY

3119. Mr Z.R.F. Kirkup to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Ms S.F. McGurk replied:

Ministerial Office

(a)–(d) Please refer to answer to Legislative Assembly Question on Notice 3134.

Department for Communities

This answer covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth, Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) The Department of Communities does not use any information security products by AO Kaspersky Lab.
- (b) Not applicable.
- (c)–(d) Not applicable.

MINISTER FOR HOUSING — PORTFOLIOS — KAPERSKY LAB PRODUCTS — CYBERSECURITY

3120. Mr Z.R.F. Kirkup to the Minister for Housing; Veterans Issues; Youth:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr P.C. Tinley replied:

Ministerial Office

Please refer to Legislative Assembly Question on Notice 3134.

Department of Communities

Please refer to Legislative Assembly Question On Notice 3119.

MINISTER FOR TOURISM — PORTFOLIOS — KASPERSKY LAB PRODUCTS — CYBERSECURITY

3123. Mr Z.R.F. Kirkup to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr P. Papalia replied:Ministerial Office:

Please refer to Legislative Assembly Question on Notice 3134.

Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3134

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 3131

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3127

Racing and Wagering Western Australia (RWWA)

- (a) No AO Kaspersky Lab product are in use.
- (b) Not applicable.
- (c) Nil.
- (d) Not used.

Western Australian Greyhound Racing Association (WAGRA)

- (a) No AO Kaspersky Lab product are in use.
- (b) Not applicable.
- (c) Nil.
- (d) Not used.

Burswood Park Board (BPB)

- (a) No AO Kaspersky Lab product are in use.
- (b) Not applicable.
- (c) Nil.
- (d) Not used.

Small Business Portfolio

Small Business Development Corporation

No.

- (a)–(d) Not applicable.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3134.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3127.

TREASURER — PORTFOLIOS — KASPERSKY LAB PRODUCTS — CYBERSECURITY

3124. Mr Z.R.F. Kirkup to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr B.S. Wyatt replied:Ministerial Office

Please refer to response to Legislative Assembly Question on Notice 3134.

Department of Treasury

Yes.

- (a) Symantec Blue Coat ProxySG appliance uses the Content Analysis System, antivirus definitions and whitelisting from Kaspersky Labs. The Symantec Blue Coat ProxySG is used as a forward proxy.
- (b) All network traffic passes through the Symantec Blue Coat ProxySG appliance.
- (c) The Department of Finance are Treasury's service provider who meet this cost.
- (d) Symantec Blue Coat ProxySG appliance is scheduled to be decommissioned by the end of 2018 as part of the Digital Finance Transition Program.

Department of Finance

Yes.

- (a) The Symantec Blue Coat ProxySG appliance uses the Content Analysis System, anti-virus definitions and whitelisting from Kaspersky Labs. The Symantec Blue Coat ProxySG appliance is used as a forward proxy.
- (b) All network traffic passes through the Symantec Blue Coat ProxySG appliance.
- (c) The annual cost of the Symantec Blue Coat ProxySG appliance is \$35,905 of which \$4,400 is attributed to Kaspersky Labs.
- (d) The Symantec Blue Coat ProxySG appliance is scheduled to be decommissioned by the end of 2018 as part of the "Digital Finance Transition Program".

Western Australia Treasury Corporation

Yes.

- (a) Clearswift Mailsweeper
- (b) Yes.
- (c) \$5,307
- (d) Clearswift Mailsweeper has been used by Western Australian Treasury Corporation since 2000. Western Australian Treasury Corporation is currently considering moving to alternate software (Sophos Antivirus).

Economic Regulation Authority

No.

- (a)–(d) Not applicable.

Department of Planning, Lands and Heritage

Please refer to the answer to Legislative Assembly Question on Notice 3121.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3134.

Western Power

No.

(a)–(d) Not applicable.

Synergy

No.

(a)–(d) Not applicable.

Horizon Power

No.

(a)–(d) Not applicable.

Government Employees Superannuation Board

No.

(a)–(d) Not applicable.

Fire and Emergency Services Superannuation Fund

No.

(a)–(d) Not applicable.

Insurance Commission of Western Australia

- (a) Kaspersky Anti-Virus (via the Clearswift mail filtering service).
- (b) No for Kaspersky Anti-Virus.
- (c) \$17,500.
- (d) The software scans incoming emails for security as part of the Clearswift suite of mail filtering services available for use in Australia.

Office of the Auditor General

No.

(a)–(d) Not applicable.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS —
KASPERSKY LAB PRODUCTS — CYBERSECURITY

3125. Mr Z.R.F. Kirkup to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr M.P. Murray replied:Ministerial Office

Please refer to Legislative Assembly Question on Notice no 3134.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3127.

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3119.

Combat Sports Commission

- (a) None.
- (b)–(d) N/A

VenuesWest

- (a) None.
- (b)–(d) N/A

WAIS

- (a) None.
- (b)–(d) N/A

ATTORNEY GENERAL — PORTFOLIOS — KASPERSKY LAB PRODUCTS — CYBERSECURITY

3126. Mr Z.R.F. Kirkup to the Attorney General:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr J.R. Quigley replied:

The Attorney General's Ministerial Office is administered by the Department of Premier and Cabinet. For the Ministerial Office, please refer to answer to Legislative Assembly Question on Notice 3134.

All other departments and agencies

- (a) No.
- (b)–(d) Not applicable.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS —
KASPERSKY LAB PRODUCTS — CYBERSECURITY**3127. Mr Z.R.F. Kirkup to the Minister for Local Government; Heritage; Culture and the Arts:**

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr D.A. Templeman replied:Department of Local Government, Sport and Cultural Industries including the Culture and Arts portfolio agencies

- (a) No.
- (b)–(d) Not applicable.

Metropolitan Cemeteries Board

- (a) No.
- (b)–(d) Not applicable.

National Trust of Western Australia

- (a) No.
- (b)–(d) Not applicable.

Department of Planning, Lands and Heritage

(a)–(d) Please refer to Legislative Assembly question on notice 3121.

Heritage Council of Western Australia

(a) No.

(b)–(d) Not applicable.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS —
KASPERSKY LAB PRODUCTS — CYBERSECURITY

3129. Mr Z.R.F. Kirkup to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr M. McGowan replied:

No.

(a)–(d) Not applicable.

MINISTER FOR POLICE — PORTFOLIOS — KASPERSKY LAB PRODUCTS — CYBERSECURITY

3130. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mrs M.H. Roberts replied:

(a)–(d) The Western Australia Police Force and the Road Safety Commission advise they do not use information security products by AO Kaspersky Lab, and these products are also not used in the ministerial office.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS —
KASPERSKY LAB PRODUCTS — CYBERSECURITY

3132. Mr Z.R.F. Kirkup to the parliamentary secretary representing the Minister for Education and Training:

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr P. Papalia replied:Ministerial Office

Please refer to Legislative Assembly Question on Notice 3134.

Department of Education

No.

(a)–(c) Not applicable.

(d) Advice from the Australian Signals Directorate indicates that there is neither a current ban nor recommendation to cease use of AO Kaspersky Lab products. The Department of Education does not use AO Kaspersky Lab products. However, it is possible that some devices personally owned by staff or students as part of Bring Your Own Device programs in schools may have the software installed.

Department of Training and Workforce DevelopmentNorth Metropolitan TAFESouth Metropolitan TAFECentral regional TAFENorth Regional TAFESouth Regional TAFE

No.

(a)–(d) Not applicable.

Building and Construction Industry Training Fund

No.

(a)–(d) Not applicable.

MINISTER FOR HEALTH — PORTFOLIOS — KAPERSKY LAB PRODUCTS — CYBERSECURITY**3133. Mr Z.R.F. Kirkup to the Deputy Premier; Minister for Health; Mental Health:**

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and
- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr R.H. Cook replied:

The Department of Health and Health Service Providers, Mental Health Commission, Health & Disability Services Complaints Office, Healthway and the Animal Resource Authority advises:

No, AO Kaspersky Lab products are not in use.

(a)–(d) Not applicable.

Ministerial Office advises:

(a)–(d) Please refer to Legislative Assembly Question on Notice 3134.

PREMIER — PORTFOLIOS — KAPERSKY LAB PRODUCTS — CYBERSECURITY**3134. Mr Z.R.F. Kirkup to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:**

In respect of the Minister's portfolio responsibilities for any ministerial office, departments, agencies, government trading enterprises or boards I ask, whether any information security products (i.e. antivirus software) by AO Kaspersky Lab are in use, and if yes:

- (a) What products are in use (i.e. Kaspersky Anti-Virus, Kaspersky Endpoint Security Cloud);
- (b) Do any of these computers store, or transmit confidential or sensitive information;
- (c) What is the annual cost of subscribing to these products; and

- (d) Noting the United State's Department of Homeland Security's issuance of Binding Operational Directive 17-01 ordering agencies in that nation to discontinue use of this software due to cyber-security concerns, why is this software still in use?

Mr M. McGowan replied:

GoldCorp

Gold Corporation does not use information security products from AO Kaspersky Lab.

Lotterywest

Lotterywest does not use any information security products by AO Kaspersky Lab.

Premier and Cabinet

- (a) The Department does not directly utilise AO Kaspersky Lab products. There is however an independent security vendor technology used by the Department that uses dozens of different security engines to reference anti-malware signatures, Kaspersky being one such engine.
- (b) The Department's policy prohibits the storage or transmission of sensitive and/or confidential information through the services, which could utilise Kaspersky components. These services are only used as pass-through for malware detection and in the event this policy was violated, it would not present any material risk of the loss of confidentiality.
- (c) The Department does not subscribe directly to AO Kaspersky Lab products.
- (d) Australian Federal and State Agencies are not bound by security directives from the U.S.A. Department of Homeland Security. At this time, the Australian Federal Government through the Australian Cyber Security Centre, has yet to reach a determination on advice to Federal and State Agencies on the use of AO Kaspersky Lab products.

Public Sector Commission

- (a)–(d) Please refer to the Department of Premier and Cabinet Response, as they are the service provider to the Commission.

Salaries and Allowances Tribunal

- (a) Please refer to the response of the Department of the Premier and Cabinet, which is the Tribunal's ICT service provider.
- (b) Use of email and unsecured internet applications to transmit sensitive or confidential material is prohibited under the ICT Security & Acceptable Use Policies.
- (c) The Tribunal does not subscribe directly to AO Kaspersky Lab products.
- (d) N/A.

State Development, Jobs and Trade

No.

- (a)–(d) Not applicable.

MINISTER FOR WATER — PORTFOLIOS — PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3135. Mr Z.R.F. Kirkup to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr D.J. Kelly replied:

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Aqwest

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Busselton Water

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

ChemCentre

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Department of Primary Industries and Regional Development

Please refer to Legislative Assembly Question on Notice 3146.

Department of Water and Environmental Regulation

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Forest Products Commission

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Assembly Question on Notice 3151.

Office of the Government Chief Information Officer

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Water Corporation

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3136. Mr Z.R.F. Kirkup to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Ms S.F. McGurk replied:

Ministerial Office

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Department of Communities

The Department of Communities covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth and Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

MINISTER FOR HOUSING — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3137. Mr Z.R.F. Kirkup to the Minister for Housing; Veterans Issues; Youth:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr P.C. Tinley replied:Ministerial Office

- (1) No.
- (2) No.
- (a)–(b) Not applicable.

The Department of Communities

Please refer to Legislative Assembly Question on Notice 3136.

MINISTER FOR TRANSPORT — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3138. Mr Z.R.F. Kirkup to the Minister for Transport; Planning; Lands:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Ms R. Saffioti replied:Department of Planning, Lands and Heritage

- (1) No.
- (2) No.

Department of Transport

- (1) No.
- (2) No.

Main Roads Western Australia

- (1) No.
- (2) No.

Public Transport Authority

- (1) No.
- (2) No.

Mid West Ports Authority

- (1) No.
- (2) No.

Fremantle Port Authority

- (1) No.
- (2) No.

Southern Ports Authority

- (1) No.
- (2) No.

Pilbara Ports Authority

- (1) No.
- (2) No.

Kimberley Ports Authority

- (1) No.
- (2) No.

Landcorp

- (1) No.
- (2) No.

Landgate

- (1) (a)–(c) No.
(d) \$89.99
(e)–(f) No.
- (2) No.

Metropolitan Redevelopment Authority

- (1) (a) No.
(b) \$500
(c)–(f) No.
- (2) No.

Office of the Minister for Transport; Planning; Lands

- (1) No.
- (2) No.

MINISTER FOR TOURISM — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3140. Mr Z.R.F. Kirkup to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr P. Papalia replied:Ministerial Office:

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Tourism Portfolio:

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3151.

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 3148.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3144.

Racing and Wagering Western Australia (RWWA)

- (1) No.
 - (a)–(e) Not applicable.
 - (f) Yes, \$360.
- (2) No.
 - (a)–(b) Not applicable.

Western Australian Greyhound Racing Association (WAGRA)

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Burswood Park Board (BPB)

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Small Business Portfolio

Small Business Development Corporation

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3151.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3144.

TREASURER — PORTFOLIOS — PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3141. Mr Z.R.F. Kirkup to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?

- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
- (a) What is the purpose; and
- (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr B.S. Wyatt replied:

Ministerial Office

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Department of Treasury

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Department of Finance

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Western Australia Treasury Corporation

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Economic Regulation Authority

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Department of Planning, Lands and Heritage

Please refer to Legislative Assembly question on notice 3138.

Aboriginal Policy and Coordination Unit

Please refer to Legislative Assembly question on notice 3151.

Western Power

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Synergy

- (1) (a)–(f) Synergy does not have any paid subscriptions to these project management solutions however from time to time its staff may access them to undertake Synergy business.
- Between 01 July 2017 and 12 June 2018 \$1019.45 was spent to access Asana.
- (2) No.
- (a)–(b) Not applicable.

Horizon Power

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Government Employees Superannuation Board

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Fire and Emergency Services Superannuation Fund

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Insurance Commission of Western Australia

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

Office of the Auditor General

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3142. Mr Z.R.F. Kirkup to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr M.P. Murray replied:Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3144.

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3136.

Combat Sports Commission

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

VenuesWest

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

WAIS

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

ATTORNEY GENERAL — PORTFOLIOS — PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3143. Mr Z.R.F. Kirkup to the Attorney General:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr J.R. Quigley replied:

- (1) No.
 - (a)–(f) Not applicable.
- (2) No.
 - (a)–(b) Not applicable.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS**3144. Mr Z.R.F. Kirkup to the Minister for Local Government; Heritage; Culture and the Arts:**

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;

- (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
- (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr D.A. Templeman replied:

Department of Local Government, Sport and Cultural Industries

- (1) (a)–(f) No.
- (2) No.

Art Gallery of Western Australia

- (1) (a)–(f) No.
- (2) No.

Perth Theatre Trust

- (1) (a)–(f) No.
- (2) No.

State Library of Western Australia including the State Records Office

- (1) (a)–(f) No.
- (2) No.

Western Australian Museum:

- (1) (a)–(f) No.
- (2) The Western Australian Museum utilises Workplace Premium by Facebook although as a non-profit Statutory Authority the Museum qualifies for gratis use.
 - (a) Communication between internal departments and within teams, to share knowledge, build company culture and host conversations around work.
 - (b) No.

Metropolitan Cemeteries Board

- (1) (a)–(f) No.
- (2) No.

National Trust of Western Australia

- (1) (a)–(f) No.
- (2) No.

Department of Planning, Lands and Heritage including the Heritage Council of Western Australia

- (1)–(2) Please refer to Legislative Assembly question on notice 3138.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3146. Mr Z.R.F. Kirkup to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?

- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
- (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr M. McGowan replied:

- (1) (a)–(f) No.
- (2) No.
- (a)–(b) Not Applicable.

MINISTER FOR ENVIRONMENT — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3148. Mr Z.R.F. Kirkup to the minister representing the Minister for Environment; Disability Services:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
- (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
- (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr P. Papalia replied:

- (1)–(2) The Department of Biodiversity, Conservation and Attractions does not hold a central register for project management subscriptions; any subscriptions would be managed locally by individual cost centres.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS —
PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3149. Mr Z.R.F. Kirkup to the parliamentary secretary representing the Minister for Education and Training:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
- (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
- (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr P. Papalia replied:

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

Department of Education

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

This response encompasses Department of Education central and regional education offices only. To answer this question for schools would require a survey to be completed. This has not been undertaken.

Department of Training and Workforce DevelopmentNorth Metropolitan TAFESouth Metropolitan TAFECentral Regional TAFENorth Regional TAFESouth Regional TAFE

- (1) No.
(a)–(f) Not applicable.
- (2) Yes.
(a) The Department of Training and Workforce Development's Marketing and Communications directorate operates a Workplace by Facebook page for TAFE colleges to collaborate on promotional and compliance matters.
(b) No.

Building Construction Industry Training Fund

- (1) No.
(a)–(f) Not applicable.
- (2) No.
(a)–(b) Not applicable.

MINISTER FOR HEALTH — PORTFOLIOS — PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS**3150. Mr Z.R.F. Kirkup to the Deputy Premier; Minister for Health; Mental Health:**

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;
 - (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
 - (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr R.H. Cook replied:

For the Department of Health and Health Service Providers I am advised:

- (1) (a)–(b) No.
- (c) Yes. The Department of Health (Health Network) purchased a license for Basecamp commencing 7 June, 2018 at an annual cost of \$999.
- (d) Yes. The WA Country Health Service purchased a single standard product installation at an annual cost of \$49.99.
- (e)–(f) No.
- (2) The Department of Health does have a Workplace account.
- (a) The account was created as a way of exploring inter-departmental communication on 4 April 2018. However, since the creation of the account it has never been utilised.
- (b) There is no sensitive or confidential information stored or communicated on Workplace.

The Mental Health Commission advises:

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Health & Disability Services Complaints Office advises:

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

Healthway advises:

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

The Animal Resource Authority advises:

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

The Ministerial Office advises:

- (1) No.
- (a)–(f) Not applicable.
- (2) No.
- (a)–(b) Not applicable.

PREMIER — PORTFOLIOS — PROJECT MANAGEMENT SOLUTION SUBSCRIPTIONS

3151. Mr Z.R.F. Kirkup to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

- (1) In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask whether there are any paid subscriptions to the following project management solutions, and if so what is the estimated annual cost of each subscription:
 - (a) Any.do;
 - (b) Asana;

- (c) Basecamp;
 - (d) Evernote;
 - (e) OmniFocus; and
 - (f) Slack?
- (2) Does the ministerial offices or Minister's departments, agencies, government trading enterprises or boards utilise Workplace by Facebook, and if so:
- (a) What is the purpose; and
 - (b) Is sensitive or confidential information stored or communicated on Workplace?

Mr M. McGowan replied:

GoldCorp

- (1) Gold Corporation has no paid subscriptions to the following listed project management solutions: Any.do, Asana, Basecamp, Evernote, Omnifocus and Slack.
- (2) Gold Corporation does not utilise Workplace by Facebook.

Lotterywest

- (1) Lotterywest does not pay for subscriptions for any of the project management solutions listed.
- (2) Lotterywest does not utilise Workplace by Facebook.

Premier and Cabinet, Public Sector Commission, Salaries and Allowances Tribunal and Department of Jobs, Tourism, Science and Innovation

- (1) No.
- (a)–(f) Not Applicable.
- (2) No.
- (a)–(b) Not Applicable.

MEMBERS OF PARLIAMENT — COLOUR PRINTERS

3152. Mr Z.R.F. Kirkup to the Premier:

As at 1 June 2018 has the Department of the Premier and Cabinet provided any Members of Parliament with a colour printer as part of their entitlements, and if yes:

- (a) When was the decision made to provide colour printers; and
- (b) What Members have been provided with a colour printer (including the model and approximate cost of each printer)?

Mr M. McGowan replied:

No.

- (a) Not applicable.
- (b) Not applicable.

MINISTER FOR WATER — PORTFOLIOS — SMART SPEAKERS

3153. Mr Z.R.F. Kirkup to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr D.J. Kelly replied:

Office of Minister Kelly

- (a) No.
- (b) Not applicable.

Aqwest

- (a) No.
- (b) Not applicable.

Busselton Water

- (a) No.
- (b) Not applicable.

ChemCentre

- (a) No.
- (b) Not applicable.

Department of Primary Industries and Regional Development

Please refer to Legislative Assembly Question on Notice 3164.

Department of Water and Environmental Regulation

- (a) No.
- (b) Not applicable.

Forest Products Commission

- (a) No.
- (b) Not applicable.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Assembly Question on Notice 3169.

Office of the Government Chief Information Officer

- (a) No.
- (b) Not applicable.

Water Corporation

- (a) No.
- (b) Not applicable.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — SMART SPEAKERS

3154. Mr Z.R.F. Kirkup to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Ms S.F. McGurk replied:

Ministerial Office

- (a) No.
- (b) Not applicable.

The Department of Communities

The Department of Communities covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth and Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) The Department of Communities has reviewed their records and found no purchases of smart speakers during the 2017–18 financial year.
- (b) Not applicable.

MINISTER FOR HOUSING — PORTFOLIOS — SMART SPEAKERS

3155. Mr Z.R.F. Kirkup to the Minister for Housing; Veterans Issues; Youth:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr P.C. Tinley replied:Ministerial Office

- (a) No.
- (b) Not applicable.

The Department of Communities

Please refer to Legislative Assembly Question on Notice 3154.

MINISTER FOR TRANSPORT — PORTFOLIOS — SMART SPEAKERS

3156. Mr Z.R.F. Kirkup to the Minister for Transport; Planning; Lands:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Ms R. Saffioti replied:

- (a) No.
- (b) Not applicable.

MINISTER FOR TOURISM — PORTFOLIOS — SMART SPEAKERS

3158. Mr Z.R.F. Kirkup to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr P. Papalia replied:Ministerial Office

- (a) No.
- (b) Not applicable.

Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3169.

Rottneet Island Authority

Please refer to Legislative Assembly Question on Notice 3166.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3162.

Racing and Wagering Western Australia (RWWA)

- (a) No.
- (b) Not applicable.

Western Australian Greyhound Racing Association (WAGRA)

- (a) No.
- (b) Not applicable.

Burswood Park Board (BPB)

- (a) No.
- (b) Not applicable.

Small Business Portfolio

Small Business Development Corporation

- (a) No.
- (b) Not applicable.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3169.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3162.

TREASURER — PORTFOLIOS — SMART SPEAKERS

3159. Mr Z.R.F. Kirkup to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr B.S. Wyatt replied:

Ministerial Office

- (a) No.
- (b) Not applicable.

Department of Treasury

- (a) No.
- (b) Not applicable.

Department of Finance

- (a) No.
- (b) Not applicable.

Western Australia Treasury Corporation

- (a) No.
- (b) Not applicable.

Economic Regulation Authority

- (a) No.
- (b) Not applicable.

Department of Planning, Lands and Heritage

Please refer to Legislative Assembly question on notice 3156.

Aboriginal Policy and Coordination Unit

Please refer to Legislative Assembly question on notice 3169.

Western Power

- (a) No.
- (b) Not applicable.

Synergy

(a) Yes.

(b)

	Model	Price	Intended purpose
(1)	Google Home device	\$199.00	To explore customer use cases associated with controlling energy costs via voice assistant devices enabled by 'smart' energy meters

Horizon Power

(a) No.

(b) Not applicable.

Government Employees Superannuation Board

(a) No.

(b) Not applicable.

Fire and Emergency Services Superannuation Fund

(a) No.

(b) Not applicable.

Insurance Commission of Western Australia

(a) No.

(b) Not applicable.

Office of the Auditor General

(a) No.

(b) Not applicable.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — SMART SPEAKERS

3160. Mr Z.R.F. Kirkup to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

(a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and

(b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr M.P. Murray replied:Office of Minister Murray

(a) No.

(b) N/A

Combat Sports Commission

(a) No.

(b) N/A

WAIS

(a) No.

(b) N/A

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3154.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3162.

VenuesWest

(a) No.

(b) N/A

ATTORNEY GENERAL — PORTFOLIOS — SMART SPEAKERS

3161. Mr Z.R.F. Kirkup to the Attorney General:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr J.R. Quigley replied:

- (a)–(b) No, not applicable.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — SMART SPEAKERS

3162. Mr Z.R.F. Kirkup to the Minister for Local Government; Heritage; Culture and the Arts:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr D.A. Templeman replied:Department of Local Government, Sport and Cultural Industries

- (a) No.
- (b) Not applicable.

Metropolitan Cemeteries Board

- (a) No.
- (b) Not applicable.

National Trust of Western Australia

- (a) No.
- (b) Not applicable.

Department of Planning, Lands and Heritage including the Heritage Council of Western Australia

- (a)–(b) Please refer to Legislative Assembly question on notice 3156.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — SMART SPEAKERS

3164. Mr Z.R.F. Kirkup to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr M. McGowan replied:

- (a) No.
- (b) Not applicable.

MINISTER FOR POLICE — PORTFOLIOS — SMART SPEAKERS

3165. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mrs M.H. Roberts replied:

- (a)–(b) The Western Australia Police Force and the Road Safety Commission advise they have no identified purchase records for any smart speakers in 2017–18, and no smart speakers have been purchased for the Ministerial office in 2017–18.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — SMART SPEAKERS

3167. Mr Z.R.F. Kirkup to the parliamentary secretary representing the Minister for Education and Training:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr P. Papalia replied:Ministerial Office

- (a) No.
- (b) Not applicable.

Department of Education

- (a) No.
- (b) Not applicable.

This response encompasses Department of Education central and regional education offices only. To answer this question for schools would require a survey to be completed. This has not been undertaken.

Department of Training and Workforce DevelopmentNorth Metropolitan TAFESouth Metropolitan TAFECentral Regional TAFENorth Regional TAFESouth Regional TAFEBuilding Construction Industry Training Fund

- (a) No.
- (b) Not applicable.

MINISTER FOR HEALTH — PORTFOLIOS — SMART SPEAKERS

3168. Mr Z.R.F. Kirkup to the Deputy Premier; Minister for Health; Mental Health:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr R.H. Cook replied:

For the Department of Health and health service providers I am advised:

- (a) Yes. 1 Smart Speaker was purchased.
- (b) Model: Amazon Echo Dot
Price: \$495.00 (inc GST)

Intended Purpose: This item was purchased to assist patients such as a person with quadriplegia to manage in their home.

Devices are customised to the needs of the patients and allows them to voice/activate requests via Google to perform daily tasks such as:

- see who is at the door
- open the door
- open roller shutters
- turn lights on and off
- adjust the air conditioning.

These items are purchased through the Community Aids and Equipment Program (CAEP) as clinically identified.

The Mental Health Commission advises:

- (a) No.
- (b) Not applicable.

Health & Disability Services Complaints Office advises:

- (a) No.
- (b) Not applicable.

Healthway advises:

- (a) No.
- (b) Not applicable.

Animal Resources Authority advises:

- (a) No.
- (b) Not applicable.

Ministerial Office advises:

- (a) No.
- (b) Not applicable.

PREMIER — PORTFOLIOS — SMART SPEAKERS

3169. Mr Z.R.F. Kirkup to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations:

In respect of the Minister's portfolio responsibilities for any ministerial offices, departments, agencies, government trading enterprises or boards, I ask:

- (a) were any smart speakers (i.e. Amazon Echo, Apple HomePod, Google Home) purchased in this 2017–18 financial year; and
- (b) if yes, what was the model, price and intended purpose of each smart speaker purchased?

Mr M. McGowan replied:

GoldCorp

Gold Corporation has not purchased any smart speakers during the 2017–18 financial year.

Lotterywest

- (a) Lotterywest did not purchase any smart speakers in this 2017–18 financial year.
- (b) N/A.

Premier and Cabinet, Public Sector Commission, Salaries and Allowances Tribunal and Department of Jobs, Tourism, Science and Innovation

- (a) No.
- (b) Not Applicable.

MINISTER FOR WATER — PORTFOLIOS — FIREARMS

3170. Mr Z.R.F. Kirkup to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, are there any firearms in use, and if so:

- (a) How many firearms (including manufacturer and variant) were reported missing in the following financial years:
 - (i) 2015–16;

- (ii) 2016–17; and
 - (iii) 2017–18;
- (b) How many rounds of ammunition (including type of ammo) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (c) How many firearms (including manufacturer and variant) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (d) How many rounds of ammunition (including type of ammo) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (e) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (f) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18?

Mr D.J. Kelly replied:

Aqwest

No.

(a)–(f) Not applicable.

Busselton Water

No.

(a)–(f) Not applicable.

ChemCentre

No.

(a)–(f) Not applicable.

Department of Primary Industries and Regional Development

2015–16 and 2016–17

Yes.

- (a) (i)–(ii) Nil.
- (b) (i)–(ii) Nil.
- (c) (i)–(ii) Nil.
- (d) (i)–(ii) Nil.
- (e) (i)–(ii) Nil.
- (f) (i)–(ii) Nil.

2017–18

(a)–(f) (iii) Please refer to Legislative Assembly Question on Notice 3173.

Department of Water and Environmental Regulation

No.

(a)–(f) Not applicable.

Forest Products Commission

No.

(a)–(f) Not applicable.

Department of Jobs, Tourism, Science and Innovation

No.

(a)–(f) Not applicable.

Office of the Government Chief Information Officer

No.

(a)–(f) Not applicable.

Water Corporation

Yes.

- (a) (i)–(ii) Nil.
- (b) (i)–(ii) Nil.
- (c) (i)–(ii) Nil.
- (d) (i)–(ii) Nil.
- (e) (i)–(ii) Nil.
- (f) (i)–(ii) Nil.

ATTORNEY GENERAL — PORTFOLIOS — FIREARMS

3171. Mr Z.R.F. Kirkup to the Attorney General:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, are there any firearms in use, and if so:

- (a) How many firearms (including manufacturer and variant) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (b) How many rounds of ammunition (including type of ammo) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (c) How many firearms (including manufacturer and variant) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (d) How many rounds of ammunition (including type of ammo) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;

- (e) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (f) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18?

Mr J.R. Quigley replied:

- (a)–(f) No, not applicable.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — FIREARMS

3173. Mr Z.R.F. Kirkup to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, are there any firearms in use, and if so:

- (a) How many firearms (including manufacturer and variant) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (b) How many rounds of ammunition (including type of ammo) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (c) How many firearms (including manufacturer and variant) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (d) How many rounds of ammunition (including type of ammo) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (e) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (f) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18?

Mr M. McGowan replied:

Firearms are in use. The following responses are in respect to the pre-amalgamation of the Department of Agriculture and Food and post- amalgamation of the Department of Primary Industries and Regional Development,

- (a) (i)–(iii) None.
- (b) (i)–(iii) None.
- (c) (i)–(iii) None.
- (d) (i)–(iii) None.
- (e) (i)–(iii) None.
- (f) (i)–(iii) None.

MINISTER FOR POLICE — PORTFOLIOS — FIREARMS**3174. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:**

In respect of the Minister's portfolio responsibilities for any departments, agencies, government trading enterprises or boards I ask, are there any firearms in use, and if so:

- (a) How many firearms (including manufacturer and variant) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (b) How many rounds of ammunition (including type of ammo) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (c) How many firearms (including manufacturer and variant) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (d) How many rounds of ammunition (including type of ammo) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18;
- (e) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported missing in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (f) How many firearm accessories (magazines, reflex sights, scopes, holsters etc.) were reported stolen in the following financial years:
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18?

Mrs M.H. Roberts replied:

- (a), (c), (d) and (f) The Western Australia Police Force advise zero.
- (b) Operational and training ammunition is purchased by the WA Police Force and distributed to the various operational and training business units by the Property Management Division (PMD). The WA Police Force advise training ammunition is expended during training and there are no reports of any being lost or stolen; operational ammunition is replaced every 12 months or immediately if it is damaged or unserviceable, which ensures only serviceable ammunition is available to the frontline; and ammunition that is considered unfit for frontline use or that is replaced annually is either reused during police firearms training or destroyed. The WA Police Force further advise that there are no records held at the PMD of ammunition that has been lost or stolen.
- (e) The WA Police Force advise 17 instances since September 2016.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — MOBILE DEVICES**3177. Mr Z.R.F. Kirkup to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:**

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it's disposal?

Ms S.F. McGurk replied:

This answer covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth, Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios

- (a) Yes;
 - (i) The Department of Communities Administration Manual outlines the procedure for restricting unauthorised access to mobile devices. Users issued with Department of Communities mobile devices are required to take reasonable precautions to keep them physically secure and protected from unauthorised access. In the event of loss or theft, access to mobile devices is automatically restricted.
 - (ii) Not applicable.
- (b) Devices for disposal are sent to a third party facility for recycling under common use agreement WAS2016.
 - (i) 2015–16: 215
 - (ii) 2016–17: 718
 - (iii) 2017–18: 451
- (c) Yes.
 - (i) In the normal course of business, the Department of Communities may have a variety of corporate and client information securely stored on mobile devices as part of business applications emails or within applications.

- (ii) Data on hard drives are sanitised in accordance with US Department of Defence 5220.22-M standards or destroyed and a certificate of destruction is issued. Devices are reset to factory default and recycled under common use agreement WAS2016 and a certificate of destruction issued to the Department of Communities. Any devices that are unable to be wiped are physically destroyed.

MINISTER FOR HOUSING — PORTFOLIOS — MOBILE DEVICES

3178. Mr Z.R.F. Kirkup to the Minister for Housing; Veterans Issues; Youth:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it's disposal?

Mr P.C. Tinley replied:

Please refer to Legislative Assembly Question On Notice 3177.

TREASURER — PORTFOLIOS — MOBILE DEVICES

3182. Mr Z.R.F. Kirkup to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it's disposal?

Mr B.S. Wyatt replied:

Department of Treasury

- (a) Yes.
 - (i) Information Security Policy, Acceptable Use Policy, Asset Management Policy and Operational Guidelines.
 - (ii) Not applicable.

- (b) (i) 2015–16; 19 – Disposed of through supplier under Common Use Agreement CUAWAS2016 – Waste Disposal and Recycling Services.
- (ii) 2016–17 – Nil.
- (iii) 2017–18; 15 – Disposed of through supplier under Common Use Agreement CUAWAS2016.
- (c) Yes.
 - (i) Content of emails.
 - (ii) The mobile devices are restored back to factory settings. The devices are then disposed of through a supplier under the CUAWAS2016 – Waste Disposal and Recycling Services whereby appropriate measures are taken to sanitise the information on the devices. A certificate is received for every device that is disposed of.

Department of Finance

- (a) Yes.
 - (i) Information Security Policy, Information Media Disposal Procedure, Password Policy and Remote Access Policy.
 - (ii) Not applicable.
- (b) All mobile devices have been disposed of through a supplier under the Common Use Agreement CUAWAS2016 “Waste Disposal and Recycling Services”.
 - (i) 2015–16 – 173
 - (ii) 2016–17 – Nil.
 - (iii) 2017–18 – 136
- (c) Yes.
 - (i) Content of emails.
 - (ii) The mobile devices are restored back to factory settings. The devices are disposed of through a supplier under the Common Use Agreement CUAWAS2016 “Waste Disposal and Recycling Services” whereby appropriate measures are taken to sanitise the information on the devices. A certificate is received for every device that is disposed.

Western Australia Treasury Corporation

- (a) Yes.
 - (i) Western Australian Treasury Corporation Contract of Employment and Access Request Process.
 - (ii) Not applicable.
- (b) (i) None
- (ii) 5 Laptop PCs sold to staff by confidential bid process.
- (iii) None
- (c) Yes.
 - (i) Western Australian Treasury Corporation business information.
 - (ii) Disc drives are wiped multiple times (killdisk applied 10 times).

Economic Regulation Authority

- (a) Yes.
 - (i) Mobile phones are secured with a pin number and controlled by network mobile device management software. Mobile computing device hard drives are encrypted through Micosoft bit locker, Anti Virus, and group policy security measures.
 - (ii) Not applicable.
- (b) (i) 3 moblie phones, 6 mobile devices – recycled as e-waste.
- (ii) 4 mobile phones – donated to a technology charity.
- (iii) Nil.

- (c) Yes.
- (i) All official mobile devices have access to at the ERA's network. Therefore they have access to any commercial in confidence information held on the network.
 - (ii) Prior to disposal mobile devices are data wiped and reset to factory settings (if devices have not suffered critical failure). The contractor used to recycle e-waste uses industry standard data wiping software and physical data storage element destruction.

Department of Planning, Lands and Heritage

- (a) Please refer to the answer to Legislative Assembly Question on Notice 3179.
- (b) Former Department of Aboriginal Affairs:
 - (i) Nil.
 - (ii) 20 – eWaste
 - (iii) Not applicable.
- (c) No.
 - (i)–(ii) Not applicable.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3192.

Western Power

- (a) Western Power has procedures in place to restrict unauthorised access to mobile devices in line with our Information & Communication Technology Cyber Security Standard:
 - custodians require an active user ID and password to log in
 - all tablet and laptop hard drives are encrypted
 - corporate and BYOD (Bring your own device) Smart Phones have encryption enforced for Western Power data (email, calendar and contacts)
 - devices that are stolen or misplaced can be 'remote wiped' to prevent unauthorised access.
- (b) (i)–(iii)

Year Disposed	Laptop	Mobile Phone	Tablet	Grand Total
2015/16	382	110	75	567
2016/17	354	64	147	565
2017/18	239	30	142	411

All disposed hardware is sent to Ross's Auctions.

- (c) (i) Disposed laptops and tablets may contain sensitive or confidential data, including customer, commercial and HR data, depending on the role of the custodian. The mobile phones were older devices that did not have any data storage capability.
 - (ii) All laptop and tablet hard drives are securely wiped to DOD 5220.22-M standard before disposal. In the event a hard drive cannot be wiped due to hardware failure, the hard drive is removed from the device and stored securely pending destruction.
- We are currently finalising a process to securely dispose of Smart Phones. These devices will be either securely wiped to ISO 27001 and ISO 27040 standard, or be physically destroyed. Until that is in place, Smart Phones are securely stored.

Synergy

- (a) Yes.
 - (i) For laptops, users are required to authenticate themselves on the device before they can access any software or systems and the hard drives of all computers with the Synergy Standard Operating Environment have BitLocker hard drive encryption enabled.
 - For mobile phones and tablets provided by Synergy, a pin code configured at provisioning is required for all users.
 - (ii) Not applicable.

(b) (i)–(iii)

	Mobile devices disposed of	Disposal method
2015–16	371	Returned to lessor (288) Sold or auctioned (46) Recycled (37)
2016–17	710	Returned to lessor (523) Sold or auctioned (26) Recycled (161)
2017–18	423	Returned to lessor (384) Sold or auctioned (39)

(c) It is possible for any Synergy mobile device to have contained Synergy confidential information.

(i) Information pertaining to Synergy's commercial activities and operations.

(ii) All laptops are securely wiped with zeroes before disposing. All mobile phones and tablets are factory reset where possible.

Horizon Power

(a) Yes.

(i) Horizon Power use Apple iPhones and iPads for corporate mobility and communication. These devices are enrolled in Apple's Device Enrolment Program (DEP) and are monitored in Airwatch (Telstra Mobile Device Management). Each device requires a Horizon Power username and password to initially configure them and a passcode must be set to unlock them. The SIM cards have an active SIM PIN.

Windows laptop access requires a Horizon Power username and password and all user data is stored on network storage, including users folders such as documents, pictures and downloads.

(ii) Not applicable.

(b) (i) None.

(ii) None.

(iii) 246 end-of-life, damaged or faulty phones were disposed in September 2017. The method of disposal was to use a company called 'phone cycle'.

(c) Yes.

(i) Corporate phones and tablets. Mobile devices store cached credentials for accessing corporate emails.

(ii) All data is cleared from mobile devices when returned to the Technology department prior to storing, reissue, or disposal.

Government Employees Superannuation Board

(a) Yes.

(i) GESB Mobile Device Management Policy
GESB Acceptable Usage Policy
Department of Finance – Procurement Policy

(ii) Not applicable.

(b) (i) 7 devices. Disposal Method for these seven devices was via the Brightstar Trade-In program (Telstra Corporate Device Upgrade Program – For Trade In Of Used Mobile Devices)

(ii) Nil.

(iii) Nil.

(c) Yes.

(i) Exchange (Email)

- (ii) Staff follow an internal process relating to the disposal of IT assets. This process includes the removal of:

Exchange (Email)

iCloud Accounts

Apple ID,

PINs – including any Biometric security

Once the above has been actioned, '*Erase all content and settings*' is selected to restore the device back to its factory settings. Only third party providers approved under the Common Use Agreement (CUA) are permitted to perform asset disposal activities as per GESB's asset disposal policy. Once the internal process has been completed GESB arranges for a CUA supplier to co-ordinate the disposal of devices.

Fire and Emergency Services Superannuation Fund

- (a) Yes.

- (i) Listed below –

Acceptable Encryption Policy.

Password Policy and Procedure.

Remote Access Policy.

IT Security Risk Management Policy.

- (ii) Not applicable.

- (b) (i) 2015–16 : No mobile devices were disposed of.

- (ii) 2016–17 : iPad used for Board meetings gifted to Alternate Trustee on his resignation from our Board.

- (iii) 2017–18 : No mobile devices were disposed of.

- (c) Yes.

- (i) Board policies; agenda; minutes and investment papers.

- (ii) The sensitive/confidential information is only available through an application, which is accessed by logging in. Logging in to the application is disabled once the device is disposed of.

Insurance Commission of Western Australia

- (a) Yes.

- (i) Policies and procedures on acceptable use and security.

- (ii) Not applicable.

- (b) None.

- (i)–(iii) Not applicable.

- (c) Not applicable.

Office of the Auditor General

- (a) Yes.

- (i) The OAG has a number of policies and procedures in place for restricting unauthorised access to mobile devices, including: Device BIOS passwords, where available Password security mechanisms Screen locking mechanisms User account authorisation and management processes Device encryption processes (ii) Not applicable.

- (b) (i) 2015–16: 2 mobile devices were disposed of via environmental recycling (ii) 2016–17: 8 mobile devices were disposed of via environmental recycling (iii) 2017–18: 139 mobile devices were disposed of via environmental recycling (c) Yes (i) Laptop computers are used to for the temporary storage and processing of Office of the Auditor General audit and operational information. (ii) All hard drives are removed from laptop computers prior to the disposal of the laptop computer. These hard drives are disposed of via secure destruction methods in accordance with CUA WAS2016 'Waste Disposal and Recycling Services'.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — MOBILE DEVICES

3183. Mr Z.R.F. Kirkup to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon its disposal?

Mr M.P. Murray replied:Combat Sports Commission

- (a) Yes.
 - (i) All machines belonging to the Combat Sports Commission are subject to the Access Control Policy of the Department of Local Government, Sport & Cultural Industries.
 - (ii) N/A
- (b) (i)–(iii) 0
- (c) N/A

VenuesWest

- (a) Yes.
 - (i) Mobile Device Policy, Application for Mobile Device Form, Computer Usage Policy, Computer Usage Declaration Form, User Guide: Manually Changing Passwords.
 - (ii) N/A
- (b) (i)–(iii) 0
- (c) N/A

WAIS

- (a) Yes.
 - (i) Password protection, sensitive information accessed via password restricted citrix and websites.
 - (ii) N/A
- (b) (i)–(iii) 0
- (c) N/A

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3185.

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3177.

ATTORNEY GENERAL — PORTFOLIOS — MOBILE DEVICES

3184. Mr Z.R.F. Kirkup to the Attorney General:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it's disposal?

Mr J.R. Quigley replied:The Corruption and Crime Commission

- (a) Yes.
 - (i) The CCC has Use of Information Technology (policy and procedure), Information Security policy and Laptop Security Procedure.
 - (ii) Not applicable.
- (b)
 - (i) One laptop – hard drive was extracted and mechanically destroyed.
 - (ii) Seven laptops – hard drives were extracted and mechanically destroyed.
 - (iii) 126 mobile phones – mechanically destroyed, and 19 laptops – hard drives were extracted and mechanically destroyed.
- (c) Yes.
 - (i) Mobile devices may contain CCC official information.
 - (ii) All hard drives are extracted and mechanically destroyed.

Department of Justice

- (a) Yes.
 - (i) The Department of Justice (the Department's) Computer and Telecommunications Facilities Policy stipulates that staff must ensure the physical safety and security of portable equipment, use password protection and report any adverse events.
 - (ii) Not applicable.
- (b) The Department is unable to provide disposal figures for mobile phones and iPads. Department of Justice figures for laptops as disposed through either auction or being recycled are below;
 - (i) 2015–16: 103 laptops
 - (ii) 2016–17: 61 laptops
 - (iii) 2017–18: 32 laptops
- (c) Yes.
 - (i) Personal, medical, security, legal information for example.
 - (ii) All software and data in mobile devices is completely removed before disposal by overwriting the media at least three times in its entirety with a random pattern followed by a read back for verification. This method is compliant with the State Records Commission Standard 8 – Digital Recordkeeping and SRO Guideline – Sanitising Digital Media and Devices.

Equal Opportunity Commission

- (a) Yes.
 - (i) Physical access is restricted and access is authenticated via log on credentials and valid password;
 - (ii) Not applicable.
- (b) (i)–(iii) Nil.
- (c) No.
 - (i)–(ii) Not applicable.

The Legal Practice Board Including the Legal Profession Complaints Committee (which is a committee of the board)

- (a) Yes.
 - (i) Any mobile device to be used by a staff member and taken offsite must be approved by their supervisor or Executive Director. Staff requiring use of a mobile device must send their requests to IT division. Any mobile device used by a staff member is logged and signed out in a borrowers book. Devices are signed back in and checked by the IT division. All mobile devices are password or pin number protected according to the Board's Password Standard Policy. Mobile devices are used to log into the Board's Citrix network using network logins and all work must be completed within the Citrix network and not saved to the mobile devices restricting unauthorised access to private and confidential information.

All staff using a mobile device must adhere to the Board's Computer Usage Policy (Off-site) and ensure:
 - Equipment is kept in a secure location.
 - Equipment is not used where the content can be easily viewed or accessed by others.
 - Equipment is not connected to any foreign network.
 - Equipment is used exclusively by the designated employee.
- (b)
 - (i) 2015–16: 1 – waste collection. Disk wiping procedures to standard DoD 5220.00-M ECE method were used prior to disposal.
 - (ii) 2016–17: 11 – waste collection. Disk wiping procedures to standard DoD 5220.00-M ECE method were used prior to disposal.
 - (iii) 2017–18: 0
- (c) No. See above regarding disk wiping procedures.

Legal Aid WA

- (a) Yes.
 - (i) Security measures including secure logon or passcodes have been implemented on all mobile devices to restrict unauthorised access.
 - (ii) Not applicable.
- (b) Depending upon their age and condition mobile devices are either disposed for recycling or destroyed.
 - (i) 27 devices
 - (ii) 17 devices
 - (iii) 33 devices
- (c) Sensitive information is not stored on mobile devices unless encryption technologies have been used to secure the information. Corporate policy states that sensitive information should not be stored on any mobile devices such as laptops, tablets or mobile phones unless approved encryption technologies have been used to secure the information.
 - (i) Not applicable.
 - (ii) All mobile devices are sanitised to remove information prior to disposal or destruction.

Office of the Commissioner for Children and Young People

- (a) CCYP has an Acquisition and use of Attractive and Portable Assets/Mobile Devices Policy. Phones, laptops and tablets not being used are stored in a locked cabinet and staff sign out the item when being used offsite.
- (b)
 - (i) 0
 - (ii) 0
 - (iii) 0
- (c) N/A

Office of the Director of Public Prosecutions

- (a)
 - (i) The ODPP has the following policies regarding corporate and personal mobile devices:
Corporate Mobile Device Acceptable Use and Security Policy; and
Personal Mobile Devices.
 - (ii) N/A.
- (b) (i)–(iii) No Mobile Devices have been disposed of for the inclusive period 2016–18.
- (c) (i)–(ii) N/A.

Office of the Information Commissioner

- (a) No.
 - (i) Not applicable.
 - (ii) The OIC does not supply mobile phones. We have two laptops and a tablet. Any staff member can use them as required.
- (b) (i)–(iii) Nil.
- (c) Not applicable.

Solicitor General's Office

- (a) Yes;
 - (i) Mobile devices are allocated specifically to the Solicitor General and the research assistant. All have password protection, are kept in secure office when not in use;
 - (ii) not applicable;
- (b)
 - (i) nil;
 - (ii) nil;
 - (iii) One. Faulty device returned to supplier.
- (c) Yes;
 - (i) emails with attachments of court documentation and legal advice;
 - (ii) device securely wiped before handover to supplier.

State Solicitor's Office

- (a) Yes.
 - (i) If not allocated to a member of staff mobile devices are physically secured in a secured storeroom which is accessible only by approved State Solicitor's Office personnel
 - (ii) N/A
- (b)
 - (i)–(ii) None
 - (iii) 55. Sold to public sector employees through a competitive process in line with the relevant policy for the disposal of goods.
- (c) Yes.
 - (i) Work related emails and some working documents
 - (ii) Prior to disposal all mobile devices undergo a process of three consecutive security wipes.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — MOBILE DEVICES

3187. Mr Z.R.F. Kirkup to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it's disposal?

Mr M. McGowan replied:

- (a) (i)–(ii) [See tabled paper no 1544.]
- (b) (i)–(iii) [See tabled paper no 1544.]
- (c) Mobile devices may store sensitive or confidential information depending on the user and usage.
 - (i) Emails, documents and images may be sensitive or confidential in nature.
 - (ii) Measures put in place to ensure that information is not retained on the hard drive of devices include destruction procedures done internally, or destruction or certified destruction by external parties.

MINISTER FOR POLICE — PORTFOLIOS — MOBILE DEVICES

3188. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it's disposal?

Mrs M.H. Roberts replied:

- (a)–(c) The Western Australia Police Force advise that all Western Australia Police Force authorised mobile phones and tablets are controlled by the Mobile Device Management system. All WA Police Force mobile devices are disposed of via a standard process to wipe data, remove the SIM and markings, then sent to be broken down by a registered electronics recycler. In 2015/16 552 devices were disposed of, while in 2016/17 there were 375 devices disposed, and in 2017/18 a further 525 devices. WA Police Force

policy is to remove any hard drives before disposal and to securely destroy via an approved data destruction process. Mobile devices without hard drives are remotely wiped via our Mobile Device Management system.

The Road Safety Commission advise that since attachment to WA Police on 1 July 2017, the RSC has adopted WA Police Force Information Security Policies. From 1 July 2015 to 30 June 2017, the RSC as a separate agency of State, had its own Information and Communications Technology Use Policy. In 2016–17 five devices were disposed of and internal memory was erased.

PREMIER — PORTFOLIOS — MOBILE DEVICES

3192. Mr Z.R.F. Kirkup to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

In respect of the Minister’s portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards, I ask:

- (a) Are there any policies or procedures in place for restricting unauthorised access to mobile devices (mobile phones, tablets and laptops):
 - (i) If so, what are they; and
 - (ii) If not, why not;
- (b) How many mobile devices have been disposed of in the following financial years and what was their disposal method (i.e. at auction):
 - (i) 2015–16;
 - (ii) 2016–17; and
 - (iii) 2017–18; and
- (c) Were any of the mobile devices in (b)(i)–(iii) used to store sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the device upon it’s disposal?

Mr M. McGowan replied:

Goldcorp

- (a) (i) Mobile devices are protected by a Mobile Device Management solution. The solution allows device specific security controls to be implemented and enforced (passcodes and passwords). Digital Certificate technology is used to validate the identity of the device and provide access to sensitive data.
- (b) (i) 0
- (ii) 0
- (iii) 0

Lotterywest

- (a) (i) Lotterywest uses BitLocker Drive Encryption to restrict unauthorised access to laptops and AirWatch Mobile Device Management to restrict unauthorised access to mobile phones and tablet devices.
- (b) Not applicable.
 - (i) In 2015/16 Lotterywest disposed of 76 mobiles devices. The following breakdown of disposal method was used:
 - 66 – Auction
 - 7 – Destroyed
 - 2 – Stolen
 - 1 – Lost
 - (ii) In 2016/17 Lotterywest disposed of 158 mobiles devices. The following breakdown of disposal method was used:
 - 155 – Destroyed
 - 3 – Lost

- (iii) In 2017/18 Lotterywest disposed of 22 mobile devices. The following breakdown of disposal method was used:
 - 19 – Destroyed
 - 2 – Sold to departing employee at market value
 - 1 – Stolen
- (c)
 - (i) The mobile devices in (b)(i)–(iii) had Lotterywest user email installed on these devices.
 - (ii) All devices to be sold or destroyed are reset by Lotterywest to their factory resettings. Devices lost or stolen are reset remotely and email data deleted through the AirWatch Mobile Device Management application.

Premier and Cabinet

- (a) Yes.
 - (i) Department laptops require logon's to be Authenticated against the departments Identity and Access Management (IAM) systems. Departmentally managed mobile phones and tablets are configured against the standards set by the Australian Signals Directorate (ASD) iOS hardening guide for content that would be categorised under the Australian Government – Security Classification System (SCS) at the Classified – Protected level. These devices are configured utilising a market leading Enterprise Mobility Management solution which enforces:
 - (1) Complex Passcodes,
 - (2) Device Encryption,
 - (3) Certificate and credential based IAM authentication,
 - (4) Remote enterprise wipe and device wipe capabilities,
 - (5) Data loss prevention utilising containerisation and restricting the ability of device holders to copy corporate information to unmanaged locations.
 - (ii) Not applicable.
- (b) All mobile devices are disposed utilising the Government common use contract (CUAWAS2016 – Category E).
 - (i) 6 mobile phones, 2 tablets and 25 laptops.
 - (ii) 59 mobile phones, 55 tablets and 13 laptops.
 - (iii) 86 mobile phones, 34 tablets and 19 laptops.
- (c) (i)–(ii) The Department completes data sanitisation on all mobile devices prior to disposal. Data sanitisation procedures undertaken by the Department are aligned, at a minimum, to the ASD Information Security Manual (ISM) guidelines for the disposal of electronic storage media for content that would be categorised under the SCS at a Classified – Protected level.

Public Sector Commission

- (a) Please refer to the Department of Premier and Cabinet Response, as they are the service provider to the Commission.
- (b) Yes. The disposal of mobile devices, once sanitised/reset to factory default, is to use the Government disposal common use contract (CUA).
 - (i) 2015–16: 13 mobile phones and 7 laptops
 - (ii) 2016–17: 10 laptops
 - (iii) 2017–18: 3 tablets.
- (c) Please refer to the Department of Premier and Cabinet Response, as they are the service provider to the Commission.

Salaries and Allowances Tribunal

- (a) Please refer to the response provided by the Department of Premier and Cabinet, which is the service provider to the Tribunal
- (b)
 - (i) Nil.
 - (ii) Nil.
 - (iii) One device disposed of through trade in, in accordance with the State Supply Commission's "Disposal of Goods Policy".

- (c) Please refer to the response provided by the Department of Premier and Cabinet, which is the service provider to the Tribunal.

Department of Jobs, Tourism, Science and Innovation

- (a) Yes.
- (i) Acceptable Use of ICT Policy.
 - (ii) Not applicable.
- (b) One end of life iPad.
- (i) 0.
 - (ii) 0.
 - (iii) One iPad – sold.
- (c) No.
- (i) Not applicable.
 - (ii) Not applicable.

MINISTER FOR WATER — PORTFOLIOS — PHOTOCOPIERS

3193. Mr Z.R.F. Kirkup to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
- (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
- (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
- (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr D.J. Kelly replied:

Aqwest

- (a) Yes.
- (i) Aqwest resets the photocopier using the inbuilt photocopier software.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Busselton Water

- (a) No.
- (i) Not applicable.
 - (ii) Photocopiers used by Busselton Water do not have hard-drives.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

ChemCentre

- (a) Yes.
 - (i) Hard disk erased by vendor as part of the decommission process. FujiXerox, ApeosPort-IV C3375, Proprietary OS, LAN.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Department of Primary Industries and Regional Development

Please see response to Legislative Assembly Question on Notice 3204.

Department of Water and Environmental Regulation

- (a) Yes.
 - (i) Vendors use in-built software to do a Mode 1 reformat of the hard drive when a printer is collected at the end of the lease.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209
- (c) Not applicable.

Forest Products Commission

- (a) No.
 - (i) Not applicable.
 - (ii) Photocopier configuration is not enabled for storage of scan documents on the hard-drive. Scanned documents are sent to email or share network folders.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Department of Jobs, Tourism, Science and Innovation

Please see response to Legislative Assembly Question on Notice 3209.

Office of Digital Government

Please see response to Legislative Assembly Question on Notice 3209.

Water Corporation

- (a) Yes. This is a requirement under the Water Corporation's Managed Print Services contract with Ricoh.
 - (i) The RICOH DataOverwriteSecurity System closes this vulnerability, destroying temporary data stored on the multifunction printer (MFP) hard drive by overwriting it with random sequences of "1's" and "0's." Temporary data is actively overwritten and thereby erased each time a job is executed. Even if the hard drive is physically removed from a Ricoh MFP, the encrypted data cannot be read.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — PHOTOCOPIERS

3194. Mr Z.R.F. Kirkup to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;

- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Ms S.F. McGurk replied:

This answer covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth, Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) (i) All multi-functional devices have security settings such as hard disk drive encryption, which ensures the hard disk drive is overwritten after each job so no latent images are left on the multi-functional device. The hard-drives are removed then destroyed using a WA Government approved contractor engaged via Common Use Arrangement WAS2016. All hard drives are destroyed at end of life.
- (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

MINISTER FOR HOUSING — PORTFOLIOS — PHOTOCOPIERS

3195. Mr Z.R.F. Kirkup to the Minister for Housing; Veterans Issues; Youth:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr P.C. Tinley replied:

- (a) Please refer to Legislative Assembly Question on Notice 3194.
- (b) For the Ministerial Office please see response to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

MINISTER FOR TOURISM — PORTFOLIOS — PHOTOCOPIERS

3198. Mr Z.R.F. Kirkup to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr P. Papalia replied:Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3209.

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 3206.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3202.

Racing and Wagering Western Australia (RWWA)

- (a) Yes.
 - (i) All hard drives of printers and photo copiers are shredded.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Western Australian Greyhound Racing Association (WAGRA)

- (a) Yes.
 - (i) Photocopiers are returned to the supplier who arranges for secure destruction.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Burswood Park Board (BPB)

- (a) No.
 - (i) Not applicable.
 - (ii) Photocopier is not setup to save to the hard drive.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Small Business Portfolio

Small Business Development Corporation

- (a) Yes.
 - (i) Media Sanitisation Policy. Hard drives are firstly wiped three times using DBAN software, then physically destroyed.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3209.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3202.

TREASURER — PORTFOLIOS — PHOTOCOPIERS

3199. Mr Z.R.F. Kirkup to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr B.S. Wyatt replied:Department of Treasury

- (a) Department of Finance ICT (on behalf of Treasury) follows the Information Media Disposal Procedure whereby hard drives are removed from photocopiers and disposed of through a supplier. This is under the Common Use Agreement CUAWAS2016 – Waste Disposal and Recycling Services, whereby appropriate measures are taken to sanitise the hard drives.
 - (i)–(ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Department of Finance

- (a) In accordance with the Information Media Disposal Procedure, hard drives are removed from photocopiers and disposed through a supplier under the Common Use Agreement CUAWAS2016 “Waste Disposal and Recycling Services” whereby appropriate measures are taken to sanitise the hard drives.
 - (i)–(ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Western Australia Treasury Corporation

- (a) No.
 - (i) Not applicable.
 - (ii) No photocopiers have been disposed of.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Economic Regulation Authority

- (a) Yes.
 - (i) Disk Wipe is used to erase them, 7 passes.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Department of Planning, Lands and Heritage

Please refer to the answer to Legislative Assembly Question on Notice 3196.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3209.

Western Power

- (a) (i)–(ii) The hard drives in photocopiers provided by Fuji Xerox are encrypted, preventing access to data. Upon disposal, the hard drives are physically destroyed.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Synergy

- (a) No.
 - (i) Not applicable.
 - (ii) Synergy photocopiers do not contain hard drives
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Horizon Power

- (a) Yes.
 - (i) The hard drive on a photocopiers is physically destroyed upon disposal from the agency.
 - (ii) Not Applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Government Employees Superannuation Board

- (a) Yes.
 - (i) GESB's Asset Disposal Policy requires that prior to disposal, photocopiers are checked to ensure that any sensitive information has been removed. The hard-drive is erased by the photocopier supplier.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Fire and Emergency Services Superannuation Fund

- (a) No.
 - (i) Not applicable.
 - (ii) We do not store data on our photocopier's hard drive.

- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Insurance Commission of Western Australia

- (a) Yes.
 - (i) A service request is raised for the photocopier disposal. The IT Division removes all network settings and data off the photocopier hard-drive prior to disposal using the vendor's proprietary software. The vendor checks that all data has been removed and provides a certificate of destruction confirming that the data has been erased off the drive of the photocopier.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

Office of the Auditor General

- (a) Yes.
 - (i) The hard drives in obsolete photocopiers are erased by the photocopier technicians. They are removed from the photocopiers prior to the removal of the photocopiers from our office. The hard drives (8 in total) are retained by IT and are subsequently either:

Destroyed (either via shredding or incineration, or both), along with other sensitive, obsolete IT equipment when we have collected enough material; or – Destruction is arranged via CUA WAS2016 'Waste Disposal and Recycling Services', Category E.

The software used is the Kyocera 7550ci MFD Operating System installed on the photocopiers by the equipment manufacturer. The operating system provides a Data Sanitisation feature which is a security function that completely sanitises the data retained inside the device, using the three-time overwrite-erase or the U.S. DoD 5220.22-M three-pass.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — PHOTOCOPIERS

3200. Mr Z.R.F. Kirkup to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr M.P. Murray replied:Combat Sports Commission

- (a) Yes.
 - (i) The hard drives are removed from any device which are due to be returned at the end of the lease or marked for disposal if owned by the Agency. Information Technology Staff arrange for a secure disposal of the hard drives via a CUA approved disposal company.

In the event of the owned machines being replaced by the supplier with the new machines, appropriate disposal of the old device is undertaken by the supplier including the destruction of the hard drive.
 - (ii) N/A
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) N/A

VenuesWest

- (a) Yes.
 - (i) Auto Erase Feature is enabled by default. Auto Erase Memory erases the temporary data on the hard disk by writing over it. Overwriting starts automatically once the job is completed. Any disposal will use the CUAWAS2016 with evidence of destruction required.
 - (ii) N/A
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) N/A

WAIS

- (a) Yes.
 - (i) Erasure is outsourced to approved disposal firm
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) N/A

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3194.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3202.

ATTORNEY GENERAL — PORTFOLIOS — PHOTOCOPIERS

3201. Mr Z.R.F. Kirkup to the Attorney General:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr J.R. Quigley replied:

(a)

The Corruption and Crime Commission

(a) Yes.

(i) The Commission has policy and procedures for asset disposal. The hard drives are physically removed and destroyed – either by incineration, mechanical crushing or shredding.

(ii) Not applicable.

The Department of Justice

(a) Yes.

(i) The Department of Justice disposes of Multi-Function Devices (MFD's) in full, through the leasing vendor Ricoh. Ricoh comply with the Department of Finance Government Procurement Contract CUAWAS2016 Waste Disposal and Recycling Services Category E – ICT Equipment Disposal (e-Waste), to transition the MFD's to a contractor for disposal. Software is not used to erase the MFD's hard-drive. Data on the hard-drives is encrypted and cannot be read, thereby protecting the data from theft. As an added protection, all latent images are overwritten. MFD hard-drives undergo e-Waste disposal to ensure that they are physically destroyed and no data can be recovered.

(ii) N/A

Equal Opportunity Commission

(i) No. Not applicable;

(ii) Erasing of data on the hard drive is conducted automatically. Encryption and overwriting is a standard feature on all Fuji Xerox devices. The hard drive is destroyed by default upon disposal/return of the multifunctional device to the supplier.

The Legal Practice Board including The Legal Profession Complaints Committee (which is a committee of the board)

(i)–(ii) While we do not have a specific policy regarding erasing of hard-drives of photocopiers upon their disposal, hard-drives of photocopiers are erased by external contractors.

A new Information Security Policy is currently being developed that includes disposal of devices containing sensitive or confidential information.

Legal Aid WA

(i) No policies or procedures are in place for erasing the hard-drives of photocopiers upon their disposal from the agency

(ii) Hard drives on photocopiers are encrypted to prevent unauthorised access to information stored on the hard drive of the photocopier

Office of the Commissioner for Children and Young People

(i) None.

(ii) No documents are saved to the photocopier hard drives.

Office of the Director of Public Prosecutions

(i) There is no written policy and procedure in place in regard to erasing hard-drives of photocopiers upon their disposal.

The ODPP disconnect the hard drive before sending the photocopier for disposal.

The ODPP destroys the hard drive in-house.

(ii) Given that the ODPP destroys its own hard drives, it does not require a written policy for their disposal.

Office of the Information Commissioner

(i) Yes. All hardware is erased before disposal. In 2015 the previous photocopier was removed by the successful tenderer as part of the purchase arrangement for the new photocopier and included removal and destruction of the hard drive. The software used is unknown

(ii) Not applicable.

Solicitor General's Office

- (i)–(ii) The State Solicitor's Office supplies and maintains the photocopiers for the Solicitor General's Office. All policies or procedures are those of the State Solicitor's Office.

State Solicitor's Office

- (i) Yes. Hard drives of Xerox photocopiers are re-set by Xerox technicians as a part of the decommissioning process using CentreWare Internet Services for Xerox devices. This process erases agency data while retaining the basic software on the hard drive.
- (ii) N/A
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — PHOTOCOPIERS

3202. Mr Z.R.F. Kirkup to the Minister for Local Government; Heritage; Culture and the Arts:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr D.A. Templeman replied:Department of Local Government, Sport and Cultural Industries including the Culture and Arts portfolio agencies

- (a) Yes.
 - (i) The Department has a procedure in place to have the hard drives removed from any devices to be returned at the end of lease or owned and marked for disposal.

On the occasion that the owned machines are being taken away by the supplier of the new machines, proper disposal of the old devices is taken by the supplier including destruction of the hard drive.

ICT staff then arrange the secure disposal of the hard drives via a CUA approved disposal company.
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly question on notice 3209.
- (c) Not applicable.

Metropolitan Cemeteries Board

- (a) Yes.
 - (i) There is a general procedure/form to authorise and erase the hard drives prior to disposal utilising Revo Uninstaller in previous years and DBAN Software since 2018. Additionally it is a requirement of the contract with the MCB that all vendors prior to removing machines from MCB sites to run their own programmes to delete any MCB records from the device.
 - (ii) Not applicable.

- (b) Please see response to Legislative Assembly question on notice 3209.
- (c) Not applicable.

National Trust of Western Australia

- (a) Yes.
 - (i) All hard-drives are erased upon disposal – “killdisk” software
 - (ii) Not applicable.
- (b) Please see response to Legislative Assembly question on notice 3209
- (c) Not applicable.

Department of Planning, Lands and Heritage (including Heritage Council of Western Australia)

- (a)–(c) Please refer to Legislative Assembly question on notice 3196.

MINISTER FOR POLICE — PORTFOLIOS — PHOTOCOPIERS

3205. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:

In respect of the Minister’s portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mrs M.H. Roberts replied:

- (a) The Western Australian Police advise that all hard drives are removed before disposal and destroyed via crushing/shredding process. The destruction is witnessed by WA Police Force staff and destruction certificates recorded. WA Police Force printers and photocopiers process operational and legally restricted material as well as confidential cabinet and parliamentary information. WA Police Force multi-function printing and scanning devices are configured to scan to a networked server rather than the local hard drive. This network location is data wiped on a regular basis. Secure scanning is also configured for sensitive data to be delivered directly to the requestors e-mail box or a secured network folder.

The Road Safety Commission advise that since attachment to the WA Police Force on 1 July 2017, the Road Safety Commission has adopted the WA Police Force Information Security Policies. From 1 July 2015 to 30 June 2017, the Road Safety Commission as a separate agency of State, had its own Information and Communications Technology Use Policy. WA Police Force recover the HDD prior to the asset being removed by the vendor and arrange for it to be shredded as part of witnessed destruction. The serial number of the HDD is recorded. The Road Safety Commission has a number of multifunction devices (MFDs) used for scanning and printing of documents related to a range of matters that could be sensitive or confidential. These include documents relating to human resource matters and Cabinet in Confidence documents. All staff within the Road Safety Commission have been made aware of their obligations under the *State Records Act 2000*.

- (b) Please see response to Legislative Assembly Question on Notice 3209.
- (c) Not Applicable.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — PHOTOCOPIERS

3207. Mr Z.R.F. Kirkup to the parliamentary secretary representing the Minister for Education and Training:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr P. Papalia replied:Department of Education

- (a) Yes. The Department of Education has published procedures on its intranet to guide staff actions when disposing of multifunction printing/copying devices. This includes advice and guidance for ensuring that data cleansing processes are completed.
 - (i) Department staff are advised that modern printers and multifunction devices often contain a hard disk on which are stored copies of the documents that were sent for printing. All Department files on the hard disk must be cleansed before disposal or return to a leasing company.

The Department has made DiskSan software available to all staff for the purpose of sanitising data storage devices and advises that staff should consider removing the hard disk for separate secure erasure or disposal.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Department of Training and Workforce Development

- (a) Yes.
 - (i) Common Use Agreement WAS2016 Waste Disposal and Recycling Services – ICT Disposal procedure using “Blanco” software – HMG Infosec Standard 5, Higher Standard
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

North Regional TAFE

- (a) Yes.
 - (i) Manufacturer decommission process includes HDD destruction. In addition, North Regional TAFE does not use internal storage as a staging/pre-print area. AES 128/256-Bit encryption is enabled.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

Central Regional TAFE

- (a) The existing policy requires updating.
 - (i) Not applicable.
 - (ii) The CRT Policy and Procedure for “Disposal of an Asset (AF007P)” requires updating to include effective sanitising procedures. This is expected to be completed by the end of November 2018.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

South Metropolitan TAFE

- (a) Yes.
 - (i) Information and Communication Technology (ICT) Information Security Policy.
South Metropolitan TAFE use DBAN software to erase hard drives. A number of photocopiers are leased, and the erasing of hard drives is negotiated with the supplier upon disposal.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

North Metropolitan TAFE

- (a) Yes.
 - (i) Information and Technology Services (ITS) Sanitising of Hard Disks and Electronic Media Storage Procedures. No disposals have taken place to date
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable

South Regional TAFE

- (a) Yes.
 - (i) Procedures are in place that requires hard drives of disposed equipment to be erased. In addition, contractual obligation with the photocopier vendors requires that upon disposal the photocopier hard disks are to be physically destroyed.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209
- (c) Not applicable.

Building and Construction Industry Training Fund

- (a) Yes.
 - (i) Purchases are made from suppliers as per the CUA and include disposal of the existing unit in the contract.
 - (ii) Not applicable.
- (b) Please refer to Legislative Assembly Question on Notice 3209.
- (c) Not applicable.

MINISTER FOR HEALTH — PORTFOLIOS — PHOTOCOPIERS

3208. Mr Z.R.F. Kirkup to the Deputy Premier; Minister for Health; Mental Health:

In respect of the Minister’s portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;

- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
- (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
- (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr R.H. Cook replied:

For the Department of Health and Health Services Providers I am advised:

- (a) Yes.
- (i) Under the *Information and Communications Technology Policy Framework*, WA Health has a mandatory system-wide policy relating to *Information Security*.

In relation to the policy: The *Information Security* policy requires that:

“The only approved sanitisation and destruction methods are:

physical destruction of the data storage media once removed from ICT equipment, for example, physically drilling through the hard drives or electronic storage media;

use of ICT equipment sanitisation and destruction services provided under CUA WAS2016 Waste Disposal and Recycling Services; and

securely wiping a disk or storage media using software.”

In relation to the software used to erase the hard drive: Response from the vendors on the WA Government CUA – *CUA PCS 2013 Printing and Copying Machines and Solutions*. This CUA is mandatory for purchasing of multifunction devices, printers, faxes, and consumables.

The following provisions apply:

Company	Requirement
Ricoh Australia	<i>“Any Ricoh device that has a HDD has security levels in place such as HDD encryption which means the HDD is overwritten after each job to ensure no latent images are left on it”.</i>
Fuji Xerox Australia	<i>“Erasing of data on the HDD is automatic and conducted on the fly - Encryption and Overwriting is a standard feature on all Fuji Xerox devices. Device destruction: In fulfilling our commitment of zero waste to landfill, Fuji Xerox devices that have reached their end of life are collected for recycling. As part of this procedure, machines (including the hard disk drives) are tracked by serial number, before being destroyed via our shredding process.”</i>
Konica Minolta Business Solutions Australia Pty Ltd	<i>“The hard drive of the machine is sanitized by overwriting the data on it with new data, making all stored data unable to be retrieved. The default overwrite mechanism will be implemented for all devices, unless additional services are procured.”</i>

- (ii) Not applicable.

Mental Health Commission advises:

- (a) Yes.
- (i) Direct copy, direct network print and direct network scan, methods are used so no files are saved to the local disk. Prior to disposal hard drives have a final scan to confirm no residual data has been left.
- (ii) Not applicable.

Healthway advises:

- (a) (i) There is no policy. Photocopiers have been disposed of in line with State Government Contract WAS2016. Contractor was instructed to destroy storage media (e.g. hard drives).
- (ii) Not applicable.

Health & Disability Services Complaints Office advises:

- (a) No.
- (i) Not applicable.
- (ii) No photocopiers with hard drives.

Animal Resource Authority advises:

- (a) No.
- (i) Not applicable.
- (ii) No photocopiers with hard drives.

All agencies advise:

- (b) (i)–(iii) Please see response to Legislative Assembly Question on Notice 3209.
- (c) (i)–(ii) Not applicable.

PREMIER — PORTFOLIOS — PHOTOCOPIERS

3209. Mr Z.R.F. Kirkup to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

In respect of the Minister's portfolio responsibilities for any of their departments, agencies, government trading enterprises or boards I ask:

- (a) Are there any policies or procedures in place for erasing the hard-drives of photocopiers upon their disposal from the agency:
 - (i) If so, what are they and what software is used to erase the hard-drive; and
 - (ii) If not, why not;
- (b) Could the Minister provide a breakdown (make/model/software operating system) of the photocopiers that are in use (including which are connected to a WLAN, LAN etc. and which are stand-alone) as at:
 - (i) 1 June 2016;
 - (ii) 1 June 2017; and
 - (iii) 1 June 2018; and
- (c) Are any of the photocopiers in (b)(i)–(iii) used to scan, replicate or print sensitive or confidential information:
 - (i) If so, what type of sensitive or confidential information; and
 - (ii) If so, what measures are put in place to ensure this information is not retained on the hard-drive of the photocopier?

Mr M. McGowan replied:

GoldCorp

- (a) Hard drives are removed from all photocopies prior to disposal/return of equipment. Drives are erased using 'CBL Data Shredder' software implementing the Department of Defence (DOD) 5220.22-M Standard. Drives that require physical destruction are processed through a certified NAID (National Association for Information Destruction) provider.
- (b) Please refer to the response of the Department of the Premier and Cabinet.
- (c) Not applicable.

Lotterywest

- (a) (i) Lotterywest has the following software, policies and procedures in place for erasing hard-drives of photocopiers upon their disposal:
 - Physical and Environmental Security Policy
 - ISO 27001 A.11.2.7 Secure Disposal or Reuse of Equipment
 - IS Service Desk and Contracts and Purchasing disposal processes

State Supply Commission “Disposal of Goods Policy”

Purchasing Manual

Recycled to ISO 14001 Using an Agency Secure Computer Recycling and Disposal

Blanco Drive Eraser – Secure Computer Recycling and Disposal/Sims E-Recycling

Supplier certification on Common Use Criteria (ISO/IEC 15408)

- (ii) Not applicable.
- (b) Please refer to the response of the Department of the Premier and Cabinet.
- (c) Not applicable.

Premier and Cabinet

- (a) Yes.
 - (i) A data overwrite is performed and hard-drives are reset to factory default, then removed and sent for destruction using the disposals common use agreement (CUA).
- (b) It is not considered a reasonable or appropriate use of Government resources to compile a breakdown to this level.
- (c) Not applicable.

Public Sector Commission

- (a) Please refer to the Department of Premier and Cabinet Response, as they are the service provider to the Commission.
- (b) Please refer to the response of the Department of the Premier and Cabinet.
- (c) Not applicable.

Salaries and Allowances Tribunal

- (a) Please refer to response provided by the Department of Premier and Cabinet, which is the service provider to the Tribunal.
- (b) Please refer to the response of the Department of the Premier and Cabinet.
- (c) Not applicable.

Department of Jobs, Tourism, Science and Innovation

- (a) No.
 - (i) Not applicable.
 - (ii) The Department utilises Ricoh printers with hard disk drive encryption and Data Overwrite Security System. Using this system, all print jobs sent to a printer are encrypted on the hard drive and cannot be read.
- (b) Please refer to the response of the Department of the Premier and Cabinet.
- (c) Not applicable.

STATE DEVELOPMENT, JOBS AND TRADE — WOODSIDE — KARRATHA GAS PLANT

3210. Mr D.T. Redman to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

I refer to your media release dated 1 June titled Woodside’s Jobs portal to secure work for Karratha locals, and ask:

- (a) Has Woodside requested Government approvals for the Pluto expansion and upgrade to Karratha’s gas plant as described in your media release;
- (b) If not, when are they expected to request approvals;
- (c) If yes, when were the approvals submitted to government and have the necessary government approvals been given for the Pluto expansion and upgrades for the Karratha’s gas plant as described in your media release;
- (d) If not, when are the approvals due to be given; and
- (e) If yes, what is the timing of the upgrades as described?

Mr M. McGowan replied:

The Department of Jobs, Tourism, Science and Innovation advises:

- (a) No.
- (b) Late 2018.
- (c)–(e) Not applicable.

DEPARTMENT OF COMMUNITIES — RESIDENTIAL PROPERTIES

3212. Mr J.E. McGrath to the Minister for Housing; Veterans Issues; Youth:

- (1) Can the Minister provide information on how many residential properties are owned by the Department of Communities/Housing in the suburbs of:
 - (a) Como;
 - (b) Karawara;
 - (c) Kensington;
 - (d) Manning;
 - (e) Salter Point;
 - (f) South Perth; and
 - (g) Waterford?
- (2) How many of the residential properties owned by the Department in the suburb of Karawara are being used as:
 - (a) Public housing; and
 - (b) Community housing?
- (3) How many of the residential properties owned by the Department in the suburb of Karawara are managed by:
 - (a) The Department itself; and
 - (b) Contractors?
- (4) How many contractors are involved in managing the residential properties owned by the Department in the suburb of Karawara?
- (5) In reference to (4), what are the names of the contractors?
- (6) What future development plans are currently being considered for the residential complex located on 16 Bunderra Close, Karawara?
- (7) In reference to (6), what is the timeframe for the implementation of these development plans?

Mr P.C. Tinley replied:

- (1) The number of public and community housing properties owned by the Department of Communities is:
 - (a) Como – 305
 - (b) Karawara – 163
 - (c) Kensington – 116
 - (d) Manning – 233
 - (e) Salter Point – 28
 - (f) South Perth – 108
 - (g) Waterford – 0
- (2)
 - (a) Public housing – 147
 - (b) Community housing – 16
- (3)
 - (a) 147 properties are directly managed by the Department of Communities and the remaining 16 properties are managed by Community Housing Organisations.
 - (b) Nil.
- (4) Nil.

- (5) Not applicable.
- (6) As outlined in my letter to you of 29 June 2018, the Department of Communities is focussed on providing a long-term solution for both the tenants living in the complex and the surrounding residents. The Department of Communities is working closely with Foundation Housing Limited and St Bartholomew's House. The Department is not considering any future development of the complex at this time.
- (7) Not applicable.

COMMUNITY SERVICES — HARDSHIP UTILITY GRANT SCHEME

3215. Mr J.E. McGrath to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the article published in The Weekend West on 19 May 2018 titled Labor 'mean' over hardship grants fall, and ask:

- (a) Were the HUGS payments to the 406 recipients (as of April 2018) granted prior to 1 January 2018;
- (b) If not, how many of the 406 HUGS payment recipients had their applications granted after 1 January 2018, and what did they have to do in order to comply with the changes announced by the State Government on 18 December 2017;
- (c) Out of the 406 HUGS payment recipients, how many were seeking support because of their inability to pay the following bills:
 - (i) Electricity;
 - (ii) Gas; and
 - (iii) Water;
- (d) Out of the 406 HUGS payment recipients, how many households consist of:
 - (i) Single pensioners; and
 - (ii) Families;
- (e) What was the income range of the 406 HUGS payment recipients;
- (f) What was the average amount of electricity/gas/water bill due to be paid by the 406 recipients, and over how many bills/billing cycles, when the HUGS payment was granted to them;
- (g) Can customers received a HUGS payment through their gas utility provider and the Water Corporation (for water);
- (h) If yes to (g), are they required to go on 180-day payment plans and if not, why; and
- (i) Can the Government provide details on how it is intending to spend \$2.2 billion over four years on concessions?

Ms S.F. McGurk replied:

- (a) There were 406 approved applications in April 2018 for HUGS. Between 1 January and 30 April 2018, there were 7 583 approved applications.
- (b) 406 applications were approved for HUGS payment in April 2018.
Applicants must be assessed as being in financial hardship by their relevant utility provider and must have an outstanding bill between \$300 and \$1 750 (for area south of the 26th parallel). In addition, applicants are required to enter into a payment arrangement for at least 180 days to address the outstanding debt. Customers who have been served a disconnection or restriction notice from the utility provider (subject to having previously entered into a payment arrangement) can apply for HUGS. In addition, customers who are currently disconnected may apply for HUGS subject to entering into a payment arrangement to resolve the remaining debt.
- (c) For the month of April 2018:
 - (i) Electricity: 235
 - (ii) Gas: 80
 - (iii) Water: 91
 Applications by Industry for the period January to April 2018:
 - (i) Electricity: 5 548
 - (ii) Gas: 1 309
 - (iii) Water: 724

- (d) Data is collected on 'Family Status':

Family Status	Apr 2018	Jan – Apr 2018
Couple	29	788
Couple and Dependent Children	110	2 010
Single	123	2 351
Single and Dependent Children	144	2 434
TOTAL	406	7 583

Data is collected on 'Income Source':

Income Source	Apr 2018	Jan – Apr 2018
Employment	164	2 610
Government Payments	211	4 320
Other	14	386
Self Employed	17	267
TOTAL	406	7 583

- (e) The Department of Communities does not collect data on income range of HUGS recipients. See above for Income Source.
- (f) \$496.60 was the average grant amount for April 2018. The average for the period January to April 2018 was \$403. The Department of Communities does not collect data on the number of billing cycles taken for customers to accrue debt however each application is unique and circumstance varies.
- (g) Customers can apply for a grant towards any utility up to the grant limit for the financial year. The grant can apply to more than one utility in the same financial year, up to the grant limit.
- (h) The customer is required to enter into a payment arrangement as outlined in answer (b), however if customers receive HUGS assistance, they may be required to maintain a payment arrangement for the remaining outstanding debt.
- (i) The Government continues to provide a number of utilities concessions to families in need, with a total of \$2.2 billion forecast to be spent across the forward estimates period, including:

The \$300 Energy Assistance Payment (\$282 million) which is paid to all households with a means tested concession card;

\$81 million for the Dependent Child Rebate, which is paid to households with dependent children and a means tested concession card (\$315 for the first dependent child and \$82 for every additional child);

Subsidising country water, sewerage and drainage services (\$1.3 billion);

Water concessions for pensioners and seniors, with \$401.6 million to be spent on various discounts to fixed and consumption charges automatically deducted from pensioner and seniors card holder's water bills; and

\$46 million allocated to the Hardship Utilities Grants program. Full details are provided in Table 8.5 of Appendix 8 for Budget Paper 3. [See tabled paper no 1555.]

MINISTER FOR TOURISM — TOURISM COUNCIL WESTERN AUSTRALIA — CONTACT

3216. Ms L. Mettam to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

Since 16 March 2017, has the Minister or Ministerial staff met or had any contact with the Tourism Council of WA, and if yes:

- (a) What are the dates of each meeting or instance of contact;
- (b) What were the names of the representatives from the Tourism Council of WA present at each meeting;
- (c) What were the names of any third parties present at the meetings and the names of the organisations they represented;
- (d) Who in the Minister's office did they meet with or contact;

- (e) Where did the meetings take place;
- (f) In the instance of contact, what form did it take (i.e. phone, email, messenger); and
- (g) Was any follow-up action agreed to by the Minister or Ministerial staff:
 - (i) If yes, what action was agreed to and within what time frame?

Mr P. Papalia replied:

The Tourism Council of Western Australia is one of the key stakeholders in tourism in the state.

Meetings between the Council, my staff and myself are held regularly, as they are with other key tourism stakeholders, and form part of an ongoing consultative process which is contributing to improved tourism outcomes in Western Australia.

In its current form the question is very broad and I request that the Member be more specific.

PREMIER — DUMAS HOUSE OFFICE

3217. Mr D.C. Nalder to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

In relation to the Minister's answer to Question on Notice 3023, I ask:

- (a) What is the cost split of the \$785 000 (excluding GST) for each the Premier's and Attorney General's office requirements;
- (b) In relation to the specific cost of relocating the Premier, what are the itemised costs and specifically what were these costs for; and
- (c) In relation to the specific cost of relocating the Attorney General, what are the itemised costs and specifically what were these costs for?

Mr M. McGowan replied:

- (a) Following compilation of final invoices, the total cost has been revised down to \$782,000. This has been divided \$102,500 for the Premier's office fit-out and \$477,000 for the Attorney General's office fit-out. The remaining re-location and fit-out costs were shared between both Offices and included items such as project management, maintenance and quantity surveyor fees. This initiative will save taxpayers approximately \$1.6 million over four years, plus an additional \$800,000 per annum thereafter.
- (b) Premier's office fit-out:
 - Fit-out modifications – \$68,300
 - Consultant fees – \$26,000
 - Furniture supply – \$8,200
- (c) Attorney General's office fit-out:
 - Fit-out modifications – \$296,000
 - Consultant fees – \$76,000
 - Furniture supply – \$59,500
 - Audio Visual – \$45,500

FISHERIES — ROCK LOBSTERS

3218. Mr D.C. Nalder to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

Further to the Minister's answer to Question on Notice number 2692, I ask:

- (a) Who were the recipients of the rock lobster quota exemptions;
- (b) In relation to (a), what was the increase in the annual rock lobster quota granted to each recipient in weight and volume;
- (c) What was the amount of rock lobster provided in weight and volume, listed by supplier, to the Mission Australia Christmas Lunch 25 December 2017;
- (d) What was the amount of rock lobster provided in weight and volume, listed by supplier, for the Local Lobster Program;
- (e) Were the Rock Lobster Council consulted over the Minister's decision to allow rock lobster quota holder exemptions;

- (f) If the Rock Lobster Council were consulted, what advice did they provide to the Minister;
- (g) Was the Department of Fisheries consulted over the Minister's decision to allow rock lobster quota holder exemptions; and
- (h) If the Department of Fisheries were consulted, what advice did they provide to the Minister?

Mr D.J. Kelly replied:

- (a) Mission Australia Christmas Lunch – the holder of West Coast Rock Lobster Managed Fishery Licence WCLL1401.
Local Lobster Programs – persons operating under a West Coast Rock Lobster Managed Fishery Licence where at least 300 units of usual and current entitlement were held on that licence.
- (b) Mission Australia Christmas Lunch – 750 lobster – estimated weight of 450kg.
Local Lobster Programs (three trials combined) – 42,000 lobster – estimated weight 25,200kg
- (c) Processed and supplied by Kailis Bros Pty. Ltd., see (b).
- (d) Each Fishing Boat that participated in the voluntary Local Lobster Programs were issued batches of 50 tags per trial (some additional batches were made available in the first trial), with one tag allowing for one lobster to be taken. Refer to (b).
- (e) Mission Australia Christmas Lunch – yes, prior to the grant of the exemption, assistance was sought from the Western Rock Lobster Council to facilitate the charity Christmas Lunch.
Local Lobster Programs – yes.
- (f) Mission Australia Christmas Lunch – Western Rock Lobster Council opposed the initiative and grant of exemption.
Local Lobster Programs – Western Rock Lobster Council initiated the program and supported.
- (g) Yes.
- (h) The Department provided advice on sustainability of the West Coast Rock Lobster resource and provided recommendations for the Minister to consider for both facilitating the provision of lobsters for the Mission Australia Christmas Lunch, and for implementing the Local Lobster Programs.

FOREST PRODUCTS COMMISSION — PINE PLANTATIONS

3219. Mr D.T. Redman to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

I refer budget paper No 3 Page 108 where it identifies a \$2.5m subsidy paid for haulage and thinning costs of alternative Pine plantations, to ensure the Forest Products Commission meets its supply contracts (presumably for Wesbeam):

- (a) Can the Minister confirm if these alternative pine log supply sources are a contributing factor in the lack of supply to some of the smaller mills in the Great Southern and South West;
- (b) What is the volume of pine logs being sourced from these alternative sites;
- (c) Had there not been environmental issues with Carnaby Cockatoo in the Northern pine plantations, and harvesting could have gone as planned, could logs from the alternative locations have been made available to smaller mills in the SW and Great Southern;
- (d) Can the Minister confirm that seeking alternative sources of log from southern forests in this instance is primarily the result of drought and fire losses to the northern plantation, even though there is a short term objective to deal with an environmental related matter with the Carnaby Cockatoo; and
- (e) Can the Minister also confirm that drought and fire losses could have triggered force majeure clauses in the state agreement contracts with the likes of Wesbeam, and hence absolved any contractual obligations to meet pine log supply contracts?

Mr D.J. Kelly replied:

- (a) No. The alternative pine log supply was already within the supply zones for State Agreement customers and would not have been available to other processors unless forfeited by the State Agreement customers.
- (b) Up to 65,000 cubic metres.
- (c) No, see (a)
- (d) No.
- (e) Drought and fire events have resulted in force majeure notices being issued. Force majeure reduces the quantity of timber to be supplied under pine timber contracts as a result of events (such as fire and drought) but does not absolve the requirement to supply the reduced contract volume.

OFFICE OF MULTICULTURAL INTERESTS — APPROPRIATIONS — 2018–19 STATE BUDGET

3221. Mr A. Krsticevic to the Minister for Citizenship and Multicultural Interests:

What appropriation is allocated to the Office of Multicultural Interests in the 2018–19 budget for each of the following years:

- (a) 2018–19;
- (b) 2019–20;
- (c) 2020–21; and
- (d) 2021–21?

Mr D.A. Templeman replied:

I refer the Member to the 2018–19 Budget Paper Number 2, Volume 2, Division Number 34, Part 8, Page Number 452 under Service Summary line item 2.

COMMERCE AND INDUSTRIAL RELATIONS — SUBCONTRACTORS

3222. Mr V.A. Catania to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

I refer to legislation governing the payment of subcontractors in WA, and I ask:

- (a) Is the Government considering a rewrite of the *Construction Contracts Act 2004* so it is better aligned with similar, fairer legislation in other Australia jurisdictions that are favourable to small businesses and subcontractors;
- (b) If yes to (a), what timeframe has the Government put on reviewing and rewriting the legislation;
- (c) Can the Minister provide a status update of both the Industry Code of Conduct and Building and Industry Compliance Unit introduced in 2017;
- (d) Do any of the Minister's departments maintain records of industry complaints relating to the Act and Code respectively;
- (e) Do any of the Minister's departments maintain records of breaches of the Act and Code respectively that have occurred in WA; and
- (f) If yes to (d) and (e) can you please table the complaint and breach records for each calendar year from 2015 to date?

Mr W.J. Johnston replied:

- (a) The Government established the Industry Advisory Group (IAG) to examine better security of payment protections for subcontractors in the building industry. The AIG will provide a report to Government and it will be considered at the appropriate time.
- (b) Not applicable.
- (c) The Building and Construction Industry Code of Conduct 2016 (the Code) is currently being reviewed to determine if it can be revised to provide increased security of payment protection for subcontractors. The Government is currently consulting with the industry on measures to improve security of payment for subcontractors through the Industry Advisory Group (IAG) headed by Mr John Fiocco. Pending review the functions of the Building and Construction Code Monitoring Unit are being maintained within the Department of Mines, Industry Regulation and Safety.
- (d) No.
- (e) No.
- (f) Not applicable.

COMMERCE AND INDUSTRIAL RELATIONS — INDUSTRY ADVISORY GROUP

3223. Mr V.A. Catania to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

I refer to the establishment of the Industry Advisory Group (IAG) headed by John Fiocco, and I ask:

- (a) Please provide a list of the IAG membership and organisations they belong to;
- (b) Is the State Government allocating any funding or resourcing to the IAG;
- (c) If yes to (b), please table a breakdown of which government agencies are providing the funding and resourcing;

- (d) What outcomes has the IAG achieved to date; and
- (e) When is the IAG expected to report its inquiry findings to the Minister?

Mr W.J. Johnston replied:

- (a) Master Builders Association of Western Australia;
Housing Industry Association of Western Australia;
Australian Institute of Building;
Construction Contractors Association of Western Australia Inc;
Property Council of Australia (WA Division);
Civil Contractors Federation: Western Australia;
Subcontractors WA Inc;
Master Plumbers and Gasfitters Association of Western Australia;
Master Painters & Decorators Australia (Western Australia);
National Electrical and Communications Association, Western Australia;
Master Electricians Australia (Western Australia);
Air Conditioning & Mechanical Contractors' Association (Western Australia);
Law Society of Western Australia;
Resolution Institute (WA Perth Chapter);
Construction Forestry Mining and Energy Union (Western Australia);
Electrical Trades Union WA;
Department of Finance – Building Management and Works;
Small Business Development Corporation;
Public Transport Authority;
Main Roads Western Australia; and
Department of Mines, Industry Regulation and Safety – Building and Energy division.
Members participate on the basis of being nominees of these organisations.
- (b) Yes.
- (c) The funding is sourced from the allocated budget for the Department of Mines, Industry Regulation and Safety – Building and Energy division.
- (d) The IAG has conducted two detailed consultation workshops with IAG members and received written submissions in respect to each of them. So far, stakeholders' views have been received on measures to improve the rapid adjudication process under the *Construction Contracts Act 2004* and ways to improve the registration framework under the *Building Services (Registration) Act 2011*. Copies of the Discussion Papers for IAG Workshop 1 and 2, together with the submissions received, have been published on the Department's website.
- (e) I anticipate I will receive the report by the end of October 2018.

WA MUSEUM — NEW MUSEUM PROJECT — ENTRY FEES

3224. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the proposed entry fees being proposed for the new Museum, and ask:

- (a) What modelling and/or consultation has taken place regarding the proposed entry fee, (please provide details of the specific modelling/consultation and the results of the same):
 - (i) Has this modelling/consultation considered the impact on households with low incomes, if so, what were the results;
 - (ii) Has any modelling/consultation taken place to see if charging a fee will act as a deterrent for visitors to the new museum, if so, what were the results; and
 - (iii) Has any modelling/consultation taken place to see if charging a fee will act as a deterrent for repeat visitors to the new museum, if so, what were the results;

- (b) How many visitors are anticipated at the new Museum in its each of its first three years of operations;
- (c) How much income is anticipated to be raised from entry fees to the new Museum in its first three years of operations;
- (d) Will an entry fee be charged for school-aged students visiting the Museum:
 - (i) How will entry fees be charged for school excursions which have students across multiple ages, i.e. a class of 14 and 15-year-olds; and
- (e) Has consideration been given to charging a fee for access to the Art Gallery of WA and if so, when will it be implemented and how much will the entry fee be?

Mr D.A. Templeman replied:

- (a) (i)–(iii) The Western Australian Museum engaged Ernst & Young (EY) to undertake research and analysis to develop a range of estimates on the impact on attendance based on assumptions and available data. This research represents an estimate range and are not fare costs and do not take into account specific attributes such as socio economic and demographic factors.
- (b) The EY research estimates attendance between 200 000 to 488 000 in 2020–2021, 182 200 to 494 344 in 2021–22 and 165 984 to 500 700 in 2022–23.
- (c) Estimated between \$1.8 million – \$4.4 million per annum.
- (d) Children under the age of 15 years will receive free general admission to the New Museum whether they visit in a school group or with family. Teachers, carers and students over the age of 15 years will not be charged when attending in an organised school group booking.
The WA Museum will continue to deliver value for money programs that meet the needs of all school groups.
- (e) No, for general entry fees.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS —
VOLUNTARY TARGETED SEPARATION SCHEME

3225. Mr P.J. Rundle to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

I refer to the Government's Voluntary Targeted Separation Scheme in each of the Minister's portfolio areas, and ask:

- (a) What is the process to ensure that the function of each redundant staff member is being undertaken; and
- (b) Will the Minister list, by portfolio area, the position, location and level of each position made redundant?

Mr M.P. Murray replied:

Department of Communities

- (a) The functions are being managed across teams, with senior managers monitoring workload issues to ensure minimal impact to staff and continuity of business functions.
Prior to a redundancy being offered, an Executive Director at the Department of Communities reviewed the roles and functions of each position and made a determination on whether the job role could be abolished against the following criteria:
the eligibility of the employee;
whether the employee's position is or can be abolished;
whether the separation will achieve savings; and
whether the separation will not adversely impact on the Department of Communities operations or service delivery.
- (b) The following positions can be attributed to undertaking activities in the portfolio of Seniors and Ageing; Volunteering:
Senior Strategy Officer, Level 6, Perth Metro
Strategy Officer, Level 4, Perth Metro

Sport and Recreation (WA)

- (a) The consolidation of agencies to establish the Department of Local Government, Sport and Cultural industries has delivered efficiencies that ensure functions undertaken by redundant positions can be met through the restructuring of business units.

(b)

Portfolio	Position Title	Position Classification	Location
Sport and Recreation	Accounts Payable Officer	Level 2	Leederville
Sport and Recreation	Facilities Project Officer	Level 4	Leederville
Sport and Recreation	Chief Information Officer	Level 8	Leederville
Sport and Recreation	Customer Service/Admin Officer	Level 2	Leederville
Sport and Recreation	Project Officer Org Development	Level 5	Leederville
Sport and Recreation	Facilities Consultant	Level 5	Leederville
Sport and Recreation	Project Leader KidSport	Level 6	Leederville
Sport and Recreation	Director Human Resources	Level 8	Leederville
Sport and Recreation	Strategic Projects	Level 8	Leederville

LOCAL GOVERNMENT — PUPPY FARMING

3226. Mr A. Krsticevic to the Minister for Local Government:

I refer to the policy commitment to stop puppy farming and the current consultation process, and ask:

- (a) Under the policy, will pet shops be permitted to sell puppies which have been sourced from certified registered breeders:
 - (i) If not, why not;
- (b) Will a pet shop be able to source and sell puppies from reputable breeders of designer hybrid dogs, or crossbreeds (such as labradoodles); and
- (c) Is a breeder who breeds designer hybrid dogs or crossbreeds, rather than pure breeds, able to be a registered breeder in Western Australia:
 - (i) If not, will this reform process consider addressing this issue and if not, why not; and
 - (ii) If not, what will be done to meet the demand for designer hybrid puppies in Western Australia, noting that a rescue dog is not an appropriate option for many households?

Mr D.A. Templeman replied:

- (a) No.
 - (i) The intention of the current policy is to transition pet shops into adoption centres. However, the current consultation process will determine if the policy is adapted to meet the needs of the industry and the community.
- (b) No.
- (c) It is proposed that any owner of an unsterilised dog will be able to register as a breeder on the centralised database unless they have been convicted of an offence under the Animal Welfare Act 2002, Dog Act 1976 or Cat Act 2011.
 - (i)–(ii) Not applicable.

LOCAL GOVERNMENT — PUPPY FARMING

3227. Mr A. Krsticevic to the Minister for Local Government:

I refer to the Stop Puppy Farming Implementation Working Group and the consultation process currently in place, and ask:

- (a) Are there any representatives from any pet shops on the working group:
 - (i) If not, why not;
- (b) Have any other means of direct engagement with the small number of pet shops in WA been undertaken, given the significant impact of the policy to stop puppy farming on their businesses:
 - (i) If not, why not;
- (c) Has the Department met with any pet shops owners:
 - (i) If yes, please provide details of the meetings including the date, attendees and agenda items discussed; and
 - (ii) If not, why not; and

- (d) Has the Minister, the Member for Maylands, or any staff of the Minister's office met with any pet shops owners:
- (i) If yes, please provide details of the meetings including the date, attendees and agenda items discussed; and
- (ii) If not, why not?

Mr D.A. Templeman replied:

- (a) The Pet Industry Association is a member of the Stop Puppy Farming Implementation working Group.
- (i) Not applicable.
- (b) On 11 May 2018, letters were sent to each pet shop in Western Australia that was known to be selling dogs advising them of the project and inviting them to meet with officers of the Department of Local Government, Sport and Cultural Industries.
- (i) Not applicable.
- (c) As at 13 June 2018, the Department had met with three pet shop owners/representatives, one representing thirteen shops.
- (i)

Date	Time	Attendees
28 May 2018	10:30am–12:00pm	All About Pups
28 May 2018	3:00pm–4:00pm	Maida Vale Pets and Aquarium
31 May 2018	10:00am–11:30am	Pet City

The Agenda for each meeting was to discuss the Government's commitment to transition pet shops to adoption agencies.

- (ii) Not applicable.
- (d)

Date	Attendees	Agenda
6 March 2018	<ul style="list-style-type: none"> – Principal Policy Adviser, Ministerial Office; – Local Government Senior Policy Adviser, Ministerial Office; – Managing Director, Kellyville Pets – Chief Executive Office, Pet Industry Association of Australia 	Proposed Stop Puppy Farming policy.

FISHERIES — MANTA RAYS

3228. Mr I.C. Blayney to the Minister for Fisheries:

Have you requested advice from the Department of Fisheries regarding the protection of Manta rays:

- (a) If yes, on what date was this information requested; and
- (b) why was the information sought and will you table the advice received from the Department of Fisheries?

Mr D.J. Kelly replied:

Yes.

- (a) 25 January 2018
- (b) An online petition contained reports that manta rays were being speared at Ningaloo Marine Park. The Department of Primary Industries and Regional Development (Department) advised that these reports could not be confirmed.

The advice received from the Department was that protection for manta rays throughout Western Australia can be achieved by adding all species of manta rays to the totally protected fish provisions of the Fish Resources Management Regulations 1995. The Department further advised that to implement this prohibition a Section 43 Order, prohibiting the take of manta rays, would need to be drafted. This protection could be transitioned into the regulations under Aquatic Resource Management Act 2016.

FISHERIES — ALBANY MULTISPECIES HATCHERY

3229. Dr M.D. Nahan to the Minister for Fisheries:

I refer to the Albany multi-species hatchery, and ask:

- (a) Has an operator been appointed and if so, who is the operator and what date were they appointed; and
- (b) If not, has it gone to tender, and if yes, on what date, and when is the tender expected to be awarded:
 - (i) If not, why not?

Mr D.J. Kelly replied:

- (a) Yes, the contract was awarded through a competitive tender process to Athair Pty Ltd on 23 April 2018.
- (b) Not applicable.
 - (i) Not applicable.

ENVIRONMENT — ENHANCED PRESCRIBED BURNING PROGRAM

3230. Mr D.T. Redman to the minister representing the Minister for Environment; Disability Services:

I refer to the Royalties for Regions funded Enhanced Prescribed Burning Program, and ask:

- (a) what has been the effect of this additional resource on meeting the annual prescribed burning target set by your agency;
- (b) what are the last 10 years of prescribed burning achievements by the agency and can the Minister show in a table the impact of the RFR funded enhanced prescribed burning program on these achievements since the funding initiative began in 2015/16;
- (c) will the Minister table advice given by the agency on risks of not extending the enhanced proscribed burning program beyond 2018/19 as outlined in the budget;
- (d) what does the Minister expect will be the level of prescribed burning achieved each year, following the expiry of the RFR funded enhanced prescribed burning program at the end of 2018/19; and
- (e) will the Minister's department have any access to fire mitigation resources outlined in the budget for the new Rural Fire Service?

Mr R.R. Whitby replied:

- (a) The additional Royalties for Regions resources to fund the Enhanced Prescribed Burning Program has assisted the Department of Biodiversity, Conservation and Attractions (DBCA) to exceed the nominal 200,000 hectares prescribed burning target for the south-west forests regions for the past two financial years. It is the first time this has been achieved in consecutive years in over two decades.
- (b) The table below provides details of the total area of prescribed burning achieved in the south-west forest regions, for the last 10 years from 2008/09 – 2017/18. The Enhanced Prescribed Burning Program funding is used in addition to recurrent funding for employment of seasonal conservation employees, prescribed burn boundary preparation, relocation of resources across regions to facilitate burning, overtime and engagement of external contractors.

Year	Forest Regions Prescribed Burning Achievement (hectares)
2008/09	151,818
2009/10	212,017
2010/11	136,746
2011/12*	103,165
2012/13*	23,468
2013/14*	78,234
2014/15	147,082
2015/16	154,149
2016/17	247,360
2017/18**	218,919

* Prescribed burning programs from 2011/12 to 2013/14 were impacted by work to satisfy recommendations relating to risk management and prescribed burn planning arising from the Report of

the Special Inquiry into the Margaret River Bushfire of November 2011. During that time procedures to ensure prescribed burn planning was in accordance with ISO 31000, the international standard for risk management, were developed and adopted statewide.

** Provisional figure.

- (c) The McGowan Government is committed to prescribed burning given it is the primary means of reducing the level of combustible fuel and therefore the risk of bushfire faced by our community. Future funding, including an extension of the Enhanced Prescribed Burning Program will be considered as part of the Government's 2019/20 budget process.
- (d) Suitable weather conditions to conduct prescribed burning directly influences DBCA's ability to implement its prescribed burning program. It is therefore not possible to forecast with any degree of accuracy, the level of prescribed burning that may be achieved each year. Progress will be monitored against the nominal annual target of 200,000 hectares and the objective to maintain at least 45 per cent of fuels in its south-west forest regions at less than six years of age.
- (e) This question should be referred to the Minister for Emergency Services. Nevertheless, DBCA will work closely with the new Rural Fire Division in the Department of Fire and Emergency Services to ensure that mitigation actions maximise community protection from bushfires.

SCHOOLS — INNER CITY COLLEGE

3231. Mr W.R. Marmion to the parliamentary secretary representing the Minister for Education and Training:

I refer to the new Inner City College planned for Subiaco, and ask:

- (a) How many students are expected to attend when the school is completed to Stage 1 capacity;
- (b) How many academic and non-academic staff members will work at the school when the school is completed to Stage 1 capacity; and
- (c) How many car bays in total will be provided for the school when completed to Stage 1 capacity and what number will be dedicated to:
 - (i) Staff;
 - (ii) Visitors; and
 - (iii) Students?

Mr P. Papalia replied:

- (a) 1 000 students.
- (b) Schools operate on a one-line budget and make their own decisions regarding staffing. Based on secondary schools with similar enrolments, it is estimated the school will have approximately 65 FTE teaching and 27 FTE non-teaching staff.
- (c) Total of 149 car bays, being 108 bays on site and 41 bays on surrounding streets:
 - (i) 100 bays for staff.
 - (ii) 49 for invited and official guests and parents, including 2 ACROD bays and on-street parking bays.
 - (iii) It is normal practice at every senior high school that bays are not provided for students.

MINES AND PETROLEUM — PROJECT MANAGEMENT PLAN APPLICATIONS

3232. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Project Management Plan applications had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;

- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(d) Information unavailable due to absence of archived records.
- (e) 16
- (f) 11
- (g) 6
- (h) 14
- (i) 19
- (j) 13
- (k) 5

MINES AND PETROLEUM — PROJECT MANAGEMENT PLAN APPLICATIONS

3233. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Project Management Plan applications lodged by the resources industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(d) Information unavailable due to absence of archived records.
- (e) 51
- (f) 65
- (g) 57
- (h) 62
- (i) 50
- (j) 85
- (k) 60

MINES AND PETROLEUM — PROJECT MANAGEMENT PLAN APPLICATIONS

3234. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Project Management Plan applications were received from the resources industry for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;

- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(d) Information unavailable due to absence of archived records.
- (e) 68
- (f) 66
- (g) 58
- (h) 81
- (i) 63
- (j) 84
- (k) 67

MINES AND PETROLEUM — PETROLEUM WELL ACTIVITY APPLICATIONS

3235. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Petroleum Well Activities applications had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(i) Information of this nature exists in paper and scanned form, however it is not in a format that allows for a ready response to this question. The provision of this information involves considerable investigation and in fact requires an analysis of every file relating to each well drilled within the respective years. This would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide an answer.
- (j) 26
- (k) 0

MINES AND PETROLEUM — PETROLEUM WELL ACTIVITY APPLICATIONS

3236. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Petroleum Well Activities applications lodged by the petroleum industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;

- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(i) Information of this nature exists in paper and scanned form, however it is not in a format that allows for a ready response to this question. The provision of this information involves considerable investigation and in fact requires an analysis of every file relating to each well drilled within the respective years. This would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide an answer.
- (j) 59
- (k) 95

MINES AND PETROLEUM — PETROLEUM WELL APPLICATIONS

3237. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Petroleum Well Activities applications were received from the petroleum industry for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(i) Information of this nature exists in paper and scanned form, however it is not in a format that allows for a ready response to this question. The provision of this information involves considerable investigation and in fact requires an analysis of every file relating to each well drilled within the respective years. This would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide an answer.
- (j) 79
- (k) 118

MINES AND PETROLEUM — PETROLEUM WELL APPLICATIONS

3238. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Petroleum Well applications had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;

- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 21
- (b) 22
- (c) 12
- (d) 13
- (e) 24
- (f) 19
- (g) 3
- (h) 56
- (i) 89
- (j) 26
- (k) 0

MINES AND PETROLEUM — PETROLEUM WELL APPLICATIONS

3239. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Petroleum Well applications lodged by the petroleum industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 24
- (b) 39
- (c) 81
- (d) 60
- (e) 32

- (f) 18
- (g) 13
- (h) 8
- (i) 213
- (j) 108
- (k) 2

MINES AND PETROLEUM — PETROLEUM WELL APPLICATIONS

3240. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Petroleum Well applications were received from the petroleum industry for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 34
- (b) 40
- (c) 88
- (d) 68
- (e) 49
- (f) 19
- (g) 12
- (h) 17
- (i) 8
- (j) 14
- (k) 3

MINES AND PETROLEUM — PIPELINE LICENCE APPLICATIONS

3241. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many WA Pipeline Licence applications had been lodged with the department by the petroleum industry and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;

- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 5
- (b) 4
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PIPELINE LICENCE APPLICATIONS

3242. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many WA Pipeline Licence applications lodged by the petroleum industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 6
- (b) 5
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PIPELINE LICENCE APPLICATIONS

3243. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many WA Pipeline Licence applications were received from the petroleum industry for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;

- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 8
- (b) 4
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PRODUCTION LICENCE APPLICATIONS

3244. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Production Licence applications had been lodged with the department by the petroleum industry and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 6
- (b) 42
- (c) 14
- (d) 21
- (e) 11
- (f) 22
- (g) 14
- (h) 7
- (i) 5
- (j) 5
- (k) 5

MINES AND PETROLEUM — PRODUCTION LICENCE APPLICATIONS

3245. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Production Licence applications lodged by the petroleum industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;

- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 0
- (b) 0
- (c) 40
- (d) 8
- (e) 24
- (f) 5
- (g) 0
- (h) 3
- (i) 2
- (j) 0
- (k) 0

MINES AND PETROLEUM — PRODUCTION LICENCE APPLICATIONS

3246. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Production Licence applications were received from the petroleum industry for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 0
- (b) 12
- (c) 16
- (d) 16
- (e) 15
- (f) 11
- (g) 6
- (h) 0
- (i) 0
- (j) 0
- (k) 0

MINES AND PETROLEUM — EXPLORATION PERMIT APPLICATIONS

3247. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Exploration Permit applications had been lodged with the department by the petroleum industry and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 55
- (b) 42
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — EXPLORATION PERMIT APPLICATIONS

3248. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Exploration Permit applications lodged by the petroleum industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 6
- (b) 4
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — EXPLORATION PERMIT APPLICATIONS

3249. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Exploration Permit applications were received from the petroleum industry for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 66
- (b) 18
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — ENVIRONMENTAL PLAN APPLICATIONS

3250. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Environmental Plan applications had been lodged with the department by the petroleum industry and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 10
- (b) 7
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — ENVIRONMENTAL PLAN APPLICATIONS

3251. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Environmental Plans lodged by the petroleum industry were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 36
- (b) 38
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — ENVIRONMENTAL PLAN APPLICATIONS

3252. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Environmental Plans from the petroleum industry were received for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 42
- (b) 64
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MINING PROPOSAL APPLICATIONS

3253. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Mining Proposal applications had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 78
- (b) 73
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MINING PROPOSAL APPLICATIONS

3254. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Mining Proposal applications were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 198
- (b) 207
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MINING PROPOSAL APPLICATIONS

3255. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Mining Proposal applications were received for approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 256
- (b) 292
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PROGRAMME OF WORK (EXPLORATION) APPLICATIONS

3256. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Programme of Work (exploration) had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 349
- (b) 216
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PROGRAMME OF WORK (EXPLORATION) APPLICATIONS

3257. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Programme of Work (exploration) applications were approved by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 2033
- (b) 1600
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PROGRAMME OF WORK (EXPLORATION) APPLICATIONS

3258. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Programme of Work (exploration) approval by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 2305
- (b) 1671
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — APPLICATIONS

3259. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

At the end the following financial years, can the Minister advise how many applications were still being processed by his department, and for each of these years, how many were Mining Tenement applications and how many were petroleum applications:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:Mining Tenement Applications

- (a) 14 706
- (b) 8907
- (c) 8078
- (d) 7648
- (e) 6521
- (f) 5382
- (g) 4184
- (h) 3783
- (i) 4223
- (j) 4378
- (k) 4399

All Petroleum Applications

- (a) 81
- (b) 183
- (c) 98
- (d) 155
- (e) 107
- (f) 138
- (g) 116
- (h) 241
- (i) 219
- (j) 210
- (k) 171

MINES AND PETROLEUM — APPLICATIONS

3260. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For the following financial years, can the Minister advise how many applications were processed by his department, and for each of these years, how many were Mining Tenement applications and how many were petroleum applications:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

	Mining Tenement Applications Processed	All Petroleum Applications Processed
(a)	7992	179
(b)	9624	101
(c)	5882	347
(d)	5134	165
(e)	4985	303
(f)	4817	124
(g)	4518	112
(h)	3830	492
(i)	3245	552
(j)	4117	534
(k)	3810	394

MINES AND PETROLEUM — APPLICATIONS

3261. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For the following financial years, can the Minister advise how many applications were received by his department, and for each of these years, how many were Mining Tenement applications and how many were petroleum applications:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;

- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

	Mining Tenement Applications Received	All Petroleum Applications Received
(a)	4147	114
(b)	3916	36
(c)	5040	265
(d)	4727	282
(e)	3663	255
(f)	3675	105
(g)	3336	96
(h)	3448	488
(i)	3685	534
(j)	4196	427
(k)	4230	382

MINES AND PETROLEUM — CLEARING PERMIT APPLICATIONS

3262. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Clearing Permits had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(c) Information of this nature does not exist in a format that allows for a ready response to this question. The provision of this information involves considerable investigation of individual departmental records which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide an answer.
- (d)–(j) This information is produced and published quarterly on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — CLEARING PERMIT APPLICATIONS

3263. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Clearing Permits were approved and issued by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 111
- (b) 204
- (c) 198
- (d) 240
- (e)–(j) This information is produced and published quarterly on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — CLEARING PERMIT APPLICATIONS

3264. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Clearing Permits by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(d) Information of this nature does not exist in a format that allows for a ready response to this question. The provision of this information involves considerable investigation of individual departmental records which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide an answer.
- (e)–(j) This information is produced and published quarterly on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MISCELLANEOUS LICENCE APPLICATIONS

3265. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Miscellaneous Licences had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 425
- (b) 410
- (c) 198
- (d)–(k) Figures from Quarter 1, 2010 were amalgamated for reporting purposes with General Purpose Leases and Retention Leases. Undertaking work to disaggregate this information would divert staff away from their normal duties and I am not willing to allocate the State's resources in this manner to provide a response.

MINES AND PETROLEUM — MISCELLANEOUS LICENCE APPLICATIONS

3266. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Miscellaneous Licences were approved and issued by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 81
- (b) 127
- (c) 146
- (d)–(k) Figures from Quarter 1, 2010 were amalgamated for reporting purposes with General Purpose Leases and Retention Leases. Undertaking work to disaggregate this information would divert staff away from their normal duties and I am not willing to allocate the State's resources in this manner to provide a response.

MINES AND PETROLEUM — MISCELLANEOUS LICENCE APPLICATIONS

3267. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Miscellaneous Licences by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 281
- (b) 159
- (c) 200
- (d)–(k) Figures from Quarter 1, 2010 were amalgamated for reporting purposes with General Purpose Leases and Retention Leases. Undertaking work to disaggregate this information would divert staff away from their normal duties and I am not willing to allocate the State's resources in this manner to provide a response.

MINES AND PETROLEUM — GENERAL PURPOSE LEASE APPLICATIONS

3268. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for General Purpose Leases had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 128
- (b) 133
- (c) 198
- (d)–(k) Figures from Quarter 1, 2010 were amalgamated for reporting purposes with Miscellaneous licences and Retention Leases. Undertaking work to disaggregate this information would divert staff away from their normal duties and I am not willing to allocate the State's resources in this manner to provide a response.

MINES AND PETROLEUM — GENERAL PURPOSE LEASE APPLICATIONS

3269. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many General Purpose Leases were approved and issued by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 17
- (b) 31
- (c) 68
- (d)–(k) Figures from Quarter 1, 2010 were amalgamated for reporting purposes with Miscellaneous licences and Retention Leases. Undertaking work to disaggregate this information would divert staff away from their normal duties and I am not willing to allocate the State's resources in this manner to provide a response.

MINES AND PETROLEUM — GENERAL PURPOSE LEASE APPLICATIONS

3270. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for General Purpose Leases by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 28
- (b) 40
- (c) 48
- (d)–(k) Figures from Quarter 1, 2010 were amalgamated for reporting purposes with Miscellaneous licences and Retention Leases. Undertaking work to disaggregate this information would divert staff away from their normal duties and I am not willing to allocate the State's resources in this manner to provide a response.

MINES AND PETROLEUM — MINING LEASE APPLICATIONS

3271. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Mining Leases had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 4682
- (b) 2093
- (c)–(j) This information is produced and published quarterly on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MINING LEASE APPLICATIONS

3272. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Mining Leases were approved and issued by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 512
- (b) 312
- (c)–(j) This information is produced and published quarterly on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MINING LEASE APPLICATIONS

3273. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Mining Leases by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 85
- (b) 81
- (c)–(j) This information is produced and published quarterly on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — EXPLORATION LICENCE (GRATICULAR) APPLICATIONS

3274. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Exploration Licences (Graticular) had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 4784
- (b) 3908
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — EXPLORATION LICENCE (GRATICULAR) APPLICATIONS

3275. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Exploration Licences (Graticular) were approved and issued by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 1517
- (b) 1383
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — EXPLORATION LICENCE (GRATICULAR) APPLICATIONS

3276. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Exploration Licences (Graticular) by his department for the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 2428
- (b) 2296
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — EXPLORATION LICENCE (NON-GRATICULAR) APPLICATIONS

3277. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Exploration Licences (Non-Graticular) had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 4
- (b) 4
- (c) 4
- (d) 4
- (e) 4
- (f)–(k) 0

MINES AND PETROLEUM — EXPLORATION LICENCE (NON-GRATICULAR) APPLICATIONS

3278. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Exploration Licences (Non-Graticular) were approved and issued by his Department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(k) 0

MINES AND PETROLEUM — EXPLORATION LICENCE (NON-GRATICULAR) APPLICATIONS

3279. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Exploration Licences (Non-Graticular) by his department for the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a)–(k) 0

MINES AND PETROLEUM — PROSPECTING LICENCE APPLICATIONS

3280. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications for Prospecting Licences had been lodged with the department and were still awaiting approval by the end of the following financial years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year at the end of May 2018?

Mr W.J. Johnston replied:

- (a) 4652
- (b) 2350
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PROSPECTING LICENCE APPLICATIONS

3281. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many Prospecting Licences were approved and issued by his department in the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;

- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 2548
- (b) 2866
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — PROSPECTING LICENCE APPLICATIONS

3282. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

Can the Minister advise how many applications were received for Prospecting Licences by his department for the following years:

- (a) 2007/08;
- (b) 2008/09;
- (c) 2009/10;
- (d) 2010/11;
- (e) 2011/12;
- (f) 2012/13;
- (g) 2013/14;
- (h) 2014/15;
- (i) 2015/16;
- (j) 2016/17; and
- (k) this financial year up until the end of May 2018?

Mr W.J. Johnston replied:

- (a) 1323
- (b) 1332
- (c)–(j) This information is produced and published quarterly (since 1 January 2009) on the Department of Mines, Industry Regulation and Safety's website and can be accessed at: <http://www.dmp.wa.gov.au/Investors/Approvals-14055.aspx>
- (k) This information will be available and published on the Department's website in August 2018.

MINES AND PETROLEUM — MINING LEASES — FEES AND EXPENDITURE REQUIREMENTS

3283. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

I refer to the issuing of Mining Leases in Western Australia, and ask:

- (a) For 2017/18 what is the application fee for a Mining Lease;
- (b) For 2017/18 what is the rent fee for a Mining Lease and what period or periods does this cover;
- (c) For 2017/18 what is the minimum annual expenditure requirement for a Mining Lease to be retained and how is this determined;

- (d) For 2018/19 what is the application fee for a Mining Lease;
- (e) For 2018/19 what is the rent fee for a Mining Lease and what period or periods does this cover; and
- (f) For 2018/19 what is the minimum annual expenditure requirement for a Mining Lease to be retained and how is this determined?

Mr W.J. Johnston replied:

- (a) \$476
- (b) \$17.60 per ha or part thereof. The schedule of rents and fees is updated each year on 1 July.
- (c) \$100 per ha. Minimum \$5000 if 5 ha or less, otherwise \$10 000. Expenditure condition established under regulation 31 Mining Regulations 1981.
- (d) \$500
- (e) \$18.70 per ha or part thereof. The schedule of rents and fees is updated each year on 1 July.
- (f) \$100 per ha. Minimum \$5000 if 5 ha or less, otherwise minimum \$10 000. Expenditure condition established under regulation 31 Mining Regulations 1981.

MINES AND PETROLEUM — EXPLORATION LICENCE (GRATICULAR) —
FEES AND EXPENDITURE REQUIREMENTS

3284. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

I refer to the issuing of Exploration Licences (graticular) in Western Australia, and ask:

- (a) For 2017/18 what is the application fee for such an Exploration Licence;
- (b) For 2017/18 what is the rent fee for such an Exploration Licence and what period or periods does this cover;
- (c) For 2017/18 what is the minimum annual expenditure requirement for such an Exploration Licence to be retained and how is this determined;
- (d) For 2018/19 what is the application fee for such an Exploration Licence;
- (e) For 2018/19 what is the rent fee for such an Exploration Licence and what period or periods does this cover; and
- (f) For 2018/19 what is the minimum annual expenditure requirement for such an Exploration Licence to be retained and how is this determined?

Mr W.J. Johnston replied:

- (a) \$1362 (\$340 if for 1 block only)
- (b) Years 1–3: \$134 per block (\$322 if for only 1 block)
Years 4–5: \$208
Years 6–7: \$283
Years 8 on: \$535
- (c) Years 1–3:
\$1000 per block, with:
Minimum \$10 000 for 1 block
Minimum \$15 000 for 2–5 blocks
Minimum \$20 000 for 6–20 blocks
Years 4–5:
\$1500 per block, with:
Minimum \$10 000 for 1 block
Minimum \$20 000 for 2–5 blocks
Minimum \$30 000 for 6–20 blocks
Years 6–7:
\$2000 per block, with:

Minimum \$15 000 for 1 block

Minimum \$30 000 for 2–5 blocks

Minimum \$50 000 for 6–25 blocks

Year 8 onwards:

\$3000 per block, with:

Minimum \$20 000 for 1 block

Minimum \$50 000 for 2–5 blocks

Minimum \$70 000 for 6–23 blocks

- (d) \$1430 (\$357 if for 1 block only)
- (e) Years 1–3: \$136 per block (\$341 if for only 1 block)
Years 4–5: \$220
Years 6–7: \$300
Years 8 on: \$567
- (f) 2018/19 no change – see (c)

**MINES AND PETROLEUM — EXPLORATION LICENCES (NON-GRATICULAR) —
FEES AND EXPENDITURE REQUIREMENTS**

3285. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

I refer to the issuing of Exploration Licences (non-graticular) in Western Australia, and ask:

- (a) For 2017/18 what is the application fee for such an Exploration Licence;
- (b) For 2017/18 what is the rent fee for such an Exploration Licence and what period or periods does this cover;
- (c) For 2017/18 what is the minimum annual expenditure requirement for such an Exploration Licence to be retained and how is this determined;
- (d) For 2018/19 what is the application fee for such an Exploration Licence;
- (e) For 2018/19 what is the rent fee for such an Exploration Licence and what period or periods does this cover; and
- (f) For 2018/19 what is the minimum annual expenditure requirement for such an Exploration Licence to be retained and how is this determined?

Mr W.J. Johnston replied:

- (a) Not applicable.
- (b) \$51.50 per km² or part thereof for years 1–7.
\$173 for subsequent years.
- (c) \$300 per km² (minimum \$20 000)
Extensions: Years 6 and 7
\$50 000 per year; thereafter \$100 000 per year
- (d) Not applicable.
- (e) \$54.50 per km² or part thereof for years 1–7.
\$183 for subsequent years.
- (f) No change. See (c)

SCHOOLS — MOUNT LAWLEY SENIOR HIGH SCHOOL

3286. Mr W.R. Marmion to the parliamentary secretary representing the Minister for Education and Training:

I refer to Mount Lawley Senior High School, and ask:

- (a) How many students currently attend the school;
- (b) How many academic and non-academic staff members work at the school; and

- (c) How many car bays in total are provided for the school and what number will be dedicated to:
- (i) Staff;
 - (ii) Visitors; and
 - (iii) Students?

Mr R.R. Whitby replied:

- (a) As at Semester 1, 2018, the student enrolment was 1 735.
- (b) As at Semester 1, 2018, the school had 110 FTE teaching and 37.3 FTE non-teaching staff.
- (c) Total of 234 carbays, being:
 - (i)–(ii) 142 bays for staff and invited and official guests.
 - (iii) 89 roadside embayments available for public use (this includes parents and students) and 3ACROD bays. It is normal practice at every senior high school that bays are not provided exclusively for students.

SCHOOLS — CHURCHLANDS SENIOR HIGH SCHOOL

3287. Mr W.R. Marmion to the parliamentary secretary representing the Minister for Education and Training:

I refer to Churchlands Senior High School, and ask:

- (a) How many students currently attend the school;
- (b) How many academic and non-academic staff members work at the school; and
- (c) How many car bays in total are provided for the school and what number will be dedicated to:
 - (i) Staff;
 - (ii) Visitors; and
 - (iii) Students?

Mr R.R. Whitby replied:

- (a) As at Semester 1, 2018, the student enrolment was 2 718.
- (b) As at Semester 1, 2018 the school had 168 FTE teaching and 42 FTE non-teaching staff.
- (c) Total of 335 carbays being 217 on site and 118 on surrounding streets.
 - (i) 189
 - (ii) 146, for invited and official guests and parents, including 5 ACROD bays and on-street parking bays.
 - (iii) It is normal practice at every senior high school that bays are not provided exclusively for students.

SCHOOLS — SHENTON COLLEGE

3288. Mr W.R. Marmion to the parliamentary secretary representing the Minister for Education and Training:

I refer to Shenton College, and ask:

- (a) How many students currently attend and how many are expected to attend when the school is at full capacity after the current construction work is complete;
- (b) How many academic and non-academic staff members currently work at the school and what is the projected number for when the school is at full capacity after current construction is complete;
- (c) How many car bays in total are currently provided for the school and what number will be dedicated for:
 - (i) Staff;
 - (ii) Visitors; and
 - (iii) Students; and
- (d) Will the total number of car bays change when current construction is complete:
 - (i) If yes, what will be the final number and how many will be allocated to staff, visitors and students?

Mr R.R. Whitby replied:

- (a) As at Semester 1, 2018 the student enrolment was 2 080.
At capacity after the completion of the current construction work, the school will accommodate 2 600 students.
- (b) Currently there are 132 teaching FTE and 46 non-teaching FTE staff.
At full capacity following the capital works, it is estimated that there will be 162 teaching FTE and 53 non-teaching FTE staff.
- (c) Total of 154 car bays, being 106 on site and 48 on surrounding streets.
 - (i)–(ii) 92 bays are provided for staff and invited and official guests, including 3 ACROD bays, and 62 for parent parking (including on-street parking).
 - (iii) It is normal practice at every senior high school that bays are not provided exclusively for students.
- (d) Yes.
 - (i) 373, including 267 bays for staff and 106 for parents and invited and official guests (including on-street parking). It is normal practice at every senior high school that bays are not provided exclusively for students.

SCHOOLS — INNER CITY COLLEGE**3289. Mr W.R. Marmion to the parliamentary secretary representing the Minister for Education and Training:**

I refer to the new Inner City College planned for Subiaco, and ask:

- (a) How many students are expected to attend when the school is at full capacity;
- (b) How many academic and non-academic staff members will work at the school when the school is at full capacity; and
- (c) How many car bays in total will be provided for the school and what number will be dedicated to:
 - (i) Staff;
 - (ii) Visitors; and
 - (iii) Students?

Mr R.R. Whitby replied:

- (a) 2 000 students.
- (b) Schools operate on a one-line budget and make their own decisions regarding staffing. Based on other secondary schools with similar enrolments it is estimated that the school will have 130 FTE teaching and 50 FTE non-teaching staff..
- (c) Total of 149 car bays, being 108 bays on site and 41 on surrounding streets.
 - (i) 100 bays for staff.
 - (ii) 49 bays for invited and official guests and parents, including 2 ACROD bays and on-street parking bays.
 - (iii) It is normal practice at every senior high school that bays are not provided for students.

**MINES AND PETROLEUM — PROSPECTING LICENCES —
FEES AND EXPENDITURE REQUIREMENTS****3290. Mr W.R. Marmion to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:**

I refer to Prospecting Licences in Western Australia, and ask:

- (a) For 2017/18 what is the application fee for a Prospecting Licence;
- (b) For 2017/18 what is the rent fee for a Prospecting Licence and what period does this cover;
- (c) For 2017/18 what is the minimum annual expenditure requirement for a prospecting licence to be retained and how is this determined;
- (d) For 2018/19 what is the application fee for a Prospecting Licence;
- (e) For 2018/19 what is the rent fee for a Prospecting Licence and what period does this cover; and
- (f) For 2018/19 what is the minimum annual expenditure requirement for a prospecting licence to be retained and how is this determined?

Mr W.J. Johnston replied:

- (a) \$323
- (b) \$2.60 per ha or part thereof (minimum \$26) per annum
- (c) \$40 per ha (minimum \$2000) per annum
- (d) \$339
- (e) \$2.75 per ha or part thereof (minimum \$27.50) per annum
- (f) \$40 per ha (minimum \$2000) per annum

TRANSPORT — ELECTRIC VEHICLE WORKING GROUP

3293. Mr P.A. Katsambanis to the Minister for Innovation and ICT:

I refer to the Government's Electric Vehicle working group, and ask:

- (a) who are the members of the working group, and what organisation/departments do they represent;
- (b) who is the Chair of this working group;
- (c) when was this working group established and how many meetings have there been to date;
- (d) how often does the working group meet; and
- (e) are the minutes from each meeting of the working group publicly available?

Mr D.J. Kelly replied:

- (a) Senior Manager Climate Change, Department of Water and Environmental Regulation (DWER); Principal Policy Officer Climate Change, DWER; Assistant Director State Fleet, DoF; Accommodation and Facilities Manager, Department of Finance (DoF); Director Science and Innovation, Department of Jobs, Tourism Science and Innovation; Director Public Utilities Office, Department of Treasury; Manager Congestion Policy, Department of Transport; General Manager Comm Services and Finance, Horizon Power; Principal Advisor Sustainability, Main Roads WA; General Manager Commercial, Synergy; Executive Manager Infrastructure, WA Local Government Association; Head of Business Development, Western Power
- (b) Senior Manager Climate Change, DWER
- (c) The working group was established in March 2018 and had held three meetings.
- (d) On an as needed basis.
- (e) No.

MINES AND PETROLEUM — BHP AND RIO TINTO — IRON ORE EXPORTS

3294. Ms M.J. Davies to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

- (1) Will the Minister provide a year-by-year breakdown of Western Australia's iron ore export tonnages from the operations of BHP Billiton and Rio Tinto between 1980 and 2017 for:
 - (a) Fine ore;
 - (b) Iron ore fines; and
 - (c) Lump ore (direct shipping ore)?
- (2) Will the Minister provide a year-by-year breakdown of royalties paid between 1980 and 2017 by BHP Billiton and Rio Tinto for:
 - (a) Fine ore;
 - (b) Iron ore fines; and
 - (c) Lump ore (direct shipping ore)?
- (3) Will the Minister provide a year-by-year breakdown of additional rent paid between 2011 and 2017 under the provisions of State iron ore export Agreements and section 28A of the *Mining Regulations 1981*, including:
 - (a) the details of the parties who paid the additional rent and how much was paid by each party?

Mr W.J. Johnston replied:

- (1) While the Western Australian Government publishes as much information as possible, there are instances where information is commercially sensitive and is therefore not released.

This approach complies with the Mining Regulations 1981 regulation 95A(2), which states ‘Mining statistics are to be compiled in such a way that, so far as is practicable, information in respect of a particular person or mining operation cannot be ascertained’. This approach is consistent with information released by previous governments.

The iron ore export tonnages are provided to the Department of Mines, Industry Regulation and Safety by BHP Billiton and Rio Tinto on a commercial in confidence basis and on the understanding that they will only be used to assess royalties.

(a)–(c) Not applicable.

- (2) The royalty paid by individual producers is confidential and is not released by the Department of Mines, Industry Regulation and Safety.

(a)–(c) Not applicable.

- (3) Additional rent payments are confidential and are not released by the Department of Mines, Industry Regulation and Safety.

(a) Not applicable.

JOONDALUP POLICE STATION — STAFF

3296. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to Police resourcing at Joondalup Police Station, and ask:

- (a) How many Police Officers were located at the Joondalup Police Station as of 1 June 2018;
- (b) How many Police Officers were located at Joondalup Police Station on 1 January 2017;
- (c) Of the number of staff located at Joondalup Police Station at 1 January 2017 what was the breakdown of sworn and unsworn officers; and
- (d) Of the number of staff located at Joondalup Police Station as of 1 June 2018 what was the breakdown of sworn and unsworn officers?

Mrs M.H. Roberts replied:

Please refer to Legislative Assembly question on notice 3100.

HILLARYS POLICE STATION — STAFF

3297. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to Police resourcing at the Hillarys Police Station, and ask:

- (a) How many Police Officers were located at the Hillarys Police Station as of 1 June 2018;
- (b) How many Police Officers were located at Hillarys Police Station on 1 January 2017;
- (c) Of the number of staff located at Hillarys Police Station as of 1 January 2017 what was the breakdown of sworn and unsworn officers; and
- (d) Of the number of staff located at Hillarys Police Station as of 1 June 2018 what was the breakdown of sworn and unsworn officers?

Mrs M.H. Roberts replied:

Please refer to Legislative Assembly question on notice 3100.

COCKBURN POLICE STATION — STAFF

3298. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to Police resourcing at Cockburn Police Station, and ask:

- (a) How many Police Officers are located at the Cockburn Police Station as of 1 June 2018;
- (b) How many Police Officers were located at Cockburn Police Station on 1 January 2017;
- (c) Of the number of staff located at Cockburn Police Station as of 1 January 2017 what was the breakdown of sworn and unsworn officers; and
- (d) Of the number of staff located at Cockburn Police Station as of 1 June 2018 what was the breakdown of sworn and unsworn officers?

Mrs M.H. Roberts replied:

Please refer to Legislative Assembly question on notice 3100.

VETERANS ADVISORY COUNCIL

3299. Mr P.A. Katsambanis to the Minister for Housing; Veterans Issues; Youth:

I refer to the Western Australian Veterans Advisory Council (VAC), which was established in 2014, and ask:

- (a) Since 17 March 2017 how many meetings has there been of the VAC;
- (b) Who are the current members of the VAC and when do their terms expire;
- (c) Are the meeting agendas or outcomes from each meeting publicly available; and
- (d) When a vacancy occurs on the VAC what is the process for appointing a new member?

Mr P.C. Tinley replied:

- (a) Since 17 March 2017, there has been three meetings of the Veterans Advisory Council (VAC).
- (b) The VAC is established by the Minister for Veterans Issues as a non-statutory advisory body. Each member is appointed for a two-year period; however, they may continue to serve for six months following expiration. Furthermore, members may also be re-appointed for a second term.

The composition of the VAC as at 30 May 2018 is outlined in the Table below:

Member	Commencement date	Expiration of current term
Max Ball (Chair)	14 April 2014	30 May 2018
Shane Moyle	14 Apr 2014	30 May 2018
Vince Connelly	3 November 2014	21 November 2018
Vivian Blycha	30 May 2016	30 May 2018
Mark Bonser AO CSC	30 May 2016	30 May 2018
Liam Haven	30 May 2016	30 May 2018
Amanda Williamson	30 May 2016	30 May 2018
Peter Winnall DSM & Bar	30 May 2016	30 May 2018

- (c) No.
- (d) If a member vacates their position during their two year term, it is at the discretion of the Minister for Veterans Issues to appoint a replacement member.

SMALL BUSINESS DEVELOPMENT CORPORATION —
ALTERNATIVE DISPUTE RESOLUTION SERVICE

3301. Mr P.A. Katsambanis to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

I refer to the Small Business Development Corporation's Alternative Dispute Resolution Service (ADR), and ask:

- (a) how many dispute related enquires were there for each of the years 2013, 2014, 2015, 2016, 2017;
- (b) what percentage of these enquiries were escalated to a dedicated ADR case manager for each of the years 2013, 2014, 2015, 2016, 2017;
- (c) what percentage of these disputes were referred to mediation for each of the years 2013, 2014, 2015, 2016, 2017; and
- (d) what is the overall value of the disputes referred to ADR mediation for each of the years 2013, 2014, 2015, 2016, 2017?

Mr P. Papalia replied:

	2013–14	2014–15	2015–16	2016–17	2017–18
(a) Dispute related enquiries TOTAL	2 237	2 283	1 723	1 013	940
Number of disputes referred to an ADR case manager	376	518	437	414	449
(b) percentage of disputes referred to an ADR case manager	17%	23%	25%	41%	48%

Number of disputes finalised by a case manager (mediation not required)	333	479	414	383	465
Percentage of disputes finalised by a case manager (mediation not required)	89%	92%	95%	93%	104%
Number of mediations held	37	39	23	31	37
(c) percentage of disputes referred to ADR that included mediation	10%	8%	5%	7%	8%
Agreements signed as a result of mediation	20	30	14	24	23
(d) Value of mediated enquiries¹	\$98 055	\$2 462 445	\$12 238 628	\$9 106 200	\$2 923 400
80% agreed values not reported.					

In relation to values provided for (d) SBDC does not record the total value of disputes referred for mediation. They record the value of disputes that pass through mediation and result in an agreement between parties. The 'value' is based on an estimate nominated by the client and is not audited. Also, as this is not a mandatory field, SBDC estimate that up to 80% of the agreed values are not reported.

SMALL BUSINESS DEVELOPMENT CORPORATION — BUSINESS MIGRATION PROGRAM

3302. Mr P.A. Katsambanis to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

I refer to the Small Business Development Corporation's Business Migration Program (BMP), and ask:

- how many new business migrants were approved for State nomination for each of the years 2013, 2014, 2015, 2016, 2017;
- what was the total capital inflow to the Western Australian economy from the BMP for each of the years 2013, 2014, 2015, 2016, 2017; and
- how many jobs in Western Australia were created from approved State nominations for each of the years 2013, 2014, 2015, 2016, 2017?

Mr P. Papalia replied:

- New business migrants approved
FY2013–14: 208
FY2014–15: 251
FY2015–16: 210
FY2016–17: 256
FY2017–18: 275
- Total capital inflow
FY2013–14: \$259 500 000
FY2014–15: \$269 900 000
FY2015–16: \$302 300 000
FY2016–17: \$305 100 000
FY2017–18: \$396 500 000
- New jobs created
FY2013–14: 256
FY2014–15: 124
FY2015–16: 157
FY2016–17: 148
FY2017–18: 257

ENERGY — WOODEN POWER POLES — NEDLANDS

3303. Mr W.R. Marmion to the Minister for Energy:

Further to the Minister's answer to Question on Notice 3027, I ask:

- (a) how much will it cost to reinforce each of the 136 poles identified for the July 2018 to June 2020 period;
- (b) how much will it cost to replace each of the 2 poles identified for the July 2018 to June 2020 period;
- (c) where are each of the 138 poles located; and
- (d) how many of the remaining 37% of poles in the bottom 20th percentile could be replaced or reinforced within the next 8 years?

Mr B.S. Wyatt replied:

- (a) It costs Western Power an average of approximately \$1,119 per reinforcement. The actual cost for each pole can vary based on site-specific conditions, which are incurred when the work is done.
- (b) It costs Western Power an average of \$8,266 per replacement for these type of poles. The actual cost can vary based on site-specific conditions, which are determined when the work is scoped.
- (c) A summary of the suburbs of the 138 poles is provided in the table below.
- (d) Western Power expects that all of the remaining 37% of poles will be addressed within the next 8 years.

District Name	Location Suburb	Total
PERTH	CLAREMONT	1
	FLOREAT	33
	KARRAKATTA	2
	MOUNT CLAREMONT	22
	NEDLANDS	66
	SHENTON PARK	5
	SWANBOURNE	9
Grand Total		138

POLICE — MUNDIJONG POLICE STATION — STAFF

3304. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to Police resourcing at the Mundijong Police Station, and ask:

- (a) how many Police Officers were located at the Mundijong Police Station as of 1 June 2018;
- (b) how many Police Officers were located at the Mundijong Police Station on 1 January 2017;
- (c) of the number of staff located at the Mundijong Police Station as of 1 January 2017 what was the breakdown of sworn and unsworn officers; and
- (d) of the number of staff located at the Mundijong Police Station as of 1 June 2018 what was the breakdown of sworn and unsworn officers?

Mrs M.H. Roberts replied:

Please refer to Legislative Assembly question on notice 3100.

TRANSPORT — HILLARYS BOAT HARBOUR

3305. Mr P.A. Katsambanis to the Minister for Transport; Planning; Lands:

I to the operations of Hillarys Boat Harbour, and ask:

- (a) what was the total amount in fees collected at each Department of Transport owned and operated boat harbour in Western Australia in each of the years from 2013 to 2017;
- (b) what was the maintenance expenditure for Hillarys Boat Harbour in each of the years from 2013 to 2017;
- (c) what is the projected maintenance expenditure for Hillarys Boat Harbour in 2018;
- (d) what has been the monthly boat pen occupancy rate for each of the following years 2013, 2014, 2015, 2016, 2017;
- (e) how many people are on the waiting list for a boat pen at Hillarys Boat Harbour as of 1 June 2018;

- (f) how many people were on the waiting list for a boat pen at Hillarys Boat Harbour for the years 2013, 2014, 2015, 2016, 2017; and
- (g) when were CCTV cameras installed at Hillarys Boat Harbour, and what was the date of the most recent audit of their effectiveness?

Ms R. Saffioti replied:

- (a) 2012–13 – \$8,950,680.17; 2013–14 – \$12,053,096.87; 2014–15 – \$11,039,903.19; 2015–16 – \$9,165,339.46; 2016–17 – \$10,597,990.59
- (b) 2012–13 – \$1,544,528.86; 2013–14 – \$1,299,100.00; 2014–15 – \$1,310,876.10; 2015–16 – \$1,370,159.11; 2016–17 – \$1,702,290.15
- (c) \$1,649,700.28
- (d) 98 per cent per annum each year.
- (e) 157
- (f) 2012–13 – 12; 2013–14 – 45; 2014–15 – 92; 2015–16 – 111; 2016–17 – 137
- (g) CCTV has been installed progressively between 2005 and 2018, the most recent equipment audit was carried out on 29 May 2018.

HEALTH — QUADRIPLLEGIC CENTRE — SHENTON PARK

3306. Mr W.R. Marmion to the Deputy Premier; Minister for Health; Mental Health:

I refer to the Quadriplegic Centre located in Shenton Park and concerns raised with me by residents of its long term operations, and ask:

- (a) are there plans being considered to close the centre;
- (b) if yes, what arrangements will be made for those who currently live there; and
- (c) if no, are there any future plans that will move current residents?

Mr R.H. Cook replied:

I am advised that:

- (a) Yes.
- (b) WA's Individualised Services have been appointed to undertake in-depth consultation with each long-term resident to develop a personal plan for their future support and accommodation needs. Each individual will be given the opportunity to exercise informed choice and control over their future living arrangements.
- (c) Not applicable.

HEALTH — EXTERNAL PROVIDERS — FUNDING AGREEMENTS

3307. Mr S.K. L'Estrange to the Deputy Premier; Minister for Health; Mental Health:

- (1) Can the Minister advise, by name, which Health external provider organisations receiving funding from the Western Australian State Government will have their funding agreements expire on 30 June 2018?
- (2) Which of the above will not be renewed and why?
- (3) Which of the above will have their funding reduced, by how much, and why?

Mr R.H. Cook replied:

Department of Health advises:

- (1) [See tabled paper no 1547.] for information on a list of not-for-profit and Local Government organisations that have grant agreements and service agreements that will expire at 30 June 2018.
- (2) [See tabled paper no. 1547.] for information on the reason why the grant will not be renewed.
- (3) Not applicable.

Children and Adolescent Health Service advises:

- (1) Rise Network.
- (2) Rise Network – the external provider has been funded for ten (10) years, initially through the Innovative Health Service for Homeless Youth Program, a joint Commonwealth/State Government initiative. Over this period of time, the contemporary needs of the Health Service have changed; therefore, the services will not be procured beyond the current expiry date.
- (3) Not applicable.

East Metropolitan Health Service advises:

- (1) St John of God Health Care for assessment and restorative care services provided at Mount Lawley Hospital.
WA Primary Health Alliance for Hospital Liaison Services for Aboriginal people and to optimise the continuum of care as patients move between Royal Perth Hospital and General Practice.
Anglican, Uniting and Catholic Churches for pastoral care services at Royal Perth and Bentley Hospitals.
- (2) Nil.
- (3) Nil.

North Metropolitan Health Service advises:

- (1) Cancer Council of WA Inc.
Solaris Cancer Care.
- (2) Nil.
- (3) Nil.

South Metropolitan Health Service advises:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

WA Country Health Service advises:

- (1) [See tabled paper no 1547.] for information on organisations that have community services Grant Agreements that will expire at 30 June 2018.
- (2) [See tabled paper no 1547.] for information on the reason why the grant will not be renewed.
- (3) Not applicable.

LIVE EXPORT — MINISTER FOR AGRICULTURE AND FOOD

3308. Mr D.T. Redman to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the State animal welfare officers' raid on Emanuel Exports on Monday 19 June 2018, and ask:

- (a) Were you made aware of the raid before it happened;
- (b) Was the Minister for Primary Industries and Regional Development made aware of the raid before it happened;
- (c) Was this raid discussed in cabinet prior to it happening;
- (d) Did the Minister for Primary Industries and Regional Development have the final decision in respect to progressing this raid;
- (e) If yes to (d), on what basis was the Minister for Primary Industries and Regional Development given decision making authority on the progression of the raid;
- (f) Will you table advice to the Minister for Primary Industries and Regional Development in respect to the raid by her agency officers; and
- (g) Under what section of the *Animal Welfare Act 2002* were the Minister's officers acting in pursuing the raid?

Mr M. McGowan replied:

- (a) The Minister for Local Government representing the Minister was not aware that the warrant was to be executed.
- (b) The Minister for Regional Development, Agriculture and Food was aware a warrant was to be served but was not aware when that would happen. She was advised shortly after the officers presented at Emanuel's office.
- (c) No.
- (d) No.
- (e) N/A.
- (f) Verbal briefings were provided to the Minister for Regional Development, Agriculture and Food in the week leading to the execution of the warrant.
- (g) The investigators operated under the *Animal Welfare Act 2002* (WA) Division 2 – Warrants, Section 59. 'Grounds for a search warrant'

POLICE — FORMER RONALD MCDONALD HOUSE

3309. Mr W.R. Marmion to the Minister for Police; Road Safety:

I refer to the former Ronald McDonald House in Subiaco, and noting concerns over an increase in disruptive behaviour since Fresh Start took over the building, and ask:

- (a) have the Police been required to attend incidents at or nearby these premises since Fresh Start began operating the hostel;
- (b) how many incidents have been attended by Police and how many calls have they received in regard to the hostel;
- (c) of these incidents, what percentage are directly related to a hostel resident or a hostel visitor;
- (d) are the Police aware of any drug related activity occurring at the hostel or by hostel residents in streets nearby; and
- (e) has there been a year-on-year increase in incidents reported to Police (with or without Police attendance) since Fresh Start began operating in November 2017?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise that between 1 November 2017 and 30 June 2018, there have been 24 incidents reported to the Police Assistance Centre regarding situations at or near the Fresh Start Hostel, 16 of which resulted in subsequent police attendance. A total of 11 incidents involved tenants or regular attendees of the address, remaining five incidents were visitors or individuals in close proximity. There is no clear link with regard to drug detections in the Subiaco area and the Fresh Start clinic. Drug possession offences increased in Subiaco between November and December 2017. Drug possession in the Subiaco area is trending downwards for 2018.

DEPARTMENT OF HEALTH — GRACE VAUGHAN HOUSE — RELOCATION

3310. Mr S.K. L'Estrange to the Minister for Health:

I refer to the relocation of Department of Health staff from the Grace Vaughan House to 189 Royal Street, East Perth, and I ask:

- (a) While the Grace Vaughan House site remains vacant, and before it is disposed of, how much will be spent on maintenance and other costs; and
- (b) What does the Department of Planning, Lands and Heritage intend on doing with the Grace Vaughan House site once it is vacated:
 - (i) If it intends on selling it, what is the time frame for the sale and will the funds be retained for use by the Department of Health;
 - (ii) How much is the Grace Vaughan House site valued at; and
 - (iii) If it does not intend on selling it, will another department occupy the site, and if so, which one?

Mr R.H. Cook replied:

I am advised that:

- (a) Up to \$85,695 per annum.
- (b) (i)–(iii) I am unable to respond to this question as these issues would be managed by the Department of Planning, Lands and Heritage; the Minister for Land's agency if the property is deemed surplus to the requirements of the WA Health system.

DEPARTMENT OF HEALTH — GRACE VAUGHAN HOUSE — RELOCATION

3311. Mr S.K. L'Estrange to the Deputy Premier; Minister for Health; Mental Health:

I refer to the relocation of Department of Health staff from the Grace Vaughan House to 189 Royal Street, East Perth, and I ask:

- (a) When will Grace Vaughan House be completely vacated;
- (b) While the Grace Vaughan House site remains vacant and before it is disposed of, how much will be spent on maintenance and other costs; and
- (c) How much has been budgeted for the refurbishment at 189 Royal Street to accommodate staff from Grace Vaughan House?

Mr R.H. Cook replied:

I am advised that:

- (a) Grace Vaughan House will be completely vacated by December 2018.
- (b) To be determined.
- (c) \$600,000.

Contract for phase 1 – Communicable Disease Control is valued at \$221, 040 plus GST.

Cost of Phase 2 work for Environmental Health not available at this time because tender has not been undertaken.

LIVE EXPORT — MINISTER FOR AGRICULTURE AND FOOD

3312. Mr D.T. Redman to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

I refer to the State animal welfare officers' raid on Emanuel Exports on Monday 19 June 2018, and ask:

- (a) Were you made aware of the raid before it happened;
- (b) Was the Minister for Primary Industries and Regional Development made aware of the raid before it happened;
- (c) Was this raid discussed in cabinet prior to it happening;
- (d) Did the Minister for Primary Industries and Regional Development have the final decision in respect to progressing this raid;
- (e) If yes to (d), on what basis was the Minister for Primary Industries and Regional Development given decision making authority on the progression of the raid;
- (f) Will you table advice to the Minister for Primary Industries and Regional Development in respect to the raid by her agency officers; and
- (g) Under what section of the *Animal Welfare Act 2002* were the Minister's officers acting in pursuing the raid?

Mr M. McGowan replied:

- (a) No.
- (b)–(g) Refer to answers to Legislative Assembly Question on Notice 3308.

ROYALTIES FOR REGIONS — TREASURY CORPORATION ACCOUNTS

3313. Mr D.T. Redman to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

I refer to Treasury Corp accounts (TCA) holding Royalties for Regions funds for local governments, and ask:

- (a) Can the Minister please list the TCA accounts including balances as at 31 May 2018 and total draw downs on those accounts for each local government as listed in the answer to Question on Notice 2101:
 - (i) Can the Minister please show the interest earned on each of those accounts;
 - (ii) Can the Minister please show whether interest earned has been approved to spend by the proponent on each of the accounts, and those accounts where interest has been withdrawn; and
 - (iii) Can the Minister please show the nature of the project where approval is given to spend the interest earned and in the case of interest being withdrawn or redirected, the nature of those projects?

Mr B.S. Wyatt replied:

- (a) (i)–(iii) [See tabled paper no 1554.]

MINES AND PETROLEUM — HIGH-GRADE IRON ORE

3314. Ms L. Mettam to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

What are the current reserves of high grade (62%) iron ore in WA?

Mr W.J. Johnston replied:

The Department of Mines, Industry Regulation and Safety estimates that the reserve figures for Western Australia are as follows:

In line with the JORC code, 2012, the Proven and Probable Reserves of very high-grade iron ore in Western Australia, with an in situ grade of over 62% iron, are estimated at totalling 3.36 billion tonnes.

In addition to the information provided above specifically on ‘Reserves’ (which is material established to be currently economic to mine), there are further quantities of high-grade iron (above 60% iron) in Western Australia, but which exist in the category of ‘Resources’. Although extensively explored, they have not yet been proven to be economic at this point in time.

MINISTER FOR LOCAL GOVERNMENT — STAFF —
VOLUNTARY TARGETED SEPARATION SCHEME

3316. Mr A. Krsticevic to the Minister for Local Government; Heritage; Culture and the Arts:

I refer to the voluntary targeted separation scheme, in respect of each of your departments/agencies, and ask:

- (a) How many individuals have taken part in the scheme since its commencement;
- (b) What percentage of the agency’s total FTE does (a) represent;
- (c) What is the total value of redundancies that have been paid to date; and
- (d) Please provide details of each position which has been vacated including:
 - (i) the position title;
 - (ii) whether the position was full or part time; and
 - (iii) the value of the redundancy?

Mr D.A. Templeman replied:

- (a)–(d) [See tabled paper no 1548.]

LANDS — FORMER RONALD MCDONALD HOUSE

3317. Mr W.R. Marmion to the Minister for Transport; Planning; Lands:

I refer to the sale of the former Ronald McDonald House site in Subiaco by the Government in March 2016, and ask:

- (a) What was the reason for the Government selling this site;
- (b) Was the future development of the adjacent Princess Margaret Hospital taken into account in the decision to sell the site;
- (c) Which Government department or departments were involved in the decision to sell the site;
- (d) Did the recommendation to sell the site go to either a Minister for approval or Cabinet;
- (e) Was a business case prepared that considered future options for the site before it was recommended to sell the site;
- (f) Were valuations prepared for the site to estimate its likely sale price and if so what was the valuation or valuations;
- (g) If valuations were done prior to the sale of the site who did the valuations; and
- (h) What was the annual revenue Government was receiving for the site from the tenancy of Ronald MacDonald House prior to its sale?

Ms R. Saffioti replied:

The land was held privately and therefore the sale was not a Government sale.

- (a)–(h) Not applicable.

CULTURE AND THE ARTS — CULTURAL INFRASTRUCTURE

3318. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the Minister’s media statement dated 22 June 2018 regarding the new strategy for cultural infrastructure, and ask:

- (a) what stakeholder consultation has been undertaken to date;
- (b) which stakeholders have been consulted with and on what dates;
- (c) what other stakeholders will be consulted with ahead of the release of the community consultation document; and
- (d) what format has the consultation taken to date?

Mr D.A. Templeman replied:

- (a) Aboriginal stakeholder consultation and internal government stakeholder consultation on the Draft WA Cultural Infrastructure Strategy (the Draft Strategy) commenced in June 2018.
- (b) The Western Australian Aboriginal Advisory Council – 13 June 2018
Department of Local Government, Sport and Cultural Industries; Aboriginal Culture and History division – 5 July 2018
Department of Premier and Cabinet – 16 July 2018.
- (c) Industry, sector and broader government stakeholder consultation will commence in August 2018.
- (d) To date, the consultation has taken the form of presentation and sharing of the desktop review version of the Draft Strategy to stakeholders for review and comment.

LOCAL GOVERNMENT — STATE LOCAL GOVERNMENT AGREEMENT**3319. Mr A. Krsticevic to the Minister for Local Government:**

I refer to the answer to Question on Notice 3032 that the State and Local Partnership Group would meet in the near future, and ask:

- (a) on what date did the group meet;
- (b) please list the attendees at the meeting; and
- (c) please list the agenda items for the meeting?

Mr D.A. Templeman replied:

- (a) 19 June 2018
- (b) The attendees at the meeting were as follows:
 - Premier (Chair)
 - Minister for Local Government; Heritage; Culture and the Arts
 - Treasurer; Minister for Finance; Energy; Aboriginal Affairs
 - Minister for Transport; Planning; Lands
 - President, Western Australian Local Government Association
 - Deputy President, Local Government Professionals Australia WA Invited Participants and Observers
 - State Councillor, Western Australian Local Government Association (WALGA)
 - Director General, Department of Local Government, Sport and Cultural Industries
 - Chief Executive Officer, WALGA
 - Deputy Chief Executive Officer, WALGA
 - Chief Executive Officer, Local Government Professionals Australia WA
 - Chief of Staff, Office of the Minister for Local Government
 - Principal Policy Advisor, Office of the Minister for Local Government
 - Senior Policy Advisor, Office of the Minister for Local Government
 - Chief of Staff, Office of the Treasurer
 - Principal Policy Advisor, Office of the Premier
 - Director, Local Government Policy and Engagement, Department of Local Government, Sport and Cultural Industries (Executive Officer)
- (c) Please refer to:
<https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/State-Local-Partnership-Agreement.aspx>

LOCAL GOVERNMENT — COUNCIL RATES**3320. Mr A. Krsticevic to the Minister for Local Government:**

I refer to Local Government Council Rates and ask, for each of the past five years can the Minister advise:

- (a) the dollar value of rates for each individual metropolitan council; and
- (b) the dollar value of rates for each individual regional council?

Mr D.A. Templeman replied:

(a)–(b) [See tabled paper no 1549.]

Note: This information has been drawn from annual financial reports provided to the Department by the local government. It has not been independently verified.

LOCAL GOVERNMENT — COUNCIL RATES**3321. Mr A. Krsticevic to the Minister for Local Government:**

I refer to Local Government Council Rate and ask, for each of the past five years can the Minister please advise:

- (a) the average percentage increase in rates for each individual metropolitan council;
- (b) the average percentage increase in rates for each individual regional council; and
- (c) the average percentage increase in rates, across Western Australia?

Mr D.A. Templeman replied:

(a)–(c) [See tabled paper no 1550.]

Note: This information has been drawn from annual financial reports provided to the Department by the local government. It has not been independently verified.

LOCAL GOVERNMENT — LONG SERVICE LEAVE REGULATIONS**3322. Mr A. Krsticevic to the Minister for Local Government:**

I refer to your response to Question On Notice No. 3095 regarding the Local Government (Long Service Leave) Regulations and ask, when will you introduce the amendment to update the outdated restriction on long service leave arrangements for local government workers?

Mr D.A. Templeman replied:

As advised in my previous response, I have requested Parliamentary Counsel to draft the appropriate amendments and this drafting is currently in progress. I will seek to amend the Regulations once the drafting is complete.

LOCAL GOVERNMENT — STOP PUPPY FARMING CONSULTATION**3324. Mr A. Krsticevic to the minister representing the Minister for Agriculture and Food:**

I refer to the small writing group which was established to write standards, as part of the Stop Puppy Farming Consultation held by the department, and ask:

- (a) what associations/groups/bodies are represented in the group;
- (b) was a representative of Dogs West included and if not, why not; and
- (c) if minutes are kept for meetings of the group, can the minister table the minutes?

Mr D.A. Templeman replied:

- (a) A writing group has been established to develop the Western Australian Standards and Guidelines for the Health and Welfare of dogs. Membership comprises:

two employees of the Department of Primary Industries and Regional Development (DPIRD) – a veterinarian and specialist in animal welfare, and an animal welfare policy officer who provides the secretariat;

a veterinarian and specialist in animal welfare employed by the Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA);

a veterinarian and specialist in animal welfare employed by Murdoch University College of Veterinary Medicine, and;

a veterinarian and specialist in animal welfare representing the Australian Veterinary Association, Western Australia.

- (b) The Writing Group was established to ensure the appropriate skills, knowledge and expertise in the health and welfare of dogs, rather than selecting members representing the interests or views of stakeholders.

A nominated representative from Dogs West has been invited to join the Writing Group to review the final feedback from public consultation, prior to the Standards being finalised for consideration by the Companion Animal Welfare Advisory Group.

- (c) The Writing Group does not keep formal minutes of meetings.

LOCAL GOVERNMENT — DOG ACT 1976

3325. Mr A. Krsticevic to the Minister for Local Government:

I refer to the *Dog Act 1976* and its associated regulations, and ask:

- (a) How many prosecutions, fines or penalties have been issued for breaches of the Act since its commencement; and
- (b) How many prosecutions, fines or penalties have been issued for breaches of the Act in each year, since 2013 and please provide details of the particular provisions which were breached?

Mr D.A. Templeman replied:

- (a)–(b) The *Dog Act 1976* and associated regulations are administered by individual local governments.

The Department has no power to enforce the provisions of the Dog Act through prosecution, fines or penalties, and does not maintain information on enforcement actions undertaken by local governments.

MINISTER FOR CHILD PROTECTION — STAFF — RECORDKEEPING AWARENESS TRAINING

3327. Mr A. Krsticevic to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Ms S.F. McGurk replied:

Please see response to Legislative Assembly Question on Notice 3342.

MINISTER FOR HOUSING — STAFF — RECORDKEEPING AWARENESS TRAINING

3328. Mr A. Krsticevic to the Minister for Housing; Veterans Issues; Youth:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr P.C. Tinley replied:

Please see response to Legislative Assembly Question on Notice 3342.

MINISTER FOR TRANSPORT — STAFF — RECORDKEEPING AWARENESS TRAINING

3329. Mr A. Krsticevic to the Minister for Transport; Planning; Lands:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and

- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Ms R. Saffioti replied:

Refer to Legislative Assembly Question on Notice 3342.

MINISTER FOR MINES AND PETROLEUM — STAFF — RECORDKEEPING AWARENESS TRAINING

3330. Mr A. Krsticevic to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr W.J. Johnston replied:

(a)–(c) Please refer to Legislative Assembly Question on Notice 3342.

MINISTER FOR TOURISM — STAFF — RECORDKEEPING AWARENESS TRAINING

3331. Mr A. Krsticevic to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr P. Papalia replied:

Please refer to Legislative Assembly Question on Notice 3342.

TREASURER — STAFF — RECORDKEEPING AWARENESS TRAINING

3332. Mr A. Krsticevic to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and

- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
- (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr B.S. Wyatt replied:

Please see response to Legislative Assembly Question on Notice 3342.

MINISTER FOR SENIORS AND AGEING — STAFF — RECORDKEEPING AWARENESS TRAINING

3333. Mr A. Krsticevic to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
- (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr M.P. Murray replied:

- (a)–(c) Please see response to Legislative Assembly Question on Notice 3342.

ATTORNEY GENERAL — STAFF — RECORD KEEPING AWARENESS TRAINING

3334. Mr A. Krsticevic to the Attorney General:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
- (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr J.R. Quigley replied:

Please refer to Legislative Assembly Question on Notice 3342.

MINISTER FOR LOCAL GOVERNMENT — STAFF — RECORDKEEPING AWARENESS TRAINING

3335. Mr A. Krsticevic to the Minister for Local Government; Heritage; Culture and the Arts:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and

- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
- (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr D.A. Templeman replied:

- (a)–(c) Please refer to Legislative Assembly question on notice 3342.

MINISTER FOR POLICE — STAFF — RECORDKEEPING AWARENESS TRAINING

3338. Mr A. Krsticevic to the Minister for Police; Road Safety:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mrs M.H. Roberts replied:

Please see response to Legislative Assembly Question on Notice 3342.

MINISTER FOR EDUCATION AND TRAINING — STAFF —
RECORDKEEPING AWARENESS TRAINING

3340. Mr A. Krsticevic to the minister representing the Minister for Education and Training:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr P. Papalia replied:

Please refer to Legislative Assembly Question on Notice 3342.

MINISTER FOR HEALTH — STAFF — RECORDKEEPING AWARENESS TRAINING

3341. Mr A. Krsticevic to the Deputy Premier; Minister for Health; Mental Health:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and

- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
- (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr R.H. Cook replied:

- (a)–(c) Please see response to Legislative Assembly Question on Notice 3342.

PREMIER — STAFF — RECORDKEEPING AWARENESS TRAINING

3342. Mr A. Krsticevic to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

As at 1 June 2018:

- (a) How many staff were employed in your Ministerial Office;
- (b) How many staff had completed record-keeping awareness training; and
- (c) Of those staff who had not completed record-keeping awareness training, how many had been employed in your office for:
 - (i) between 0 and 4 weeks;
 - (ii) between 4 weeks and 3 months;
 - (iii) between 3 and 6 months;
 - (iv) between 6 months and 1 year; and
 - (v) greater than 1 year?

Mr M. McGowan replied:

- (a)–(c) [See tabled paper no 1545.]

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — STATE ARCHIVES ACCESS REQUESTS

3344. Mr A. Krsticevic to the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
- (b) how many requests to access State Archives records were met; and
- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Ms S.F. McGurk replied:

- (a) There have been three requests for access to State Archives records, held by the Department of Communities. One request in 2013–14, in 2016–17 and in 2017–18;
- (b) Nil; and
- (c) Three requests were denied due to:
 - (i) The restricted nature of adoption records;
 - (ii) The request containing third party personal information; and
 - (iii) State Solicitor’s Office advising that access should not be provided.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS —
STATE ARCHIVES ACCESS REQUESTS

3347. Mr A. Krsticevic to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
- (b) how many requests to access State Archives records were met; and

- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr W.J. Johnston replied:

Department of Mines, Industry Regulation and Safety:

- (a) Nil.
(b)–(c) Not applicable.

Mineral Research Institute WA:

- (a) Nil.
(b)–(c) Not applicable.

WA Industrial Relations Commission:

- (a) 60
(b) All requests were met.
(c) Not applicable.

WorkCover WA:

- (a) One, to retrieve all WorkCover WA records.
(b) 1
(c) Nil.

Construction Industry Long Service Leave Payments Board (MyLeave):

- (a) Nil.
(b)–(c) Not applicable.

Western Australian Electoral Commission:

- (a) Nil.
(b)–(c) Not applicable.

MINISTER FOR TOURISM — PORTFOLIOS — STATE ARCHIVES ACCESS REQUESTS

3348. Mr A. Krsticevic to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
(b) how many requests to access State Archives records were met; and
(c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr P. Papalia replied:

Tourism Portfolio

Tourism Western Australia

2013 – 30 June 2017

- (a)–(c) Nil.

1 July 2017 – Current

Please refer to Legislative Assembly Question on Notice 3359.

Rottneest Island Authority

2013 – 30 June 2017

- (a) 2013 – 0
2014 – 1
2015 – 2
2016 – 0
2017 – 0

- (b) 2014 – 1
2015 – 2

- (c) Nil.

1 July 2017– Current

Please refer to Legislative Assembly Question on Notice 3356.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3352.

Racing and Wagering Western Australia (RWWA)

- (a) Nil.

- (b)–(c) Not applicable.

Western Australian Greyhound Racing Association (WAGRA)

- (a) Nil.

- (b)–(c) Not applicable.

Burswood Park Board (BPB)

- (a) Nil.

- (b)–(c) Not applicable.

Small Business Portfolio

Small Business Development Corporation

- (a) Nil.

- (b)–(c) Not applicable.

Defence Issues Portfolio

2013 – 30 June 2017

- (a) Nil.

- (b)–(c) Not applicable.

1 July 2017

Please refer to Legislative Assembly Question on Notice 3359.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3352.

TREASURER — PORTFOLIOS — STATE ARCHIVES ACCESS REQUESTS

3349. Mr A. Krsticevic to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
- (b) how many requests to access State Archives records were met; and
- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr B.S. Wyatt replied:

Department of Treasury

- (a) The Department of Finance (Treasury's records service provider) have advised this information is not held or able to be determined.
- (b) All requests to access State Archives records have been met.
- (c) No requests to access State Archives records have been declined.

Department of Finance

- (a) This information is not held or able to be determined.
- (b) All requests to access State Archives records have been met, except where access may have been denied under the provisions of the FOI Act.
- (c) No requests to access State Archives records have been declined, except for refusals made under the provisions of the FOI Act.

Western Australia Treasury Corporation

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Economic Regulation Authority

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Department of Planning, Lands and Heritage

The figures below represent all requests received to view State Archives held by the organisation (internal and external requests). Due to a lack of reporting functionality in some historical systems, the figures below may not be exact but reflect the number of requests to the best of the Department of Planning, Lands and Heritage's knowledge.

Former Department of Aboriginal Affairs:

- (a) 2013–14 – 258; 2014–15 – 536; 2015–16 – 376; 2016–17 – 266; 2017–18 – Not applicable.
- (b) 2013–14 – 258; 2014–15 – 536; 2015–16 – 376; 2016–17 – 266; 2017–18 – Not applicable.
- (c) 2013–14 to 2016–17 – Nil; 2017–18 – Not applicable.

Department of Planning, Lands and Heritage:

- (a)–(c) Please refer to the answer to Legislative Assembly Question on Notice 3346.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3359.

Western Power

- (a)–(c) Information in the format requested is not available. Western Power does not keep these records as there is no commercial or compliance reason to do so.

Synergy

- (a)–(c) Synergy does not currently have any records that have been identified and confirmed as State Archives. A plan is in place to address this during the current financial year.

Horizon Power

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Government Employees Superannuation Board

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Fire and Emergency Services Superannuation Fund

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Insurance Commission of Western Australia

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Office of the Auditor General

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — STATE ARCHIVES ACCESS REQUESTS

3350. Mr A. Krsticevic to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
- (b) how many requests to access State Archives records were met; and
- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr M.P. Murray replied:Combat Sports Commission

- (a) Nil.
- (b)–(c) Not applicable.

VenuesWest

- (a) Nil.
- (b)–(c) Not applicable.

WAIS

- (a) Nil.
- (b)–(c) Not applicable.

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3344.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3352.

ATTORNEY GENERAL — PORTFOLIOS — STATE ARCHIVES ACCESS REQUESTS

3351. Mr A. Krsticevic to the Attorney General:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
- (b) how many requests to access State Archives records were met; and
- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr J.R. Quigley replied:

- (a)–(c) None, not applicable.

As many records are stored by the relevant Department and/or agency and not in State Archives any requests by the Department and/or agency to access these records is not counted in this answer.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS —
STATE ARCHIVES ACCESS REQUESTS**3357. Mr A. Krsticevic to the minister representing the Minister for Education and Training:**

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;

- (b) how many requests to access State Archives records were met; and
- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr P. Papalia replied:Department of Education

- (a) This answer includes the Department of Education (central and regional education offices only). As the question covers the time period prior to the amalgamations under the 1 July 2017 machinery of government changes, it also covers the former Department of Education Services, School Curriculum and Standards Authority and Country High School Hostels Authority.

Only the Department of Education has made requests to access State Archives.

FY 2013–14: 33

FY 2014–15: 38

FY 2015–16: 22

FY 2016–17: 21

FY 2017–18: 23

- (b) All 137 requests were met.
- (c) Nil.

Department of Training and Workforce DevelopmentNorth Metropolitan TAFESouth Metropolitan TAFENorth Regional TAFESouth Regional TAFE

- (a) Nil.
- (b)–(c) Not applicable.

Central Regional TAFE

- (a) Three
- (b) All three requests were met
- (c) No requests were denied.

Building Construction Industry Training Fund

- (a) Nil.
- (b)–(c) Not applicable.

PREMIER — PORTFOLIOS — STATE ARCHIVES ACCESS REQUESTS

3359. Mr A. Krsticevic to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise, for each of the past five years:

- (a) how many requests have been made to access State Archives records held by the organisation;
- (b) how many requests to access State Archives records were met; and
- (c) how many requests to access State Archives records were declined and the basis on which each request was denied?

Mr M. McGowan replied:GoldCorp

- (a) Approximately 6. Only one was issued as an official FOI.
- (b) All requests were met. The non FOI requests were addressed as courtesies to members of the public – particularly when prompted by visitors to follow up reactions to our exhibitor tour.
- (c) One request was initially declined due to the historical researcher requiring site access to inspect the records first hand. An accommodation was met by temporarily transferring the records to the SRO's public viewing research areas for a set time. The SRO were able to support the researcher and oversee the preservation and protection of the records.

Lotterywest

- (a) For each of the past five years Lotterywest has received no requests to access the State Archives records.
- (b) Not applicable.
- (c) Not applicable.

Premier and Cabinet

On the basis that the Member is referring to requests for a restricted paper folder, sitting in the State Records Office that was still within its restriction period (25 or 30 or 75 years depending on the subject matter), the answer is:

- (a) 2017 – 0
2016 – 0
2015 – 1
2014 – 1
2013 – 2
- (b) All.
- (c) Not applicable.

Public Sector Commission

- (a) None.
- (b) Not applicable.
- (c) Not applicable.

Salaries and Allowances Tribunal

- (a) Nil.
- (b) Not applicable.
- (c) Not applicable.

Department of Jobs, Tourism, Science and Innovation

- (a) No specific records are kept; an estimate of the number of requests would be 75 per year.
- (b) All requests were met.
- (c) None declined.

MINISTER FOR WATER — STAFF — ARCHIVES TRAINING

3360. Mr A. Krsticevic to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr D.J. Kelly replied:Aqwest

- (a) Approximately 6
- (b) 2
- (c) 2
- (d) 2

Busselton Water

- (a) 3.5
- (b) 1
- (c) 3
- (d) 3

ChemCentre

- (a) 0
- (b) 2
- (c) 2
- (d) 2

Department of Primary Industries and Regional Development

Please refer to Legislative Assembly Question on Notice 3371.

Department of Water and Environmental Regulation

- (a) 4 032
- (b) 4
- (c) 4
- (d) 4

Forest Products Commission

- (a) 112
- (b) 2
- (c) 2
- (d) To date, no FPC digital records have been closed and required archiving. Specific training in digital archives will be completed when required.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Assembly Question on Notice 3376.

Office of Digital Government

- (a) 1.5
- (b)–(d) Please refer to Legislative Assembly Question on Notice 3376.

Water Corporation

- (a) Approximately 2 253
- (b) 6
- (c) 12
- (d) 2

MINISTER FOR CHILD PROTECTION — STAFF — ARCHIVES TRAINING

3361. Mr A. Krsticevic to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Ms S.F. McGurk replied:

This answer covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth, Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) 6,685.5 lineal metres are held by the Department of Communities, as at 28 June 2018;
- (b) There is no specific training in the *State Records Act 2000*, however the Department of Communities provides Records Awareness Training (RAT), consistent with provisions of the *State Records Act 2000*. 4,011 Department of Communities employees have completed this online training, as at 28 June 2018;

- (c) There are 16 Full Time Equivalent Department of Communities' staff who have knowledge of the long-term care and preservation of State Archives, as at 28 June 2018. The State Records Office is also consulted, when appropriate; and
- (d) There are seven Full Time Equivalent Department of Communities' staff who have knowledge of the management of digital archives, as at 28 June 2018. The State Records Office is also consulted, when appropriate.

MINISTER FOR HOUSING — STAFF — ARCHIVES TRAINING

3362. Mr A. Krsticevic to the Minister for Housing; Veterans Issues; Youth:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr P.C. Tinley replied:

Please refer to Legislative Assembly Question On Notice 3361.

MINISTER FOR MINES AND PETROLEUM — STAFF — ARCHIVES TRAINING

3364. Mr A. Krsticevic to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr W.J. Johnston replied:

Department of Mines, Industry Regulation and Safety:

- (a) 6000 linear metres of hard copy documents, which would be transferred to the State Records Office as State Archives, are held by the organisation.
- (b) 51
- (c) 6
- (d) 10

Mineral Research Institute WA:

- (a) All required documents are sent to State Records Office electronically as per relevant legislation. Hard copy files are minimal, and even more so as a small and specific purpose agency.
- (b)–(d) Nil.

WA Industrial Relations Commission:

- (a) Nil.
- (b)–(d) 2

WorkCover WA:

- (a) Nil.
- (b) 4
- (c)–(d) 1

Construction Industry Long Service Leave Payments Board (MyLeave):

- (a) Nil.
- (b) 1
- (c) 2
- (d) 1

WA Electoral Commission:

- (a) 27 linear metres.
- (b)–(d) 1

MINISTER FOR TOURISM — STAFF — ARCHIVES TRAINING

3365. Mr A. Krsticevic to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr P. Papalia replied:Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3376.

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 3373.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3369.

Racing and Wagering Western Australia (RWWA)

- (a) 29.76 LM
- (b) One
- (c) Five
- (d) Two

Western Australian Greyhound Racing Association (WAGRA)

- (a) 62 LM
- (b) 0 FTE
- (c) 0 FTE
- (d) 0 FTE

Burswood Park Board (BPB)

- (a) 38.33 LM
- (b) 0 FTE
- (c) 0 FTE
- (d) 0 FTE

Small Business Portfolio

Small Business Development Corporation

- (a) 46 lineal metres.
- (b) Two.
- (c) Two.
- (d) One.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3376.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3369.

TREASURER — STAFF — ARCHIVES TRAINING

3366. Mr A. Krsticevic to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr B.S. Wyatt replied:Department of Treasury

- (a) 894
- (b) 219
- (c) The Department of Treasury utilise the Department of Finance FTEs (service provider) for this service.
- (d) See above (c).

Department of Finance

- (a) 369
- (b) 699
- (c) 3
- (d) 3

Western Australia Treasury Corporation

- (a) 7
- (b) 2
- (c) 2
- (d) 1

Economic Regulation Authority

- (a) 0
- (b) 1
- (c) 0
- (d) 0

Department of Planning, Lands and Heritage

Please refer to the answer to Legislative Assembly Question on Notice 3363.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3376.

Western Power

- (a) Information in the format requested is not available. Western Power does not keep these records as there is no commercial or compliance reason to do so.
State archives remaining in the custody of Western Power will be kept in accordance with the State Records Commission Standard 7: Storage of State Archives retained by State Organisations through an approved Recordkeeping Plan. Details of State archives that will not be transferred to the State Records Office are included in RD2009.
- (b) All Western Power personnel (including employees and contractors) are required to complete an online recordkeeping compliance training based on the principles and standards for records management best practice and the Western Power Recordkeeping Plan. This in turn stems from our obligations under the State Records Act 2000. Western Power's Information Compliance team currently have 2.6 FTE records management staff with relevant professional studies, training, experience and/or knowledge of the State Records Act 2000.
- (c) Western Power currently has 1.8 FTE with relevant professional studies, training, experience and/or knowledge of the long term care and preservation of state archives.
- (d) Western Power currently has 1.8 FTE that have relevant professional studies, training, experience and/or knowledge of the management of digital archives.

Synergy

- (a) Synergy does not currently have any records that have been identified and confirmed as State Archives. A plan is in place to address this during the current financial year.
- (b) Synergy does not have current records detailing how many FTE have specific training in the State Records Act 2000.
- (c)-(d) Synergy does not have any FTE with specific training in, or knowledge of the long-term care and preservation of State Archives and the management of digital archives.
Recordkeeping training is mandatory and assigned to all Synergy staff and contractors when they commence working at Synergy. The training explains recordkeeping obligations and details how to use Synergy's document management system.

Horizon Power

- (a) 60.5
- (b) 1
- (c) 1
- (d) 1

Government Employees Superannuation Board

- (a) 52
- (b) 1
- (c) 1
- (d) 0

Fire and Emergency Services Superannuation Fund

- (a) FESSB has custody of 162 GB of digital records/information/data i.e. network drives, email applications, Bluedoor, Spiderdocs etc excluding backups.
FESSB has not yet estimated the volume of archival and temporary hard copy records as the recently approved retention and disposal schedule has not yet been fully implemented.
These estimates will be calculated before the review of this Plan becomes due in 2022
- (b) 0
- (c) 0
- (d) 0

Insurance Commission of Western Australia

- (a) 30
- (b) 343
- (c) 0
- (d) 0

Office of the Auditor General

- (a) 8
- (b) All staff are made aware of their obligations as public servants under the *State Records Act 2000* through the Office of the Auditor General's mandatory induction program
- (c) 2
- (d) 2

MINISTER FOR SENIORS AND AGEING — STAFF — ARCHIVES TRAINING

3367. Mr A. Krsticevic to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr M.P. Murray replied:Combat Sports Commission

- (a) Sport & Recreation (WA) provides infrastructure support to Combat Sports Commission, and does not record this information in its recordkeeping plan.
- (b) Administered by the Department of Local Government, Sport & Cultural Industries.
- (c)–(d) Nil.

VenuesWest

- (a)–(b) Nil.
- (c)–(d) One

WAIS

- (a)–(d) Nil.

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3361.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3369.

ATTORNEY GENERAL — STAFF — ARCHIVES TRAINING

3368. Mr A. Krsticevic to the Attorney General:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr J.R. Quigley replied:The Corruption and Crime Commission

- (a) This figure is unknown. The Commission has not yet identified state archives that need to be transferred to the State Records Office.
- (b) Two officers have university qualifications in information/records management.
- (c) One
- (d) One

The Department of Justice

- (a) 16,670.1 lineal metres.
- (b) 3,301 staff.
- (c) 14 staff.
- (d) 13 staff.

Equal Opportunity Commission

- (a) 51.6 lineal metres.
- (b) 1
- (c) 3
- (d) 3

The Legal Practice Board including the Legal Profession Complaints Committee (which is a committee of the board)

- (a) 4.5 lineal meters.
- (b) 1.0.
- (c) 2.0.
- (d) 2.0.

Legal Aid WA

- (a) Nil.
- (b) 336
- (c) 4
- (d) 4

Office of the Commissioner for Children and Young People

- (a) 0
- (b) 0
- (c) 0
- (d) 0

As the Commissioner for Children and Young People's office was only created in 2008 there are no records held that come under the term State Archives.

Office of the Director of Public Prosecutions

- (a) 957 lineal meters;
- (b) 4;
- (c) 4; and
- (d) 1.

Office of the Information Commissioner

- (a) Unknown. Files that are earmarked for archiving have not, at this stage, been separated and stored as per the SRO's 'Directions for keeping hardcopy State archives awaiting transfer to the State Records Office'.
- (b) 1.
- (c) 1.
- (d) 1

Solicitor General's Office

- (a) 162 lineal meters;
- (b)–(d) It is the responsibility of the Office Administrator to be aware of their responsibilities in relation to creating, managing and maintaining government records according to the State Records Act 2000. There is no specific training provided at the level asked in the above questions.

State Solicitor's Office

- (a) Not supplied as it will be too onerous a task to undertake for the purposes of providing an answer.
- (b) None. However the Records Manager for the State Solicitor's Office is extremely conversant with the provisions of the State Records Act and all staff are required to be made aware of their responsibilities in relation to creating, managing and maintaining government records.
- (c) None. However the Records Manager for the State Solicitor's Office is very knowledgeable regarding the care and preservation of State Archives.
- (d) None

MINISTER FOR LOCAL GOVERNMENT — STAFF — ARCHIVES TRAINING

3369. Mr A. Krsticevic to the Minister for Local Government; Heritage; Culture and the Arts:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr D.A. Templeman replied:

Department of Local Government, Sport and Cultural Industries	(a)	(b)	(c)	(d)
Aboriginal Culture and History	20.41lm	0 as at 23/07/2018	3 as at 23/07/2018	1 as at 23/07/2018
DLGSC – (former DCA)	144lm	198 as at 19/07/2018	6 as at 20/07/2018	This figure is not recorded
Local Government	170lm	Covered under DLGSC (54)	Covered under DLGSC	This figure is not recorded
Racing Gaming and Liquor	120lm	Covered under DLGSC (3)	Covered under DLGSC	This figure is not recorded
Sport and Recreation	200lm	Covered under DLGSC (141)	Covered under DLGSC	This figure is not recorded

The figure provided is Headcount not FTE – employee FTE is not recorded for training purposes.

Agency / Portfolio / Department	(a)	(b)	(c)	(d)
Art Gallery of WA	190lm	2 as at 24/07/2018	2 as at 24/07/2018	2 as at 24/07/2018
Museum of WA	77lm	153 as at 25/07/2018	2 as at 24/07/2018	2 as at 24/07/2018
Perth Theatre Trust	56lm	57 as at 20/07/2018	1 as at 20/07/2018	57 as at 20/07/2018
State Library of WA	60lm	125	0	4
State Records Office	14lm	12.5	12.5	12.5
Metropolitan Cemeteries Board	410lm	2	2	2
National Trust of Western Australia	130lm	2	2	4

Department of Planning, Lands and Heritage

- (a)–(d) Please refer to Legislative Assembly question on notice 3363.

MINISTER FOR REGIONAL DEVELOPMENT — STAFF — ARCHIVES TRAINING

3371. Mr A. Krsticevic to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr M. McGowan replied:Department of Primary Industries and Regional Development

- (a) 2090 lineal metres (Development Commissions not included)
- (b) 1471
- (c) 2
- (d) 4

Goldfields Esperance Development Commission

- (a) 5 lineal metres
- (b) 1
- (c) Nil.
- (d) Nil.

Great Southern Development Commission

- (a) Unknown. The development commission records have not been subjected to the Retention and Disposal requirements.
- (b) 1
- (c) Nil.
- (d) Nil.

Kimberley Development Commission

- (a) 50 lineal metres
- (b) Nil.
- (c) Nil.
- (d) Nil.

Pilbara Development Commission

- (a) 5 lineal metres
- (b) 1
- (c) Nil.
- (d) Nil.

Wheatbelt Development Commission

- (a) Unknown. The development commission records have not been subjected to the Retention and Disposal requirements.
- (b) 1
- (c) Nil.
- (d) Nil.

Gascoyne Development Commission

- (a) 5 lineal meters
- (b) 1
- (c) Nil.
- (d) Nil.

South West Development Commission

- (a) Unknown. The development commission records have not been subjected to the Retention and Disposal requirements.
- (b) 1
- (c) Nil.
- (d) Nil.

Peel Development Commission

- (a) Nil.
- (b) 1
- (c) Nil.
- (d) Nil.

Mid West Development Commission

- (a) Unknown. The development commission records have not been subjected to the Retention and Disposal requirements.
- (b) 1
- (c) Nil.
- (d) Nil.

MINISTER FOR EDUCATION AND TRAINING — STAFF — ARCHIVES TRAINING

3374. Mr A. Krsticevic to the minister representing the Minister for Education and Training:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr P. Papalia replied:Department of Education

- (a) Department of Education – 368 metres
School Curriculum Standards Authority (SCASA) – 442 metres
- (b) 20 162 staff (including SCASA)
- (c) Department of Education: 14 FTE
SCASA: Four FTE
- (d) Department of Education: 14 FTE
SCASA: Four FTE

Department of Training and Workforce Development

- (a) 1,188 lineal metres
- (b) The Department delivers a record awareness training course to all staff, based on the *State Records Act 2000* (WA)
- (c) Three
- (d) Three

North Metropolitan TAFE

- (a) 87 linear metres
- (b) A component of the College induction training program is aimed at making staff aware of their *State Records Act 2000* (WA) responsibilities
- (c) Nil.
- (d) Nil.

South Metropolitan TAFE

- (a) Approximately 93 lineal metres
- (b) Three. Under the State Records Principles and Standards 2002, all staff are required to undergo a Recordkeeping Training Program. All permanent and fixed contract staff have completed this course
- (c) Four
- (d) Three

Central Regional TAFE

- (a) 105 lineal metres.
- (b) One. Central Regional TAFE staff are required to complete a Records Training Awareness program based on the *State Records Act 2000* (WA).
- (c) One.
- (d) One.

North Regional TAFE

- (a) 52 lineal metres
- (b) All employees are required to complete a mandatory Records Training Awareness course. This course provides a general overview of government employee's record keeping responsibilities and the relevance of the *State Records Act 2000* (WA).
- (c) Two
- (d) Two

South Regional TAFE

- (a) Approximately 91 linear metres
- (b) All staff are informed of the requirements of the *State Records Act 2000* at compulsory annual professional development.
- (c) Four
- (d) Four

Building Construction Industry Training Fund

- (a) Nil.
- (b) Two
- (c) Two
- (d) Two

PREMIER — STAFF — ARCHIVES TRAINING

3376. Mr A. Krsticevic to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) how many lineal meters of hard copy documents are held by the organisation, which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) how many FTE have specific training in the *State Records Act 2000*;
- (c) how many FTE have specific training in, or knowledge of the long-term care and preservation of State Archives; and
- (d) how many FTE have specific training in, or knowledge of the management of digital archives?

Mr M. McGowan replied:Goldcorp

- (a) 65 linear metres.
- (b) 130 current.
- (c) 3
- (d) 2

Lotterywest

- (a) Lotterywest has 250 linear meters of hard copy documents which would be transferred to the State Records Office as State Archives, if transfers were being accepted;
- (b) Lotterywest has three (3) FTE that have specific training in the State Records Act 2000;
- (c) Lotterywest has three (3) FTE that have specific training in and knowledge of the long-term care and preservation of State Archives; and
- (d) Lotterywest has three (3) FTE that have specific training in and knowledge of the management of digital archives.

Premier and Cabinet

- (a) 250 linear metres (current).
- (b) Nil. All FTE are enrolled in a recordkeeping awareness training course which includes information on the State Records Act 2000 as per the requirements of the State Records Commission (SRC).
- (c) Two.
- (d) Three.

Public Sector Commission

- (a) 360 linear metres approximate.
- (b) Nil. All FTE are enrolled in a recordkeeping awareness training course which includes information on the State Records Act 2000.
- (c) Two within the Department of the Premier and Cabinet (service provider to the Commission).
- (d) Three within the Department of the Premier and Cabinet (service provider to the Commission).

Salaries and Allowances Tribunal

- (a) The agency is not able to allocate the resources required to answer this question.
- (b) All FTE (3) are required to receive training in relation to the State Records Act 2000.
- (c) Nil.
- (d) Nil.

Department of Jobs, Tourism, Science and Innovation

- (a) 50 lineal metres.
- (b) 2
- (c) 2
- (d) 2

Tourism Western Australia

- (a) 324 lineal metres.
- (b) 1
- (c) 1
- (d) 1

MINISTER FOR WATER — PORTFOLIOS — RECORDKEEPING PLANS

3377. Mr A. Krsticevic to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;

- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr D.J. Kelly replied:

Aqwest

- (a) Yes.
- (b) July 2003.
- (c) Yes.
- (d) 19 June 2018.
- (e) No.

Busseton Water

- (a) Yes.
- (b) 20 June 2014.
- (c) Yes.
- (d) 20 June 2014.
- (e) No.

ChemCentre

- (a) Yes.
- (b) June 2008.
- (c) Yes.
- (d) July 2018.
- (e) No.

Department of Primary Industries and Regional Development

Please see Legislative Assembly Question on Notice 3388.

Department of Water and Environmental Regulation

- (a) Yes.
- (b) 19 January 2018.
- (c) Yes.
- (d) Not applicable.
- (e) No.

Forest Products Commission

- (a) Yes.
- (b) 18 December 2003.
- (c) Yes.
- (d) 31 May 2018.
- (e) No.

Department of Jobs, Tourism, Science and Innovation

Please see Legislative Assembly Question on Notice 3393.

Office of Digital Government

Please see Legislative Assembly Question on Notice 3393.

Water Corporation

- (a) Yes.
- (b) 24 February 2004.
- (c) Yes.
- (d) 23 April 2014.
- (e) No.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — RECORDKEEPING PLANS

3378. Mr A. Krsticevic to the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Ms S.F. McGurk replied:

This answer covers multiple Ministers' portfolios, including Disability Services, Volunteering, Seniors and Ageing, Housing, Youth, Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) Yes, the Department of Communities has a recordkeeping plan, in accordance with the *State Records Act 2000*;
- (b) All newly formed government agencies are required to submit a draft recordkeeping plan to the State Records Commission within six months of establishment. The recordkeeping plan for the new Department of Communities was first submitted on 14 December 2017;
- (c) Yes, the recordkeeping plan was approved by the State Records Commission on 23 March 2018;
- (d) Not applicable. The recordkeeping plan is not yet due for review; and
- (e) The record keeping plan is not due for review and is therefore not overdue. The next review is due to be completed by 23 March 2023.

MINISTER FOR HOUSING — PORTFOLIOS — RECORDKEEPING PLANS

3379. Mr A. Krsticevic to the Minister for Housing; Veterans Issues; Youth:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr P.C. Tinley replied:

Please refer to Legislative Assembly Question On Notice 3378.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — RECORDKEEPING PLANS

3381. Mr A. Krsticevic to the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr W.J. Johnston replied:Department of Mines, Industry Regulation and Safety:

- (a) Yes.
- (b) 31 May 2018
- (c) Tabled for approval by State Records Commission on 10 August 2018.
- (d) August 2017
- (e) Not applicable

Mineral Research Institute WA:

- (a) Yes.
- (b) July 2014
- (c) Yes.
- (d) Not reviewed since initial submission.
- (e) No, a review is not overdue until August 2019.

WA Industrial Relations Commission:

- (a) Yes.
- (b) Current plan – June 2018
- (c) In process
- (d) 2018
- (e) Not applicable.

WorkCover WA:

- (a) Yes.
- (b) 2009
- (c) Yes.
- (d) June 2015
- (e) Not applicable – the next review is due in 2020.

Construction Industry Long Service Leave Payments Board (MyLeave):

- (a) Yes.
- (b) Current Record Keeping Plan submitted 2 August 2013
- (c) Yes.
- (d) 22 May 2018
- (e) Record Keeping Plan of 22 May 2018 is currently before the State Record's Office for formal approval.

Western Australian Electoral Commission:

- (a) Yes.
- (b) 2001
- (c) Yes.
- (d) 31 July 2017
- (e) Not applicable

MINISTER FOR TOURISM — PORTFOLIOS — RECORDKEEPING PLANS**3382. Mr A. Krsticevic to the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:**

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;

- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr P. Papalia replied:

Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 3393.

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 3390.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 3386.

Racing and Wagering Western Australia (RWWA)

- (a) Yes.
- (b) 2006.
- (c) Yes.
- (d) 2016.
- (e) Last review date was 2016. Next review not required for another 3 years.

Western Australian Greyhound Racing Association (WAGRA)

- (a) Yes.
- (b) 2003.
- (c) Yes.
- (d) 8 March 2012.
- (e) Yes it is overdue and a review is currently being arranged.

Burswood Park Board (BPB)

- (a) Yes.
- (b) 2003.
- (c) Yes.
- (d) 2018.
- (e) No (currently being reviewed).

Small Business Portfolio

Small Business Development Corporation

- (a) Yes.
- (b) 6 May 2014.
- (c) Yes.
- (d) May 2014.
- (e) No.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 3393.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 3386.

TREASURER — PORTFOLIOS — RECORDKEEPING PLANS

3383. Mr A. Krsticevic to the Treasurer; Minister for Finance; Energy; Aboriginal Affairs:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr B.S. Wyatt replied:Department of Treasury

- (a) Yes.
- (b) 1 December 2011.
- (c) Yes.
- (d) 1 June 2017.
- (e) No.

Department of Finance

- (a) Yes.
- (b) 18 July 2013.
- (c) Yes.
- (d) The recordkeeping plan is currently under review in accordance with the requirements of section 28 of the *State Records Act 2000* for a periodic 5 year review.
- (e) No.

Western Australia Treasury Corporation

- (a) Yes.
- (b) 17 December 2003.
- (c) Yes.
- (d) 5 December 2014.
- (e) No.

Economic Regulation Authority

- (a) Yes.
- (b) 24 September 2009.
- (c) Yes.
- (d) Last review commenced 18/06/2013 and ended after final State Records Office amendments on 18/11/2014.
- (e) No.

Department of Planning, Lands and Heritage

Please refer to the answer to Legislative Assembly Question on Notice 3380.

Aboriginal Policy and Coordination Unit

Please refer to the answer to Legislative Assembly Question on Notice 3393.

Western Power

- (a) Yes,
- (b) The Minister for Energy approved Western Power's updated Record Keeping Plan in 2007.

- (c) As a Scheduled 3 organisation under the State Record Act 2000, Western Power's record keeping plan is approved by the Minister for Energy. The Minister requires the State Records Commission to endorse Western Power's Record keeping plan prior to his approval.
- (d) 3 March 2016.
- (e) No.

Synergy

- (a) Yes.
- (b) 14 December 2010.
- (c) As a Scheduled 3 organisation under the State Record Act 2000, Synergy's record keeping plan is approved by the Minister for Energy. The Minister requires the State Records Commission to endorse Synergy's Record keeping plan prior to his approval.
- (d) December 2016.
- (e) No.

Horizon Power

- (a) Yes.
- (b) 24 October 2011.
- (c) As a Scheduled 3 organisation under the State Record Act 2000, Horizon Power's record keeping plan is approved by the Minister for Energy. The Minister requires the State Records Commission to endorse Horizon Power's Record keeping plan prior to his approval.
- (d) 13 July 2017.
- (e) No.

Government Employees Superannuation Board

- (a) Yes.
- (b) 7 April 2010.
- (c) Yes.
- (d) 10 March 2016.
- (e) No.

Fire and Emergency Services Superannuation Fund

- (a) Yes.
- (b) 2 February 2017.
- (c) Yes.
- (d) 2 February 2017.
- (e) No.

Insurance Commission of Western Australia

- (a) Yes.
- (b) 24 February 2004.
- (c) Yes.
- (d) 12 December 2014.
- (e) No.

Office of the Auditor General

- (a) Yes.
- (b) 27 December 2002.
- (c) Yes.
- (d) 6 December 2013.
- (e) No.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — RECORDKEEPING PLANS

3384. Mr A. Krsticevic to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr M.P. Murray replied:Combat Sports Commission

- (a) Yes.
- (b) 27/08/2015.
- (c) Yes.
- (d) 10/03/2016.
- (e) The record keeping plan is not overdue for a review.

Department of Communities

Please refer to Legislative Assembly Question on Notice no 3378.

Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice no 3386.

VenuesWest

- (a) Yes.
- (b) 1 May 2017.
- (c) Yes.
- (d) Reviewed from January to June 2017.
- (e) The record keeping plan is not overdue for a review.

WAIS

- (a) Yes.
- (b) 28/11/2016.
- (c) Yes.
- (d) 28/11/2016.
- (e) The record keeping plan is not overdue for a review.

ATTORNEY GENERAL — PORTFOLIOS — RECORDKEEPING PLANS

3385. Mr A. Krsticevic to the Attorney General:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr J.R. Quigley replied:The Corruption and Crime Commission

- (a) Yes.
- (b) 9 October 2013.
- (c) Yes. The Record Keeping Plan was approved on 6 December 2013.
- (d) The plan is currently in review.
- (e) The Commission's recordkeeping plan is not overdue. A review of the Commission's Recordkeeping Plan is due to the State Records Office by 6 December 2018.

The Department of Justice

- (a) Yes, the Department of Justice has a recordkeeping plan.
- (b) 2 January 2018.
- (c) Yes.
- (d) 2 January 2018.
- (e) Not applicable.

Equal Opportunity Commission

- (a) Yes.
- (b) March 2014.
- (c) Yes.
- (d) 25 May 2018.
- (e) Not applicable.

The Legal Practice Board including The Legal Profession Complaints Committee (which is a committee of the board)

- (a) Yes.
- (b) 2004.
- (c) Yes.
- (d) 2014.
- (e) No.

Legal Aid WA

- (a) Yes.
- (b) 14 December 2005.
- (c) Yes.
- (d) 17 May 2017, approved by State Records Commission on 24 October 2017.
- (e) Not applicable.

Office of the Commissioner for Children and Young People

- (a) Yes.
- (b) 2 September 2014.
- (c) Approved 5 December 2014.
- (d) Currently undergoing review but not due until 5 December 2019.
- (e) Not applicable.

Office of the Director of Public Prosecutions

- (a) Yes.
- (b) 18 November 2004.
- (c) Yes.
- (d) Review 28 March 2016 and approved 24 October 2017.
- (e) Not applicable.

Solicitor General's Office

- (a) Yes;
- (b) Previously the Solicitor General's Office records were incorporated in the recordkeeping plan of the Department of the Attorney General. The Solicitor General's Office records are now incorporated into the recordkeeping plan of the State Solicitor's Office which was approved by the State Records Office on 23 March 2018;
- (c) Yes;
- (d) 23 March 2018;
- (e) Not applicable.

State Solicitor's Office

- (a) Yes.
- (b) 18 February 2004.
- (c) Yes.
- (d) 23 March 2018.
- (e) Not applicable.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — RECORDKEEPING PLANS

3388. Mr A. Krsticevic to the minister representing the Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr M. McGowan replied:

- (a) Yes.
- (b) 2 March 2018.
- (c) Yes.
- (d) April 2018.
- (e) The record keeping plan is not overdue.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — RECORDKEEPING PLANS

3391. Mr A. Krsticevic to the minister representing the Minister for Education and Training:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr P. Papalia replied:Department of Education

There is one recordkeeping plan for the Department of Education and the School Curriculum and Standards Authority.

- (a) Yes.

- (b) 4 March 2004.
- (c) Yes.
- (d) 24 October 2017.
- (e) The recordkeeping plan is not due for review.

Department of Training and Workforce Development

- (a) Yes.
- (b) 4 October 2011.
- (c) Yes.
- (d) 1 December 2016, Current Plan.
2 March 2018 Redeveloped TAFE Sector Plan.
- (e) Not overdue for review

North Metropolitan TAFE

- (a) Yes.
- (b) 11 October 2016
- (c) Yes. Existing Record Keeping Plan is approved. New Record Keeping Plan has been submitted
- (d) 2 March 2018 Redeveloped TAFE Sector Plan
- (e) Not overdue for a review

North Regional TAFE

- (a) Yes.
- (b) 11 October 2016
- (c) Yes. Existing Record Keeping Plan is approved. New Record Keeping Plan has been submitted
- (d) 2 March 2018 Redeveloped TAFE Sector Plan
- (e) Not overdue for a review

South Regional TAFE

- (a) Yes.
- (b) 11 October 2016
- (c) Yes. Existing Record Keeping Plan is approved. New Record Keeping Plan has been submitted
- (d) 2 March 2018 Redeveloped TAFE Sector Plan
- (e) Not overdue for a review

Central Regional TAFE

- (a) Yes.
- (b) 11 October 2016
- (c) Yes. Existing Record Keeping Plan is approved. New Record Keeping Plan has been submitted
- (d) 2 March 2018 Redeveloped TAFE Sector Plan
- (e) Not overdue for a review

South Metropolitan TAFE

- (a) Yes.
- (b) 11 October 2016
- (c) Yes. Existing Record Keeping Plan is approved. New Record Keeping Plan has been submitted.
- (d) 2 March 2018 Redeveloped TAFE Sector Plan
- (e) Not overdue for review

Building Construction Industry Training Fund

- (a) Yes.
- (b) December 2008.

- (c) Yes.
- (d) December 2013.
- (e) Not overdue for review. Submission date is 5 December 2018.

MINISTER FOR HEALTH — PORTFOLIOS — RECORDKEEPING PLANS

3392. Mr A. Krsticevic to the Deputy Premier; Minister for Health; Mental Health:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr R.H. Cook replied:

Department of Health advises:

- (a) Yes.
- (b) 5 March 2004.
- (c) Yes.
- (d) 18 December 2013.
- (e) Not applicable.

Health Support Services advises:

- (a) Yes.
- (b) 5 March 2004.
- (c) Yes.
- (d) 18 December 2013.
- (e) Not applicable.

Children and Adolescent Health Service advises:

- (a) Yes.
- (b) 18 August 2015.
- (c) Yes.
- (d) 29 December 2017.
- (e) Not applicable.

East Metropolitan Health Service advises:

- (a) Yes.
- (b) 12 December 2016.
- (c) Yes.
- (d) 17 March 2017.
- (e) Not applicable.

North Metropolitan Health Service advises:

- (a) Yes.
- (b) 10 March 2015.
- (c) Yes.
- (d) 10 March 2015.
- (e) Not applicable.

South Metropolitan Health Service advises:

- (a) Yes.
- (b) 19 January 2015.
- (c) Yes.
- (d) Currently under review.
- (e) Not applicable.

WA Country Health Service advises:

- (a) Yes.
- (b) 20 June 2013.
- (c) Yes.
- (d) Currently under review.
- (e) Not applicable.

Mental Health Commission advises:

- (a) Yes.
- (b) 13 August 2013.
- (c) Yes.
- (d) Currently under review.
- (e) The Mental Health Commission record keeping plan is due for review in 2018.

Healthway advises:

- (a) Yes.
- (b) 27 July 2018.
- (c) Currently being reviewed, previous recordkeeping plan approved 2 August 2013.
- (d) 27 July 2018.
- (e) Not overdue for a review.

Health & Disability Services Complaints Office advises:

- (a) Yes.
- (b) 2016
- (c) Yes.
- (d) 2016
- (e) No.

Animal Resource Authority advises:

- (a) Yes.
- (b) 9 September 2015.
- (c) Yes.
- (d) 1 September 2015.
- (e) Not applicable.

PREMIER — PORTFOLIOS — RECORDKEEPING PLANS

3393. Mr A. Krsticevic to the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal–State Relations:

For each department, agency, government trading enterprise or organisation within your portfolios, can you please advise:

- (a) whether the organisation has a recordkeeping plan, pursuant to the *State Records Act 2000*;
- (b) the date on which the record keeping plan was first submitted;
- (c) whether the record keeping plan has been approved by the State Records Office;
- (d) the date on which the record keeping plan was last reviewed; and
- (e) whether the record keeping plan is overdue for a review and if so, what actions are being undertaken to ensure compliance is maintained with the Act?

Mr M. McGowan replied:

Goldcorp

- (a) Yes, [Amended Recordkeeping Plan RKP 2016036].
- (b) 5 April 2004.
- (c) Yes, details below.
- (d) The plan was reviewed and approved by the State Records Commission on 17 March 2017.
- (e) The plan is current, and not due for review until 17 March 2022.

Lotterywest

- (a) Lotterywest has a record keeping plan, pursuant to the State Records Act 2000.
- (b) Lotterywest implemented the record keeping plan on the 7 March 2017.
- (c) The record keeping plan has been approved by the State Records Office.
- (d) The record keeping plan was last reviewed on the 6 March 2017.
- (e) Lotterywest's record keeping plan is not overdue for review.

Premier and Cabinet

- (a) Yes.
- (b) 2003.
- (c) Yes (NB: The State Records Commission approve plans, not the SRO).
- (d) 2018.
- (e) No.

Public Sector Commission

- (a) Yes, the Public Sector Commission has a record keeping plan pursuant to the State Records Act 2000.
- (b) 4 December 2009.
- (c) Yes, the current record keeping plan was approved by the State Records Commission on 20 March 2015.
- (d) 3 December 2014.
- (e) No, the record keeping plan is next due for review by 4 December 2019.

Salaries and Allowances Tribunal

- (a) Yes.
- (b) 5 August 2008.
- (c) Yes.
- (d) 10 October 2013.
- (e) No.

Department of Jobs, Tourism, Science and Innovation

- (a) Yes.
- (b) Current Record Keeping Plan submitted February 2018.
- (c) Plan awaiting approval by the State Records Office.
- (d) Reviewed through October 2017.
- (e) Record Keeping Plan will next be reviewed in 2022/ 2023.

Tourism Western Australia

- (a) Yes.
- (b) Current Record Keeping Plan submitted 27 June 2013.
- (c) Approved by the State Records Office 2 August 2013.
- (d) 27 July 2018.
- (e) Not overdue.

LOCAL GOVERNMENT — RECORDKEEPING PLANS

3394. Mr A. Krsticevic to the Minister for Culture and the Arts:

- (1) Please provide details of those local governments that have a current record-keeping plan?
- (2) Please provide details of each local government that has:
 - (a) a record keeping plan which is overdue for review;
 - (b) a record keeping plan which is overdue for review by less than 12 months;
 - (c) a record keeping plan which is overdue for review by between 12 months and two years; and
 - (d) a record keeping plan which is overdue for review by between greater than two years?

Mr D.A. Templeman replied:

- (1) All local governments in Western Australia have a recordkeeping plan that has been approved as required under the *State Records Act 2000*.
- (2) (a)–(d) Nil.

CULTURE AND THE ARTS — STATE ARCHIVES REPOSITORY

3395. Mr A. Krsticevic to the Minister for Culture and the Arts:

- (1) How much funding has been allocated by the Department of Local Government, Sport and Cultural Industries to develop a business case for the establishment of a State Archives repository for the whole of government?
- (2) By what date will the business case be finalised?

Mr D.A. Templeman replied:

- (1) The Department of Local Government, Sport and Cultural Industries allocation for the preparation of the business case is \$100,000.
- (2) The business case is due to be finalised late 2018.

STATE RECORDS OFFICE — STATE ARCHIVES

3396. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five financial years, please provide details of how many items have been transferred to the State Records Office to form part of the State Archives, by each government agency, department or otherwise?

Mr D.A. Templeman replied:

2013–14

Coal Industry Superannuation Board (agency abolished): 6,644 items

Parliamentary Counsel's Office: 305 items

Estrays (government records in unauthorised custody): 34 items

2014–15

Western Australian Egg Marketing Board (agency abolished): 109 items

Princess Margaret Hospital for Children (agency abolished): 73 items

Estrays (government records in unauthorised custody): 3 items

2015–16

Physiotherapists Registration Board of Western Australia (agency abolished): 3 items

Parliamentary Counsel's Office: 19 items

Landgate: 1 item

Perth Market Authority (agency abolished): 2,528 items

Estrays (government records in unauthorised custody): 209 items

2016–17

State Archives transferred from State Library collection: 560 items

Estrays (government records in unauthorised custody): 36 items

2017–18

Department of Aboriginal Affairs (agency abolished): 502 items

Estrays (government records in unauthorised custody): 96 items

ART GALLERY OF WESTERN AUSTRALIA — STORAGE SPACE

3397. Mr A. Krsticevic to the Minister for Culture and the Arts:

In respect of the Art Gallery of WA, for each of the past five years will the Minister advise:

- (a) how many square meters of storage space have been used to store the Gallery's collection;
- (b) how many square meters of storage space have been leased and/or rented; and
- (c) the costs of renting or leasing any external storage space?

Mr D.A. Templeman replied:

- (a) The total floor area of the Art Gallery of Western Australia (AGWA) State Art Collection (SAC) storage is 2,321m², which contains 3,614m² of fixed and mobile racking for 2D works and 977m² shelving for 3D works and boxed objects.
- (b) Financial Year 2013/14 – 128 cubic metres (12 months)
 Financial Year 2014/15 – 128 cubic metres (6 months only) *
 Financial Year 2015/16 – 8 cubic metres (3 months only)
 Financial Year 2016/17 – 6 cubic metres (7 months only) **
 Financial Year 2017/18 – 6 cubic metres (12 months) **
 *use of offsite storage ceased at the end of December 2014 and works returned to AGWA for storage in a re-purposed storage area
 ** 2016/17 and 2017/18 Temporary offsite storage for new acquisitions.
- (c) Financial Year 2013/14 – \$156,902
 Financial Year 2014/15 – \$85,215
 Financial Year 2015/16 – \$5,162
 Financial Year 2016/17 – \$3,699
 Financial Year 2017/18 – \$7,756

ART GALLERY OF WESTERN AUSTRALIA — STORAGE SPACE

3398. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the storage of artworks and the Collection held by the Art Gallery of WA and ask:

- (a) how many square meters of storage space does the Gallery's collection currently occupy;
- (b) how many square meters of storage space is currently congested;
- (c) how many pieces are currently held in temporary storage;
- (d) how many additional square meters of storage space are required to meet current needs (including the need to reduce congestion);
- (e) how many additional square meters of storage space will be acquired by Gallery in each of the next 4 years; and
- (f) what is being done to address the Gallery's need for an extra 5,000 square meters of storage space by 2032?

Mr D.A. Templeman replied:

- (a) Please refer to Legislative Assembly question on notice 3397
- (b) Collection Store 1 – 750m² of floor space
 Collection Store 2 – half of the 415m² floor space
- (c) As at 9 July 2018 there are currently 114 works of art stored at an offsite storage facility.
- (d) 200m² floor space with 400m² of useable storage space.
- (e)–(f) The Department of Local Government, Sport, and Cultural Industries is preparing a business case to identify a viable offsite storage solution which is scheduled to be finalised by October 2018.

STATE RECORDS OFFICE — STATE ARCHIVES

3399. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the accumulation of State Archives within government agencies, meaning that vital information is inaccessible outside of agencies and the public are denied access to information to which there is a legal right, and ask:

- (a) are you aware of this issue;
- (b) what is being done to rectify this situation;
- (c) what additional funding has been allocated to address this issue and if none, when will funds be allocated; and
- (d) how many the denial of legal access to State Archives be justified?

Mr D.A. Templeman replied:

- (a) I am aware that the State Records Office has been unable to accept transfers of State Archives from government agencies since 2001 owing to lack of archival storage space and infrastructure. I am also aware that the Barnett Government rejected a business case to address this issue in 2011.
- (b) The Department of Local Government, Sport and Cultural Industries is preparing a business case to address this issue.
- (c) Funding required is being identified through the business case process.
- (d) Any member of the public may request access to State Archives currently held within government agencies by applying to the custodial agency directly in accordance with existing legislation.

STATE RECORDS OFFICE — CONSERVATION SERVICES

3400. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to page 19 of the State Record Commission Annual Report 2016–2017, which states that there are currently, no conservation services available to the State Records Office to support the ongoing protection of fragile items, and ask:

- (a) are you aware of this issue;
- (b) does this accurately reflect the current situation;
- (c) has additional funding been allocated to address this issue and if so, how much;
- (d) if no additional funding has been allocated, when will funds be available to ensure the ongoing preservation of State Archives; and
- (e) how much funding has been provided to the State Records Office for each of the past five years in respect of conservation services?

Mr D.A. Templeman replied:

Please refer to Legislative Assembly question on notice 3440.

STATE RECORDS OFFICE — INFORMATION MANAGEMENT ASSISTANCE

3401. Mr A. Krsticevic to the Minister for Culture and the Arts:

Since the machinery of government changes begun on 28 April 2017, will the Minister advise:

- (a) how many requests have been made to the State Records Office (SRO) for assistance in relation to information management;
- (b) which government agencies, departments, GTE's or other organisations have requested information management assistance from the State Records Office; and
- (c) what additional funding or resources have been provided to the SRO to support this function?

Mr D.A. Templeman replied:

- (a) A total of 79 requests have been received. Several organisations made multiple requests for assistance.
- (b) The following current and former organisations have requested information management assistance:
 - Department of Aboriginal Affairs;
 - Department of Biodiversity, Conservation and Attractions;
 - Department of Child Protection and Family Support;

Department of Commerce;
 Department of Communities;
 Department of Corrective Services;
 Department of Education;
 Department of Jobs, Tourism, Science and Innovation;
 Department of Justice;
 Department of Local Government and Communities;
 Department of Local Government, Sport and Cultural Industries;
 Department of Mines and Petroleum;
 Department of Mines, Industry Regulation and Safety;
 Department of Parks and Wildlife;
 Department of Planning, Lands and Heritage;
 Department of Primary Industries and Regional Development;
 Department of Racing, Gaming and Liquor;
 Department of Regional Development;
 Department of Sport and Recreation;
 Department of State Development;
 Department of the Attorney General;
 Department of the Premier and Cabinet;
 Department of the State Heritage Office;
 Department of Treasury;
 Department of Water;
 Department of Water and Environmental Regulation;
 Disability Services Commission;
 Mid-West Ports Authority;
 Perth Zoo;
 Public Sector Commission;
 Road Safety Commission;
 Rottnest Island Authority; and
 Western Australia Police Force.

- (c) One officer was seconded to the SRO from February to June 2018.

STATE RECORDS OFFICE — RECORDKEEPING TRAINING

3402. Mr A. Krsticevic to the Minister for Culture and the Arts:

In respect of the State Records Office, for each of the past 5 years will the Minister provide details of:

- (a) the number of requests that were made for record keeping training and which department/agency/organisation requested that training;
- (b) the number of training sessions which were provided, including details of who received that training;
- (c) the number requests for record keeping training which were not met and details of which department/agency/organisation requested the training; and
- (d) how much funding was allocated towards the provision of record keeping training in each year?

Mr D.A. Templeman replied:

- (a)–(c) [See tabled paper no 1551.]
- (d) Record keeping training is provided from within the State Records Office budget.

STATE RECORDS COMMISSION — RECORDKEEPING PLAN REVIEW CYCLE

3403. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the reliance by the State Records Commission (SRC) on the Record Keeping Plan review cycle to monitor compliance, and ask:

- (a) when will additional funding be made available to implement a complimentary compliance monitoring scheme;
- (b) when will a complimentary compliance monitoring scheme be implemented; and
- (c) what is being done to ensure the SRC is able to appropriately monitor compliance with the *State Records Act 2000* in the interim?

Mr D.A. Templeman replied:

Section 63 of the *State Records Act 2000* requires the Minister to ensure that the State Records Commission is provided with the facilities and services that are reasonably necessary to enable it to perform its functions.

Consideration will be given to the establishment of a complementary compliance cycle when resourcing permits.

LOCAL GOVERNMENT — COMPLAINTS

3404. Mr A. Krsticevic to the Minister for Local Government:

I refer to complaints about local governments, which were received in the 2017/18 financial year by the Department of Local Government, Sport and Cultural Industries and ask:

- (a) how many complaints have been received in total;
- (b) how many complaints were categorised as serious;
- (c) how many complaints relate to:
 - (i) financial interest allegations;
 - (ii) misconduct;
 - (iii) fraud allegations; and
 - (iv) local government operations; and
- (d) please provide a breakdown of the responses to (a) to by local government?

Mr D.A. Templeman replied:

These answers refer to the number of cases logged in the Department's case management system. This includes cases commenced where no complaint was received (eg referrals from the Corruption and Crime Commission), but excludes complaints received which were not compliant with the relevant requirements of the *Local Government Act 1995* (the Act) or which raised allegations already captured in existing cases. Complaints received on behalf of the Local Government Standards Panel are also excluded

- (a) 137
- (b) 70 cases related to potential Serious Breaches (under section 5.105(3) of the Act).
- (c)
 - (i) 82 cases related to alleged failure to comply with financial interest requirements (under sections 5.65, 5.67, 5.69, 5.70, 5.71, 5.75, 5.76, 5.78, 5.82, or 5.89).
 - (ii) The Department does not collect data on misconduct allegations as it does not have jurisdiction to deal with misconduct matters.
 - (iii) The Department does not collect data on fraud allegations as it does not have jurisdiction to deal with fraud matters.
 - (iv) 46 cases related to matters regarding local government operations.
- (d) [See tabled paper no 1552.]

LOCAL GOVERNMENT — BETTER PRACTICE REVIEWS

3405. Mr A. Krsticevic to the Minister for Local Government:

I refer to local government Better Practice Reviews and ask, for each of the past five years:

- (a) how many reviews have taken place;
- (b) which local governments were reviewed; and
- (c) please provide a brief synopsis of the review's outcome?

Mr D.A. Templeman replied:

(a) 2013 – Not applicable.

2014 – Not applicable.

2015 – 7

2016 – 6

2017 – 5

(b) 2015

Shire of Broomehill–Tambellup

Shire of Irwin

Shire of Toodyay

Shire of Morawa

Shire of Northam

Town of Narrogin

Town of Port Hedland

2016

Shire of Esperance

Shire of Wyalkatchem

Shire of Broome

Shire of Capel

Shire of Victoria Plains

Shire of Gnowangerup

2017

Shires of Pingelly

Shire of Christmas Island

Shire of Boddington

Shire of Cranbrook

Shire of Cocos (Keeling) Islands

(c) Overall assessment of Better Practice Reviews:

The local governments reviewed were generally operating well, relevant to their size and capabilities.

There were consistent positives across all Shires and Towns reviewed, demonstrating a desire to achieve continuing improvement.

All local governments reviewed acknowledged areas requiring improvement, typically related to updating or finalising policies and procedures, and informing strategies for integrated planning and reporting. They all committed to work through the issues raised.

LOCAL GOVERNMENT — GOVERNANCE REVIEWS

3406. Mr A. Krsticevic to the Minister for Local Government:

I refer to local government governance review and ask, for each of the past five years:

(a) how many reviews have taken place;

(b) which local governments were reviewed; and

(c) please provide a brief synopsis of the review's outcome?

Mr D.A. Templeman replied:

(a) Sixteen governance reviews were conducted in each of the 2016/2017 and 2017/2018 financial years. The Governance Reviews did not exist prior to the 2016/2017 financial year.

(b) 2017 Reviews:

City of Albany
 Shire of Broome
 City of Bunbury
 Town of Cambridge
 Shire of Capel
 Shire of Carnarvon
 Shire of Dalwallinu
 Shire of Dardanup
 Shire of Donnybrook–Balingup
 Shire of Esperance
 Shire of Gingin
 City of Kalgoorlie–Boulder
 City of Karratha
 Shire of Northam
 Town of Port Hedland
 Shire of Ravensthorpe

2018 Reviews:

Shire of Augusta–Margaret River
 City of Busselton
 Shire of Coolgardie
 Shire of Dandaragan
 Shire of Denmark
 Shire of Donnybrook–Balingup (repeat)
 City of Greater Geraldton
 Shire of Harvey
 Shire of Irwin
 Shire of Katanning
 Shire of Moora
 Shire of Murray
 Town of Port Hedland (repeat)
 Shire of Toodyay
 Shire of Waroona
 Shire of Wyndham–East Kimberley

(c) Findings of governance reviews:

Year	Local Government	Assessment
2017	City of Albany	Sound
2017	Shire of Broome	Sound
2017	City of Bunbury	Sound
2017	Town of Cambridge	Passable
2017	Shire of Capel	Sound
2017	Shire of Carnarvon	Passable
2017	Shire of Dalwallinu	Sound

2017	Shire of Dardanup	Sound
2017	Shire of Donnybrook–Balingup	Passable
2017	Shire of Esperance	Sound
2017	Shire of Gingin	Sound
2017	City of Kalgoorlie–Boulder	Passable
2017	City of Karratha	Sound
2017	Shire of Northam	Sound
2017	Town of Port Hedland	Passable
2017	Shire of Ravensthorpe	Passable
2018	Shire of Augusta–Margaret River	Passable
2018	City of Busselton	Sound
2018	Shire of Coolgardie	Sound
2018	Shire of Dandaragan	Sound
2018	Shire of Denmark	Passable
2018	Shire of Donnybrook–Balingup	Passable
2018	City of Greater Geraldton	Sound
2018	Shire of Harvey	Sound
2018	Shire of Irwin	Sound
2018	Shire of Katanning	Passable
2018	Shire of Moora	Sound
2018	Shire of Murray	Sound
2018	Town of Port Hedland	Passable
2018	Shire of Toodyay	Passable
2018	Shire of Waroona	Sound
2018	Shire of Wyndham–East Kimberley	Sound

Descriptors: Under developed – In need of developmental attention

Evolving – Still evolving and developing – especially in practice

Passable – Adequate but need to be improved

Sound – Generally sound and do not need substantial improvement

Mature – Mature and well developed with no room for improvement

LOCAL GOVERNMENT — PROBITY AUDITS

3407. Mr A. Krsticevic to the Minister for Local Government:

I refer to local government probity audits and ask, for each of the past five years, can you advise:

- (a) how many probity audits have taken place;
- (b) which local governments were audited; and
- (c) will you provide a brief synopsis of the audit outcome?

Mr D.A. Templeman replied:

- (a) 2013 – 3
- 2014 – 3
- 2015 – 2
- 2016 – 2
- 2017 – 12

- (b) 2013: Shire of Ashburton
Shire of Dandaragan
Shire of Carnarvon
- 2014: Shire of Goomalling
Shire of York
Shire of Wandering
- 2015: Shire of Wyndham–East Kimberley
Shire of Coolgardie
- 2016: Shire of Katanning
Shire of Dowerin
- 2017: Shire of Exmouth
Shire of Perenjori
Shire of Augusta–Margaret River
City of Fremantle
City of Armadale
City of Greater Geraldton
City of Swan
City of Joondalup
City of Subiaco
City of Albany
Shire of Wyndham–East Kimberley
Shire of Broome
- (c) Local government authorities are required to adopt, implement and report to the Department on recommendations specific to respective probity audits.

LOCAL GOVERNMENT — ADVISORY HOTLINE

3408. Mr A. Krsticevic to the Minister for Local Government:

I refer to the Local Government Advisory Hotline and ask, for each of the past five years:

- (a) how much funding has been allocated to operate the hotline;
- (b) how many phone calls have been made into the hotline; and
- (c) how many email inquiries have been sent to the hotline email address?

Mr D.A. Templeman replied:

- (a) The cost of operating the hotline over the five years was absorbed into the general operating costs of the Department of Local Government, Sport and Cultural Industries' (DLGSC) Advice and Support branch.
- (b) Phone calls to hotline:
2013 – 358
2014 – 781
2015 – 1291
2016 – 901
2017 – 683
- (c) Enquiries to Department of Local Government and Communities' and DLGSC's hotline email address:
2013 – 120
2014 – 42
2015 – 127
2016 – 1216
2017 – 940

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — CREDIT CARD USE

3409. Mr A. Krsticevic to the Minister for Local Government; Heritage; Culture and the Arts:

For each department, agency and government trading enterprise within your portfolio, can you please advise for each of the past five years:

- (a) the number of instances of unauthorised credit card use;
- (b) the total value of unauthorised credit card transactions;
- (c) the value of each unauthorised credit card transaction; and
- (d) the number of employees who undertook those unauthorised transactions?

Mr D.A. Templeman replied:

(a)–(d) [See tabled paper no 1553.]

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — GIFTS, BENEFITS AND HOSPITALITY

3410. Mr A. Krsticevic to the Minister for Local Government; Heritage; Culture and the Arts:

For each department, agency and government trading enterprise within your portfolio, can you please provide details of all gifts, benefits and hospitality received for each of the past five years?

Mr D.A. Templeman replied:

Information about gifts, benefits and hospitality for departments, agencies and government trading enterprises within my portfolios has been provided to Parliament each year, including for the past five years.

LOCAL GOVERNMENT — INQUIRIES

3412. Mr A. Krsticevic to the Minister for Local Government:

Can you please provide details of all authorised inquiries that have been undertaken since 1 January 2014, including details of:

- (a) the start date;
- (b) the end date;
- (c) the Local Government involved;
- (d) a summary of the key subject matter/s being investigated;
- (e) how many recommendations were made; and
- (f) whether all recommendations have now been implemented and if not, why not?

Mr D.A. Templeman replied:

(a)	(b)	(c)	(d)	(e)–(f)
14/05/2014	24/02/2015	Town of Kalamunda	Chief Executive Officer receiving gifts and travel	Criminal charges brought
19/07/2016	14/06/2018	City of Perth	Tickets and sponsorship	Superseded by Panel of Inquiry
25/10/2016		Shire of Wiluna	Active investigation	
1/11/2017		City of Mandurah	Active investigation	
14/11/2017		City of Melville	Active investigation	
18/12/2017		Shire of Carnarvon	Active investigation	
18/12/2017		Shire of Ngaanyatjaraku	Active investigation	
18/12/2017		Shire of Perenjori	Active investigation	
7/01/2018		City of Joondalup	Active investigation	
18/04/2018		Town of Cambridge	Active investigation	

ART GALLERY OF WESTERN AUSTRALIA — VISITOR NUMBERS

3414. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the report of the Auditor General into the Management of the State Art Collection at the Art Gallery of WA and ask:

- (a) What is being done to address the drop in visitor numbers since the 2012–13 peak;
- (b) What market research is conducted by the Gallery and how much has been spent/allocated on market research for each of the past five years;

- (c) What is being done to address the limited access to the Collection from people living outside of the metropolitan area; and
- (d) Is the Gallery developing a strategy or policy to increase access to the Collection outside of the metropolitan area and if so, by what date will the same be complete?

Mr D.A. Templeman replied:

- (a) In late 2015 Art Gallery of Western Australia (AGWA) embarked on a new audience development program which has returned annual visitation to comparable figures. The visitation for 2017/18 was 375 698, up 32% on 2015/16 with 91 000 extra visitors recorded. The new strategy has included the appointment of a Director of Engagement to focus on visitor experiences and engagement (October 2015), launching the AGWA brand 'See things differently' (March 2016) which included new initiatives such as AGWA TV programs, The Imagination Room, 'Aggie' the world's first art gallery engagement robot, a range of new targeted programs including 'Art Bubs' for new parents and their young children, 'Super Saturday' events to launch major exhibitions and Naidoc week; and a new program brand 'Culture Juice' aimed at new and different audiences which opened with 'Sneakerheads' and continued with Heath Ledger: A Life in Pictures. About 180 000 visitors saw these two exhibitions. The State Art Collection has been central to the new brand with five new collection displays including a dedicated Indigenous gallery completed (September 2017–August 2018) and a marketing campaign 'Different every time you visit'.
- (b) AGWA carries out a rolling annual survey through Morris Hargreaves McIntyre, an internationally renowned firm, designed to understand visitors' needs and behaviour. AGWA also undertakes occasional research on planned major exhibitions to guide the targeting, advertising, pricing policy, exhibition experience and messaging. This was successfully used in the campaign for The Corsini Collection. AGWA also uses the Culture Counts system to assist profiling visitors to exhibitions.

Expenditure totals are:

2014	79 632.98
2015	65 720.00
2016	112 851.10
2017	75 130.50
2018	58 990.00
Total	392 324.58

- (c) AGWA is currently working on better online access including a new website. Access to the State Art Collection, starting with the celebrated Indigenous holdings, is being done with the assistance of the Gordon Darling Foundation and stage one has been successfully launched. AGWA TV for education audiences included two 'Inspire' TV programs, providing educators in remote locations with valuable distance learning tools. The latest edition, 'Drawing Breath' launched August 2018, includes a useful student work book and focuses on the key curriculum area of 'visual analysis' and includes several State Art Collection works.
- (d) AGWA is currently working in partnership with Art on the Move to deliver the Government's election commitment for the \$8 million Regional Exhibitions Touring Boost (RETB). Over the next six years the RETB will increase the number of touring visual arts exhibitions available to regional audiences.

ART GALLERY OF WESTERN AUSTRALIA — STATE ART COLLECTION

3415. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the report of the Auditor General into the Management of the State Art Collection at the Art Gallery of WA and ask:

- (a) What is being done to address the lack of storage space;
- (b) By what date will the Art Gallery have an adequate plan in place to ensure that artworks in storage get the maintenance they need; and
- (c) By what date will a full stocktake of the collection take place and what is the estimated completion date?

Mr D.A. Templeman replied:

- (a) Art Gallery of Western Australia (AGWA) storage capacity was designed to be sufficient for about twenty years from the completion of the Main Building in 1979. AGWA has managed storage issues by improved storage organisation (additional racking and shelving systems) and adding new spaces by re-purposing

exhibition galleries. AGWA is working with the Department of Local Government, Sport, and Cultural Industries (DLGSC), including portfolio cultural agencies, to implement an offsite storage solution. The main focus is to identify a viable storage solution for the care and preservation of the State's collection.

- (b) AGWA's current conservation is largely directed to meeting display and exhibition commitment. This ensures that items of the greatest value are well cared for and their condition regularly monitored although it does not address conservation needs. AGWA is developing a formal Conservation Plan which balances all needs for works in storage with the requirement for display and access.
- (c) The first complete stocktake in the history of the Collection, completed in 2010, was carried out over a five year period using considerable staff resources. Funding has recently been provided to AGWA, for the procurement and installation of a radio frequency identification tracking system (RFID) to enhance security of the Collection. The RFID system will integrate with 'Vernon', the AGWA collections management system, resulting in a more accurate and streamlined stocktake process. AGWA will implement the RFID system utilising existing staff resources.

ART GALLERY OF WESTERN AUSTRALIA — STATE ART COLLECTION

3416. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the collection at the Art Gallery of WA, and ask:

- (a) Does the gallery have any targets for what percentage of:
 - (i) the collection is displayed each year; and
 - (ii) the displayed collection is Western Australian;
- (b) What percentage of the total collection has been displayed, for each of the past five years;
- (c) Of those pieces displayed over each of the past five years, what percentage of works were new displays and what percentage were identical to the preceding year; and
- (d) Of those pieces displayed, for each of the past five years, what percentage of works were:
 - (i) Australian; and
 - (ii) Western Australian?

Mr D.A. Templeman replied:

- (a)
 - (i) in 2018–19 the target is 5% of the collection
 - (ii) in 2018–19 the target is at least 20% of works displayed are Western Australian
- (b)
 - 2013–14 4.6%
 - 2014–15 6.4%
 - 2015–16 5.6%
 - 2016–17 5.9%
 - 2017–18 4.8%
- (c) 2017–18 60% works new to display and 40% the same
Accurate statistics not available for previous years
- (d)
 - (i)
 - 2013–14 29.3%
 - 2014–15 43.1%
 - 2015–16 44.7%
 - 2016–17 46.0%
 - 2017–18 36.0%
 - (ii)
 - 2013–14 25.8%
 - 2014–15 28.4%
 - 2015–16 24.8%
 - 2016–17 28.5%
 - 2017–18 28.5%

LOCAL GOVERNMENT — “TIMELY PAYMENT OF SUPPLIERS” REPORT

3418. Mr A. Krsticevic to the Minister for Local Government:

I refer to the Auditor General’s report into the Timely Payment of Suppliers by Local Governments and ask:

- (a) Will the need for Local Governments to have policies and procedures in place to ensure the timely payment of suppliers be addressed as part of the Local Government Act review, if not, why not; and
- (b) What actions are being undertaken to address each of the recommendations made in the Auditor General’s report?

Mr D.A. Templeman replied:

- (a) Issues raised by the Auditor General into the timely payment of suppliers by local government will be considered as part of the *Local Government Act 1995* review.
- (b) Auditor General reports are designed to allow local governments, including those not audited, to evaluate their performance, review their practices and implement the Auditor General’s recommendations where necessary.

ART GALLERY OF WESTERN AUSTRALIA — STATE ART COLLECTION

3419. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the Key Performance Indicators outlined in the Art Gallery of WA’s Annual Report for 2016/17, and ask:

- (a) Why is Indicator 1: Percentage of the collection stored to the required standard, set at 97 percent, rather than 100 percent; and
- (b) What is the Gallery doing to improve the total number of visitors accessing the Collection, given the significant disparity below the target KPI?

Mr D.A. Templeman replied:

- (a) The target is a minimum target, reviewed annually, and takes into account historic performance in maintaining conditions across Art Gallery of Western Australia all public display galleries and storage areas in heritage buildings. In the last 5 years performance has consistently exceeded 98%.
- (b) The Gallery program, including *The Rise of Sneaker Culture*, *Heath Ledger a life in Picture*, presented in partnership with the WA Museum, and the major exhibition *A Window on Italy – The Corsini Collection*, has resulted in visitation increase to 375, 698 in 2017–18, which is the highest in five years against a target of 325,000. The capacity to present major exhibitions has a significant impact on visitation numbers.

ART GALLERY OF WESTERN AUSTRALIA — MANAGERS AND SUPERVISORS

3420. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the target outlined in the Art Gallery of WA’s Annual Report, to have 80 percent of managers and supervisors trained in occupational safety, health and injury management responsibilities, and ask:

- (a) How many managers and supervisors are currently employed at the Gallery;
- (b) How many managers and supervisors are currently trained in occupational safety, health and injury management responsibilities; and
- (c) What additional training is being undertaken to meet this target?

Mr D.A. Templeman replied:

- (a) 18
- (b) 18
- (c) Not applicable.

ART GALLERY OF WESTERN AUSTRALIA — TRACK LIGHTING UPGRADE

3421. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the project to upgrade track lighting at the Art Gallery of WA and ask:

- (a) When did the project commence;
- (b) How much has been spent on the project to date;
- (c) What future costs are anticipated;
- (d) How many lighting tracks have been changed and what percentage of overall lighting does this represent;

- (e) What percentage less power has been used in each year, since the project commenced; and
- (f) What financial savings have resulted from the reduced energy usage?

Mr D.A. Templeman replied:

- (a) The Lighting Upgrade Project to replace the original 1979 lighting system in the Main Building commenced August 2011 and was completed in September 2017.
- (b) Amount spent on the project to date; \$1 425 538.22 including GST
- (c) Project is complete.
- (d) Lighting tracks have been changed in eight of nine public gallery areas in the Main Building. This represents approximately 60% of overall lighting.
- (e) There has been an overall reduction in energy usage of about 20% since 2011–12 but this includes improvements to plant. No separate figures are available for savings resulting directly from the lighting upgrade.
- (f) Overall annual electricity costs are now about \$225 000 less than in 2011–12.

ART GALLERY OF WESTERN AUSTRALIA — MEMBERS PROGRAM**3422. Mr A. Krsticevic to the Minister for Culture and the Arts:**

- (1) How many members are there as part of the Art Gallery of WA (AGWA) Members program?
- (2) How many of those members referred to in the answer to (1) were originally part of the Friends of the Art Gallery of Western Australia program?
- (3) How many members were there of the Friends of the Art Gallery of Western Australia program, prior to its dissolution?
- (4) How much are the membership fees to be part of the AGWA Members program?
- (5) How much were the membership fees for the Friends of the Art Gallery of Western Australia program, when it was operational?

Mr D.A. Templeman replied:

- (1) 717, as at 11 July 2018.
- (2) 427. This number includes those whose memberships lapsed prior to the rollover.
- (3) 629
- (4) There are four different membership categories within the AGWA Members program; Individual, Individual Concession, Duo, and Student. Each membership category is available to purchase as a 1 year, 2 year or 3 year package, with the exception of Student membership which is offered as a 1 year membership only. The fees are:

AGWA Members	1 Year	2 Years	3 Years
Individual	\$ 75.00	\$ 135.00	\$ 190.00
Individual Concession*	\$ 60.00	\$ 105.00	\$ 153.00
Duo**	\$ 120.00	\$ 215.00	\$ 305.00
Student (Only 1 year available)	\$ 25.00	-	-

*Holders of a valid Centrelink, Healthcare, Senior, Pension or Veteran Affairs Card

** 2 Adults living at the same address

(5)

Friends of the Art Gallery	1 Year	3 Years
Individual	\$ 75.00	\$ 185.00
Individual Concession	\$ 60.00	\$ 140.00
Joint	\$ 120.00	\$ 280.00
Joint Concession	\$ 100.00	\$ 220.00
Student (Only 1 year available)	\$ 25.00	-

ART GALLERY OF WESTERN AUSTRALIA — DONATIONS

3423. Mr A. Krsticevic to the Minister for Culture and the Arts:

How much money has been raised in donations from the Art Galley of WA foundation for each of the past five years?

Mr D.A. Templeman replied:

2017/18 \$246,873

2016/17 \$850,891

2015/16 \$1,146,526

2014/15 \$610,936

2013/14 \$1,147,532

**Please note these figures are exempt from GST*

ART GALLERY OF WESTERN AUSTRALIA — ARTBUBS

3424. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years, how many people accessed the Art Gallery of WA's ArtBubs program?

Mr D.A. Templeman replied:

2017 – 171

2016 – Not applicable.

2015 – Not applicable.

2014 – Not applicable.

2013 – Not applicable.

ART GALLERY OF WESTERN AUSTRALIA — EDUCATION PROGRAM

3425. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years, how many students accessed the Art Gallery of WA's education program, please include a breakdown of how many were:

- (a) Primary school students;
- (b) Secondary school students;
- (c) Tertiary students; and
- (d) Students studying a English as a second language?

Mr D.A. Templeman replied:

	2017	2016	2015	2014	2013
Total number of Students ¹	16 409	13 831	15 982	17 696	Not Available

¹ Breakdown of student category data is not recorded.

ART GALLERY OF WESTERN AUSTRALIA — VOLUNTARY GALLERY GUIDES

3426. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years, at the Art Gallery of WA:

- (a) How many individuals have undertaken training toward becoming a Volunteer Gallery Guide; and
- (b) How many individuals were successful?

Mr D.A. Templeman replied:

	2017	2016	2015	2014	2013
(a)	18	Not applicable	16	Not applicable	23
(b)	16	14	11		

ART GALLERY OF WESTERN AUSTRALIA — VOLUNTARY GALLERY GUIDES

3427. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years, at the Art Gallery of WA:

- (a) How many professional development sessions were held for Volunteer Gallery Guides; and
- (b) What percentage of Guides attended each session?

Mr D.A. Templeman replied:

	2017	2016	2015	2014	2013
(a)	21	20	22	22	22
(b)	86%	85%	86%	86%	86%

ART GALLERY OF WESTERN AUSTRALIA — VOLUNTARY GALLERY GUIDES

3428. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years how many members of the public accessed the daily walk-in tours offered by Voluntary Gallery Guides at the Art Gallery of WA?

Mr D.A. Templeman replied:

2017 – 3 058

2016 – 4 483

2015 – 3 339

2014 – 8 786

2013 – 11 674

ART GALLERY OF WESTERN AUSTRALIA — VOLUNTARY GALLERY GUIDES

3429. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years how many Voluntary Gallery Guides worked of the Art Gallery of WA and please include a breakdown of how many were:

- (a) Active guides;
- (b) Associated members; and
- (c) Interns?

Mr D.A. Templeman replied:

	2017	2016	2015	2014	2013
(a)	57	77	70	75	72
(b)	10	10	9	13	8
(c)	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

Interns – Not applicable as the Guides do not use Interns

ART GALLERY OF WESTERN AUSTRALIA — VOLUNTARY GALLERY GUIDES

3430. Mr A. Krsticevic to the Minister for Culture and the Arts:

Please provide details of how many Voluntary Gallery guides at the Art Gallery of WA:

- (a) Speak a language other than English, for the purpose of providing tours; and
- (b) Which language/s are spoken by how many guides?

Mr D.A. Templeman replied:

- (a) 7
- (b) Italian – 2
French – 2
German – 1
Spanish – 1
Japanese – 2
Mandarin – 1

ART GALLERY OF WESTERN AUSTRALIA — VOLUNTARY GALLERY GUIDES

3431. Mr A. Krsticevic to the Minister for Culture and the Arts:

For each of the past five years, how many tours at the Art Gallery of WA from Voluntary Gallery guides were accessed by the following groups:

- (a) School aged students;
- (b) Tertiary students;
- (c) Students studying English as a second language; and
- (d) Adults?

Mr D.A. Templeman replied:

Art Gallery of Western Australia	2017	2016	2015	2014	2013
(a)	5448	5913	5913	6017	8917
(b)	1403	1403	542	251	N/A
(c)	274	835	1580	403	N/A
(d)	1376	978	2085	2740	5048

LOCAL GOVERNMENT — STOP PUPPY FARMING CONSULTATION

3432. Mr A. Krsticevic to the Minister for Local Government:

I refer to the Stop Puppy Farming Consultation being held by the department, and ask:

- (a) Are breeders of designer crossbreed puppies able to become registered breeders in Western Australia:
 - (i) If no to (a) why not and will this be addressed as part of the policy changes to stop puppy farming;
- (b) Will individuals who wish to purchase specific designer crossbreed puppies (which are not rescue dogs) be able to access them at pet shops, under the proposed policy changes; and
- (c) Where will individuals who wish to purchase designer crossbreed puppies be able to access them, after the proposed policy changes?

Mr D.A. Templeman replied:

- (a) All owners of unsterilised dogs will be required to register with the local government under the new proposals as potential breeders. This will apply to all dogs, whether pure breed, designer crossbreed dogs or 'mongrels'.
- (b) The intention of the current policy is to transition pet shops into adoption centres. However, the current consultation process will determine if the policy is adapted to meet the needs of the industry and the community.
- (c) Subject to the consultation process, it is proposed that individuals who wish to purchase designer crossbreed puppies will be able to source these puppies directly from the breeder. That breeder will be required to be registered with their local government, so they may be identified and traced if required.

LOCAL GOVERNMENT — STOP PUPPY FARMING CONSULTATION

3433. Mr A. Krsticevic to the Minister for Local Government:

I refer to the Stop Puppy Farming Consultation being held by the department, and ask can you please clarify some comments made during the Estimates Committee hearing on 22 May 2018:

- (a) What did you mean by the statement that pet shops can sell puppies which are appropriately sourced from a registered breeder; and
- (b) How does this align with the policy document, which outlines a plan to transition pet shops to adoption centres and only sell puppies and dogs from approved rescue organisations?

Mr D.A. Templeman replied:

- (a)–(b) Please refer to my explanation to the House in accordance with standing order 82A on 12 June 2018

HERITAGE — ADVISORY SERVICE SUBSIDY

3437. Mr A. Krsticevic to the Minister for Heritage:

I refer to the heritage advisory service subsidy which has been cut from this years' budget and ask:

- (a) What was the value of the subsidy in each of the following financial years: 2014/15, 2015/16, 2016/17 and 2017/18; and
- (b) Please list those local governments which utilised the subsidy in each of the following financial years: 2014/15, 2015/16, 2016/17 and 2017/18?

Mr D.A. Templeman replied:

- (a) 2014–15 – \$112 681
 2015–16 – \$105 795
 2016–17 – \$ 94 800
 2017–18* – \$ 0

*This program was cut as a result of efficiency dividend under the previous Government.

- (b) 2014–15

Albany	Bunbury	Busselton
Chapman Valley	Collie	Cue
Dardanup	Gnowangerup	Goomalling
Greater Geraldton	Irwin	Jerramungup
Kalgoorlie–Boulder	Leonora	Manjimup
Murray	Northam	Northampton
Sandstone	Toodyay	Yalgoo
York		

2015–16

Albany	Bridgetown–Greenbushes	Bunbury
Busselton	Collie	Cue
Cunderdin, Quairading & Tammin	Dardanup	Gnowangerup
Goomalling	Greater Geraldton	Irwin
Jerramungup	Kalgoorlie–Boulder	Leonora
Manjimup	Murray	Northampton
Toodyay	Yalgoo	York

2016–17

Albany	Bridgetown–Greenbushes	Bunbury
Busselton	Collie	Cue
Cunderdin, Quairading & Tammin	Dardanup	Derby/West Kimberley
Goomalling	Greater Geraldton	Irwin
Jerramungup	Kalgoorlie–Boulder	Leonora
Murray	Northampton	Toodyay
York		

2017–18

None		
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CULTURE AND THE ARTS — LOTTERYWEST FUNDING

3438. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the reduction in Lotterywest funding and the statutory allocation towards the culture and the arts portfolio, and ask:

- (a) What decline in funding is expected for the years ended 30 June 2019, 2020, 2021 and 2020; and
- (b) Please provide details of those fellowships that have been cut from 2018/19, including the name and value of each fellowship?

Mr D.A. Templeman replied:

- (a) The funding from the Arts Lotteries Special Purpose Account is reported in the 2018/19 State Budget Papers.
- (b) The fellowships have not been cut from the 2018/19 budget.

CULTURE AND THE ARTS — CONTEMPORARY MUSIC FUND**3439. Mr A. Krsticevic to the Minister for Culture and the Arts:**

I refer to the Contemporary Music Fund, which was originally referred to as a Creative Music Fund, and ask:

- (a) why was the name of the fund changed from the original election commitment; and
- (b) has the criteria for funding changed?

Mr D.A. Templeman replied:

- (a) The name of the fund was changed to the Contemporary Music Fund as contemporary music is the commonly used term to describe the sector that the fund supports.
- (b) The change of name has not resulted in the Fund's objectives changing and the criteria for funding is being finalised.

STATE RECORDS OFFICE — CONSERVATION SERVICES**3440. Mr A. Krsticevic to the Minister for Culture and the Arts:**

- (1) I refer to the 2016–17 Annual Report of the State Records Commission, which states on page 19 that currently no conservation services are available to the State Records Office to support the ongoing protection of fragile items, and ask:
 - (a) Are you aware of this issue and if so, what actions are being taken to address it; and
 - (b) How much funding has been allocated in the following years to support this function:
 - (i) 2018/19;
 - (ii) 2019/20;
 - (iii) 2020/21; and
 - (iv) 2021/22?
- (2) How much funding has been provided for each of the past five years in respect of conservation services?

Mr D.A. Templeman replied:

- (1) (a) State archives are stored in monitored, environmentally controlled conditions to minimise damage and deterioration. No physical treatments or repairs are currently being undertaken.
 The State Library of Western Australia commissioned independent advice on future conservation requirements for both print and digital collections; the State Records Office was included in the scope of the report. Recommendations from that report are now being used to inform further work on the team structure and roles to best meet the requirements of the State Library and the State Records Office future conservation and digitisation needs.
- (b) (i) \$2,200 on conservation supplies.
 (ii)–(iv) No budgets have been made at this time.
- (2) In the past five years, the State Records Office has spent the following on conservation supplies and services:
 - 2013/14 – \$2 000 on conservation supplies;
 - 2014/15 – \$1 941 on conservation supplies;
 - 2015/16 – \$861 on conservation supplies;
 - 2016/17 – \$540 on conservation supplies, \$7 654 on services;
 - 2017/18 – \$27 736 on conservation supplies for re-boxing State Archives; \$17 487 on a contractor to re-box archives; \$39 600 on a conservator to undertake a Preservation Needs Assessment of the State Archives Collection.

STATE RECORDS OFFICE — SECONDMENTS

3441. Mr A. Krsticevic to the Minister for Culture and the Arts:

I refer to the comments made by the Director General during Budget Estimates that the State Records Office (SRO) was seeking to second workers to assist with the additional workload resulting from the machinery of government changes, and ask:

- (a) How many FTE have been seconded to the SRO to date;
- (b) On what date did each secondment commence;
- (c) How many further FTE are estimated to be needed for secondment; and
- (d) What length of time have the staff been seconded for?

Mr D.A. Templeman replied:

- (a) One.
- (b) 2 February 2018.
- (c) No additional FTE are anticipated to be seconded.
- (d) Five months – secondment concluded on 22 June 2018.

DEPARTMENT OF THE PREMIER AND CABINET — RECORDKEEPING PROCEDURES —
VOICEMAIL AND TEXT MESSAGES**3443. Mr A. Krsticevic to the Premier:**

- (1) Has the Department of the Premier and Cabinet produced a policy regarding the recording keeping procedures for voice mail messages and text messages:
 - (a) If yes to (1), will you table a copy of the same?
- (2) Does the record keeping awareness training which is undertaken by Ministerial staff include a training component regarding the recording keeping procedures and circumstances in which voicemail messages and text messages can be deleted:
 - (a) If no to (2), why not?

Mr M. McGowan replied:

- (1) The Department of the Premier and Cabinet adheres to its obligations under the State Records Act 2000. To assist Department and Ministerial office employees understand their obligations the Department developed an educational pamphlet which is consistent with the Department's Record Keeping Plan. [See tabled paper no 1546.]
- (2) Yes.

LOCAL GOVERNMENT — STOP PUPPY FARMING CONSULTATION

3444. Mr A. Krsticevic to the Minister for Local Government:

I refer to the Stop Puppy Farming Consultation Workshops held by the department, and ask:

- (a) How many places were available at each of the consultation workshops;
- (b) How many people attended each workshop;
- (c) How many of the sessions were booked out and on what dates did those sessions book out; and
- (d) Were any additional sessions added in, in light of the sold-out sessions and if so, what were the dates and locations of these additional sessions?

Mr D.A. Templeman replied:

Consultation Workshop	(a) Places Available	(b) Number of attendees	(c) Booked out	(c) Date booked out
Northam	25	10	No	
Stirling	50	20	Yes	14 May 2018
Karratha	20	5	No	
Bunbury	50	40	Yes	9 July 2018

Kwinana	50	To be held on 23 July 2018	Yes	22 June 2018
Targeted Workshop – Dogs West members 12 June, 7:30pm	100	120 approx	Yes	10 May 2018
Targeted Workshop – Dogs West members 13 June, 3:00pm	100	60 approx	No	
Targeted Workshop – Dogs West members 13 June, 7:00pm	100	100 approx	No	
Targeted Workshop – Dogs West members 20 June, 7:00pm	100	150 approx	No	
Targeted Workshop – Dog rescue organisations	40	To be held on 26 July 2018	No	

- (d) Five community workshops are being held across the State. An additional consultation session specifically for rescue organisations has been organised for Thursday, 26 July 2018.

The Department added three additional sessions for Dogs West members due to the high demand for these sessions.

The three additional sessions were held at Dogs West premises in Southern River on the following dates:

Wednesday, 13 June 2018, 3:00pm

Wednesday, 13 June 2018, 7:00pm

Wednesday, 20 June 2018, 7:00pm

STATE RECORDS COMMISSION — INVESTIGATIONS AND PROSECUTIONS

3445. Mr A. Krsticevic to the Minister for Culture and the Arts:

- (1) How many investigations and prosecutions have been undertaken by the State Records Commission since the current Government has been in office and please provide details of:
 - (a) the relevant dates of those investigations/prosecutions; and
 - (b) the outcome of each investigation/prosecution?
- (2) How many investigations and prosecutions have been undertaken by the State Records Commission in 2013, 2014, 2015 and 2016 and please provide details of:
 - (a) the relevant dates of those investigations/prosecutions; and
 - (b) the outcome of each investigation/prosecution?

Mr D.A. Templeman replied:

- (1) Three investigations have been undertaken since the current Government commenced in office.
 - (a) These investigations commenced on 9 April 2017, 15 June 2017 and 21 March 2018 respectively.
 - (b) Two were resolved. One investigation remains in progress.
- (2) 2013 – 17
2014 – 10
2015 – Nil.
2016 – 1

- (a) 2013 – These commenced on 12 April; 15 May (four investigations); 10 June (two investigations); 26 June; 27 June; 6 August; 7 August (three investigations); 20 September; 30 November (two investigations); and 7 December.
 2014 – These commenced on 27 February; 11 March; 24 March; 24 April; 12 June; 17 June; 25 June; 3 July; 27 July and 10 December.
 2015 – Not applicable.
 2016 – This commenced on 24 November.
- (b) 2013 – All were resolved.
 2014 – All were resolved.
 2015 – Not applicable.
 2016 – All were resolved.

SCHOOLS — SELF-DEFENCE TRAINING

3446. Mrs L.M. Harvey to the minister representing the Minister for Education and Training:

- (1) Will the Minister please advise which schools have provided self defence training for teachers?
- (2) Will the Minister please advise which schools are considering providing self defence training for teachers?

Mr P. Papalia replied:

- (1)–(2) There are no centrally stored records held by the Department of Education that can provide this information. To answer this question for schools it would require a survey to be completed by all schools. This has not been undertaken. In addition there is no mechanism to obtain this information from non-government schools.

The Department has a contract with Team-Teach Asia-Pacific for the provision of de-escalation and positive handling training courses. Under this contract, public school staff are trained how to defuse a situation and apply appropriate interventions to protect students, staff or others from harm, which in some circumstances may involve physical contact with a student; however, this is not in any way characterised as ‘self-defence’.

DEPARTMENT OF EDUCATION — STAFF — ASSAULTS

3447. Mrs L.M. Harvey to the minister representing the Minister for Education and Training:

Will the Minister please advise for each month of the 2017 calendar year and year to date the following:

- (a) The number of assaults against education department employees at schools;
- (b) The number of assaults against education department employees at schools where Police were involved;
- (c) The number of assaults against education department employees where a weapon or object was used; and
- (d) The number of assaults where education department employees were required to seek medical treatment?

Mr P. Papalia replied:

- (a)–(d) [See tabled paper no 1557.]

I have asked the Department of Education to undertake a review of existing policies and procedures and potential further measures to assist schools to prevent and respond to incidents of violence and aggression, and what policy changes will be required to implement those measures. The consultation is expected to be completed by July 2018 and changes implemented as soon as practicable.

