Parliamentary Debates

(HANSARD)

FORTY-SECOND PARLIAMENT

FIRST SESSION

2025

LEGISLATIVE COUNCIL

Wednesday 10 September 2025

Legislative Council

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The President (Hon Alanna Clohesy) took the chair at 1:00 pm, read prayers and acknowledged country.

PAPERS TABLED

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

BIODIVERSITY CONSERVATION (RELOCATION OF WILDLIFE) AMENDMENT BILL 2025

Notice of motion to introduce

Notice of motion given by **Hon Amanda Dorn.**

AMBULANCE RAMPING

Amendment to notice of motion

Hon Michelle Hofmann gave notice, pursuant to standing order 62(a), of an amended form of motion 7, "Premier's Attitude to Ambulance Ramping", as follows:

That this house:

(a) expresses grave concern at the record levels of ambulance ramping in our state, including the unprecedented 7,013 hours recorded in July 2025 which was subsequently exceeded with 7,074 hours recorded in August 2025;

(b) notes that:

(i) the Labor government came to office in March 2017 promising to improve the performance of the health system when monthly ambulance ramping had never exceeded 2,300 hours;

(ii) under successive Labor Ministers Cook, Sanderson and Hammat, monthly ambulance ramping hours have escalated exponentially to record highs; and

(iii) persistent ramping delays have been linked to adverse patient outcomes, increased stress on paramedics, and an overall decline in emergency response capability;

(c) is not confident that the government is treating this issue with the level of priority it requires;

(d) rebukes the Premier for his dismissive attitude towards concerns raised throughout the community, which was particularly on display in his refusal to even read a short letter of concern from the Leader of the Opposition, Basil Zempilas MLA; and

(e) calls on the Premier to, without delay:

(i) apologise to the people of Western Australia for ambulance ramping having worsened so dramatically during his tenure as either Minister for Health, Deputy Premier or Premier;

(ii) review the model he imposed following the 2025 state election that now sees the health portfolio split between a multitude of ministers;

(iii) axe the racetrack proposed for Burswood Park and reinvest the $217.5 million into our health system to address the hospital crisis; and

(iv) personally take responsibility to ensure that his new health minister makes this her top priority, prepares a plan, executes it, and reports on it monthly to Parliament until it is under control.

ROAD SAFETY

Motion

Hon Julie Freeman (1:06 pm): I move:

That this house:

(a) notes with grave concern the alarming number of road fatalities recorded to date in 2025, continuing the deeply troubling trend of rising deaths on Western Australian roads, particularly in regional and remote communities;

(b) recognises the tireless efforts of first responders, health professionals and advocacy organisations working to prevent road trauma and support those affected, and further acknowledges the significant mental health toll on survivors, bereaved families, emergency service workers, and frontline responders;

(c) calls on the Cook Labor government to urgently strengthen its response to the road safety crisis by adopting a whole-of-community approach—coordinating with local governments, law enforcement, health services, and industry stakeholders to address the unique and pressing road safety challenges across Western Australia; and

(d) further calls on the Cook Labor government to prioritise funding for critical road safety measures, including improved infrastructure, trauma support services, comprehensive driver education, and increased capacity for traffic enforcement and emergency response across the state.

As we sit here today, 132 Western Australians have lost their lives on our roads in 2025. Let me say that again—132 lives gone. That is 132 families shattered by grief, 132 communities left reeling and a road toll that continues to rise month after month with no end in sight. As of the end of July 2025, 112 Western Australians had already lost their lives—the highest year-to-date toll in 18 years. This follows 188 deaths in 2024, with more than 61% occurring in regional areas, despite those communities making up a far smaller proportion of the population. Between 2020 and 2024, the toll was staggering—842 deaths and 7,605 serious injuries. That is over 8,400 families forever changed. In regional WA, the fatality rate sits at 18.7 deaths per 100,000 people, compared with just 2.84 per 100,000 in Perth, a sixfold disparity. Western Australia is consistently ranked second or third worst in the nation for road deaths per capita, behind only the Northern Territory. In 2024, our rate was nearly double the national average. That is not just statistics; that is a gross inequality in public safety.

Where you live in this state should not determine whether you survive the drive home, but right now it does. The *Western Australian Road Fatalities and Serious Injuries 2024* report, which records the number of people killed or seriously injured (KSI) on our roads, recorded 188 fatalities last year, a 14.9% increase over the previous five-year average; 1,600 people killed or seriously injured from 1,381 crashes—a fatality rate disproportionately affecting regional WA, which accounted for 61% of deaths despite its smaller population; a 60% increase in deaths in the Wheatbelt compared with the five-year average; and a 32% increase in fatalities on state roads, even while KSI numbers were declining slightly overall. In 2025, we are already on track to exceed those devastating numbers, with 132 lives already lost by September this year. This year may prove to be even deadlier than last.

We are not heading in the right direction; we are hurtling further into a crisis. Every time a fatal crash occurs, there is a ripple effect. It does not stop at the scene; it extends into our hospitals, our emergency services, our court systems and, most painfully, into our homes and hearts. I want to take a moment to acknowledge the police officers, paramedics, SES volunteers and firefighters who are the first at the scene; the doctors and nurses, especially in regional hospitals, who perform miracles under enormous strain; the counsellors and trauma professionals who support families and survivors long after the headlines have moved on; and the families who have lost a child, a parent, a sibling, a mate—you are why we must do better. The emotional and mental toll is not abstract; it is daily, visible and growing, especially for first responders and healthcare workers who face trauma repeatedly, often without adequate support.

What is truly galling is that at the very time our state is experiencing this deepening crisis, the Cook Labor government has produced a budget in which Main Roads Western Australia's net road safety funding is being reduced to one-third of what it was last year—page 571 of budget paper No 2, volume 2. This government keeps reminding us about its impressive surplus, but it seems reluctant to spend it on the things that matter to the people they were elected to represent, like getting to work and home again safely.

I acknowledge the government's recent commitment to expand the regional road safety program to include local roads. It is something the RACWA and the Western Australian Local Government Association have been calling for for several years, and its eventual adoption should not go unrecognised. We know these upgrades work. We have seen the results on regional highways, where lives have been saved. But let us be clear: this investment is too little and it has come too late. The business case developed by the RAC, WALGA and Main Roads WA called for $552 million to improve more than 8,000 kilometres of high-speed local roads. During the campaign, the Nationals WA committed to $276 million, to be matched by Commonwealth funding, to get the whole project completed. The Cook Labor government has promised $250 million, but half of that is dependent on matching federal funds that are not yet secured. The state's real commitment is just $125 million—one-quarter of what is needed.

Communities and advocacy groups were asking for this long before the government finally acted, and while we welcome the upgrades, we also know that they take time—years in some cases—to deliver. Time is one thing we do not have. In the meantime, for example, roads like the Minilya–Exmouth Road leading to the tourism growth area of Coral Bay, a community looking at an additional thousand visitors per year when the new resort is opened, is narrow with crumbling shoulders, forcing caravans and trucks close together when passing each other and

making overtaking nearly impossible. Both state-owned and local government roads are in desperate need of basic maintenance and low-cost treatments that will make driving safer and save lives.

It has now been 12 months since the Cook Labor government held its much-publicised road safety round table. The former Leader of the Opposition and Leader of the Nationals WA asked to have a seat at that round table, recognising that this crisis goes far beyond politics, but were refused. At that time, Western Australians were promised collaboration and progress, but what has been delivered? It was a talkfest and nothing more. Today, more Western Australians have lost their lives on our roads than at the same time last year. The reality is simple: under this government, road safety has gone backwards. The numbers do not lie. The government has failed to prioritise and bring forward spending on road safety initiatives, has delayed and deflected while continuing with overbudget high-spec vanity projects like pedestrian bridges that light up and the Metronet behemoth, and will wait until the third term of government before starting to invest in crumbling regional roads. Those decisions put lives at risk. Road safety has taken a back seat under this government, and Western Australians are paying the ultimate price.

We already know where the problems are and they are not new—regional roads with narrow shoulders, no overtaking lanes, poor lighting and unsafe intersections; limited trauma and recovery services outside the metro area; driver education that ends once a P-plate is earned; and law enforcement stretched too thin to deter dangerous behaviour over long distances. In the RAC Risky Roads Survey for 2024–25, over 18,000 Western Australians identified the roads and intersections that make them feel unsafe. In Perth, it is Baldivis Road at Kulija Road, Armadale Road at Eighth Road, and the Mitchell Freeway. In the regions, it is Great Northern Highway, Great Eastern Highway and South Western Highway. These are not hypothetical concerns; they are real communities pointing to the black spots where lives are lost year after year. Yet despite knowing all this, the government has opted to not match the net spending of previous years to address these urgent gaps. Once again, we are expected to be satisfied with better late than never. I say: too little, too late. We welcome road upgrades, but they take years to deliver. Western Australians cannot wait.

What we need now is a surge in enforcement. It is time to throw everything at this problem. In just the first quarter of 2025, more than 60,000 drivers were caught speeding, unbelted or on phones, yet most received warnings and not penalties. AI-enabled cameras have been deployed at over 100 sites, but fines will not commence until October. Meanwhile, tens of thousands of dangerous acts go unpunished. International evidence shows that speed cameras reduce serious crashes by up to 44%, with a visible police presence being one of the strongest deterrents. Regional WA, where more than 60% of fatalities occur, is often unpoliced terrain. Long stretches of highway see little or no patrols. That culture of impunity must end. We call for a doubling of enforcement resources in regional WA; weekly random breath and drug blitzes; cameras backed by police action, with penalties issued and not warnings; and targeted campaigns for high-risk groups, such as young drivers, middle-aged men and fatigued truck drivers.

The Road Trauma Trust Account must be used transparently and effectively. Western Australians are rightly angered when funds are directed to projects with questionable safety benefits, such as the 2017 purchase of a police helicopter against the advice of the Road Safety Council. The Auditor General has made it clear that critical reforms to the RTTA have not been implemented. Although the RTTA collected $127 million in 2022–23, the Auditor General found that funds were released without ministerial approval, clear priorities had not been set, applications were poorly assessed and outcomes were rarely measured. As of 30 June 2025, the RTTA held an $86 million balance—money sitting idle while Western Australians die. The government plans to draw this down to $54 million by June 2026, but this follows years of criticism that funds have been stockpiled rather than invested in measures to save lives. We cannot repeat these mistakes. Every dollar must be spent on interventions with a proven capacity to save lives. This cannot be solved by Main Roads Western Australia or the Western Australia Police Force alone. We need a coordinated, whole-of-community approach involving state and local governments planning and prioritising high-risk roads. We need health services to support trauma and recovery, and law enforcement that is equipped to enforce speed, fatigue, seatbelt use and drug and alcohol offences. We need stakeholders in the freight, mining and agricultural industries. We need schools and education providers to deliver consistent driver education, and we need culturally safe engagement with Aboriginal communities who remain vastly over-represented in fatality statistics. We also need a stronger and more visible police presence, impactful advertising campaigns and regional voices shaping local solutions.

We stand at a crossroad. Fatalities are climbing. Western Australia is falling behind the rest of the nation and regional communities are bearing the brunt. If these deaths were caused by a natural disaster, a health epidemic or a mass workplace incident, there would be a national outcry, but because they happen on roads individually, quietly, and almost daily, we seem to tolerate them. We must not do that. In a state as prosperous as Western Australia, with its much-celebrated surplus, I cannot understand why the Cook Labor government is not throwing everything it can at this appalling toll. This motion is a call to action. It calls for a whole-of-community response, immediate enforcement, urgent investment in infrastructure, trauma support, education and above all, accountability in the use of the Road Trauma Trust Account.

The opposition proudly supports this motion because Western Australians deserve more than empty strategies and delayed frameworks. They deserve safe roads, strong enforcement and a government that puts lives first. Every

death is a tragedy, every fatality is a call to action and every day of delay is unforgivable. I commend the motion to the house.

Hon Samantha Rowe (Parliamentary Secretary) (1:22 pm): I rise this afternoon to give the government's reply on this motion and to highlight the significant targeted and evidence-based investments that our government has made to assist in reducing road trauma and fatalities across Western Australia. The government broadly supports the intent of this motion. Working on ways to reduce deaths and accidents on our roads has always been supported by our government. We believe that a significant amount of investment and work has already been done to reduce fatalities and harm on our roads, and that we are already working with a whole-of-community approach.

I say from the outset that the number of fatalities on our roads is an issue that touches many Western Australian families. It is a really important issue for this house to discuss today. I also want to acknowledge the frontline workers who have to deal with the consequences of an accident, whether it be our police, St John Ambulance officers, trauma specialists right across our hospitals or the countless community advocates that this motion correctly recognises as well. In my contribution this afternoon I want to outline the investments made and the improvements in our roads that our government has made. I also want to address some of the claims that were made by the member opposite and to correct the record. The simple truth is this: we are delivering a significant amount of investment into our roads, especially throughout our regions, to ensure that we target and change driver behaviour so that we can save lives on our roads.

After convening the road safety round table in 2024, our state government announced more than $32.5 million for additional regional and road safety initiatives. That $32.5 million was spread across a number of different sources to ensure that those initiatives were targeted and effective. We provided $8.6 million for two new breath and drug testing buses in regional areas. We also provided $2.1 million for increased police traffic enforcement in regional areas, plus high visibility police vehicles; $1.8 million for improved traffic data gathering; and funding that included $20 million towards the WA Labor government's landmark Regional Road Safety Program. That additional funding takes the total allocation towards the Regional Road Safety Program over the next four years to $241.5 million. The program was launched in 2020 to specifically target single vehicle run-off road crashes and, to date, almost 10,000 kilometres of the state's regional road network have been upgraded with safety treatments. Some of those safety treatments include audible edge lines and shoulder widening to minimise run-off road and head-on crashes. It has also included funding for new breath and drug testing buses in regional areas and increased police traffic enforcement, including the high visibility patrol cars that I mentioned earlier, as well as the very important traffic data gathering.

In the recent state budget, our government committed $125 million to expand the Regional Road Safety Program to local government roads because shires and towns in our regions deserve the same safety focus as our highways. Since this program commenced in 2020, almost $1 billion has been invested to upgrade WA roads. These types of changes and investments will help us to address those small driver errors before they become fatal mistakes. These investments are based on best practice to save lives in rural and remote settings, often where ambulance response and retrieval times can be longer and can make the difference between a scare and a tragedy. We have also funded 23 new signalised pedestrian crossings, an investment of $17.7 million, including the replacement of 19 warden-controlled school crossings around the state. These upgrades protect our children, our seniors and people with mobility issues. They are needed at places where vehicles and vulnerable road users meet every day.

On the enforcement and deterrent front, we are investing more than $22 million in a comprehensive anti-hooning package to catch and deter hoons on our roads. This is not about headlines but sustained enforcement using modern technology to target repeat and high harm offenders. We are also building capability with a $15.4 million commitment to establish the state's first dedicated heavy vehicle driver training facility. With more heavy vehicles servicing our regions and supply chains than ever, better training for professional drivers is not just good policy, but essential to protect all road users.

Another thing that our government has done to improve road safety is to understand that novice driver safety is a huge concern. This was raised at the road safety round table because we were losing too many young people, so it was really important that we listened to that and acted. "Tom's Law" was introduced and passed in November 2024 to immediately address fatal crashes involving young people. Under the new regulations, both new and existing red P-plate drivers are limited to carrying only one passenger at all times with sensible exemptions in place. This is a targeted measure that reduces distraction and peer pressure dynamics in the car, and it gives novice drivers the best chance to build good road safety habits.

Our government has also rolled out state-of-the-art safety cameras, including fixed cameras on the Kwinana Freeway, and fines will be issued from 8 October.

In the regions, of the six safety camera trailers, two are based in Albany, rotating throughout the Great Southern and the South West, and two are in Geraldton, deployed across the Mid West and northern Wheatbelt. These safety cameras can detect drivers and front-seat passengers not wearing or incorrectly wearing seatbelts. They can also detect illegal mobile phone use, including holding or resting a phone on the body or even on the lap. Since January

more than 170,000 mobile phone and seatbelt offences have been detected, with more than 60,000 caution notices issued during the transition period.

Our government also understands that safer roads require safer choices, and that means education and social marketing that actually changes behaviour. This year our government launched the Road Smart Kickstart road-safety school incursion program, which is already rolling out in the South West, Great Southern and the Wheatbelt, reaching 1,292 students so far. We are also increasing our investment in education from the Road Trauma Trust Account, and it has gone from $11.1 million in 2017–18 to $19.4 million in 2025–26. That includes $2.9 million targeted at school students and the Department of Education's Keys4Life, $8.45 million for the Road Safety Commission's advertising and social marketing, $5.5 million for community partnerships and $2.57 million to develop and deliver to new incursion programs for years 7 to 9. We are also running targeted campaigns such as "Red plate. One mate", reminding novice drivers about "Tom's Law"; "Drink Driving? Not worth the 'beeping' risk", highlighting the shame and social embarrassment of losing a licence; "Speed shatters your excuses", challenging our culture of just a little bit over; and "Wheelmates", a leaver-specific plan to get them home safely.

The government has also backed the five-year, $5 million investment into road safety research led by the University of Western Australia's Western Australian Centre for Road Safety Research under Professor Teresa Senserrick. This research targets driver behaviour and culture, with a particular focus on young drivers. It will sharpen our interventions, validate what works and ensure our policies are responsive to emerging trends. This is how systems improve. Engineering and enforcement are essential, but research and evaluation make them smarter and more effective over time.

We also know that sometimes enforcement saves lives when it is visible, predictable and targeted. Through Operation Regional Influence, WA police have increased road policing enforcement, with high-visibility deployments across our regional roads. Up to August 2025 these deployments have delivered an additional 140 patrols, with 52,672 kilometres covered, 1,010 hours deployed, 3,928 random breath tests, 70 roadside drug tests and 1,478 on-the-spot infringements.

One of the other pivotal ways in which we are improving road safety, especially in our regions, is investing in road maintenance. In 2022 our government took the decision to bring Main Roads maintenance services back in-house. That has created 557 new jobs, mostly in regional WA, and has delivered better pay, stronger conditions and more responsive services. That reform has already saved taxpayers over $25 million and is projected to boost gross regional product by up to $335 million over the next decade. It is more than just numbers; it is about people, local workers, apprentices and Aboriginal communities that now have meaningful, stable employment.

Another issue on our regional roads is the number of trucks. Our government is commencing negotiations to bring WA's freight rail network back into public hands. That issue is important for most regional members so we can make our roads safer and we can be more efficient, and it is better for our economy. The federal Albanese government, our federal colleagues, is committing to a feasibility study backing a plan to reclaim the freight network, because together we want to make sure that WA is prepared for the next 25 years of growing freight demand.

One of the other issues I would like to touch on today is the whole-of-community approach that is mentioned in this motion. As I have already outlined today, our state government has been doing that. We are engaging and investing in road safety with local governments, with the Western Australia Police Force, frontline responders, health and industry. The road safety round table, brought together last year, was with a group of people involved in building our roads, policing our roads, treating trauma, insuring risk, riding, driving and delivering freight. It included law enforcement, which was led by the Commissioner of Police; local government, through the CEO of the Western Australian Local Government Association; health services, which included the State Director of Trauma at East Metropolitan Health Service; and the CEO at St John Ambulance. It also included industry stakeholders, so RAC, Transport Workers' Union, WA Centre for Road Safety Research, Motorcycle Council of WA, Insurance Commission of Western Australia, WestCycle, road safety advocates and the Australasian College of Road Safety. The outcomes from the roundtable are already being delivered—from "Tom's Law" to expanded regional, safety cameras to educational programs, research to transport infrastructure investment. We are listening, we are co-designing and we are implementing. This is a whole-of-community approach and we welcome you to support that, members.

One thing I would like to touch on before I run out of time are the comments made by Hon Julie Freeman that funds have been cut by one-third. That is just not correct. She raised the issue during the estimates process. During that process one of the advisers from Main Roads addressed it and I also followed up to point out that the figure she referred to included large-scale road projects that had already been completed. That automatically comes out of that account. During that estimates process she thanked us for the explanation, so she gave an indication that she understood what we were saying. Yet, she has still, quite frankly, given a very misleading media alert on her website saying we have cut funding by one-third. That is just not true. I think it would be appropriate to correct the record because that is not what occurred.

In closing, I return to where we began. Every life that is lost is one too many and behind every statistic is a grieving family, a traumatised first responder and a community that will be forever changed. It is our responsibility as a Parliament and a community to make sure we take the most effective actions available to us, to measure their impact and to keep going until we have done everything we can. Our government has listened, acted and invested, and we will continue to do so.

Hon Steve Martin (1:39 pm): For the benefit of members, I intend to speak in support of this motion, but I will not use my full time. There are a number of members who want to speak on this excellent motion. Before I get to the substantive motion and the details behind it, I want to respond to the remarks of the parliamentary secretary regarding the demonisation of the trucking industry. I thought it was an unusual contribution as part of her response to this motion that the freight rail buyback would somehow make our roads safer. The very clear understanding is that we will be removing trucks from the road and our roads will be safer. Every single thing in the shop you go to this evening, everything we eat for lunch and everything that arrives in any home or shop or business in this state gets there at some level in a truck. It is an extraordinarily important industry in this state. Look at the data, by the way, from the Road Safety Commission that has been compiled over years and tell me that the trucking industry is anything but a safe, well run, efficient and effective industry in this state. I think it was an extraordinary comment from the parliamentary secretary to say that, as part of our response, our yet uncosted and unbudgeted possible buyback of the rail freight network would somehow contribute to safer roads.

I will come back to that. I just want to congratulate Hon Julie Freeman on the very timely nature of this motion. There was some excellent detail in her contribution, as we have heard, about where we are in 2025, very sadly the worst year for 15 years, I believe, with 132 deaths this year to date. That is simply too high. I want to touch on a number of points in this motion. As a regional member, I want to start with the impact on regional communities, from the families involved in every single road tragedy, from the people who largely volunteer to run the ambulance and first responder services in many regional towns and communities, to the disproportionate impact of road safety in our regions. For members' benefit, I served in my community on the Road Safety Council 15 years ago as the local government rep on that body. I think that it did some wonderful work. In my farewell speech after serving on the council for four or five years, I asked the entirely metropolitan-based members of the council to think when they went home that evening and had a look in their street whether they would know how many people and homes had lost a family member to a road fatality. Most of them said probably none. There was the odd person who did. In my circumstance of my eight to 10 neighbours on my farm, five of them had lost someone to a road fatality. That is about half of my neighbours impacted by a fatal crash. Give that a try at home tonight when members get home to their street. Imagine every second house is a road fatality and the impact on that street and that suburb. That is what has happened, sadly, in regional Western Australia.

For some reason that I do not quite fathom, the Wheatbelt, where I live, is appallingly bad. It has been and continues to be. The number of deaths we have for the Wheatbelt for the five years to 2024 is 161. Most members have been to the Wheatbelt and know how sparsely populated and infrequent those towns are. There were 161 deaths in not quite half the metropolitan area over the same period. We know that millions of people—1.8 million or whatever it is today—live in the metropolitan area. There are almost half as many deaths in the Wheatbelt on those roads. That is an extraordinarily bad safety outcome. There are a number of reasons for that. Government investment is clearly one of them. I get told, and the data backs it up, that speed is important. It clearly is. I also drive on the Kwinana Freeway at 100 kilometres an hour in all sorts of conditions—day, night, wet, dry et cetera. The safety outcomes on the Kwinana Freeway and the Mitchell Freeway are extraordinary given the level of traffic on that road. They are extraordinary. There are a couple of reasons for that, clearly. It is very well lit, it is very well paved and it is wider than it needs to be, so it is an extremely safe road. Lots of roads in the Wheatbelt are narrow, certainly not lit at night and not maintained to the level that the Kwinana Freeway is. I think that plays a role in those safety outcomes. Regional people do not have the same road network and, therefore, they are not as safe on the roads.

I want to touch on a couple of other things. There are a number of metrics used in the 2024 *Western Australian Road Fatalities and Serious Injuries* compiled by the Road Safety Commission. There is all sorts of data in it about the statistics that confront us. I could go through it in some detail. I think I will refrain from that. I touched on the Wheatbelt. There are things we know, like speed and people—alarmingly—still not wearing seatbelts, who account for 16% of the fatalities. Of fatalities, 65% were motor vehicle occupants and 16% of them were not wearing a seatbelt, which, in 2024, is just extraordinary. There is one I think quite glaring omission in this document, and it is referred to on page 23. There is a footer at the bottom of page. The page refers to the reasons for the fatalities and serious injuries of speed, fatigue and inattention. I think there is a box or two clearly missing from this document and that is alcohol and drugs. Surely, the Road Safety Commission would actually collate the data, the information about the impact of that key metric on our safety outcomes, but it does not. I double-checked this with someone this morning. I read the document three or four times because it must be there, but it is not. It says why at the bottom of the page:

> Alcohol involvement is not available due to changes in data sharing arrangements.

I will just read that again:

> Alcohol involvement is not available due to changes in data sharing arrangements.

This is not recent, apparently. This has been going on for some time. I would urge the government to see whether there is some spare funding around to work on those data-sharing arrangements. There is an old saying: If you cannot measure it, how do you deal with it? Apparently, we cannot measure the involvement and the impact of drugs and alcohol on our road safety outcomes. Apparently, we cannot even find out in this document how many drug and alcohol tests were done, let alone their impact on safety outcomes.

There is another part of this. We hear about the fatality number, as horrible as it often is. It is 132 this year to date. That is a number that I think Western Australians would be alarmed at were they more often aware of it. In the road safety statistics, we see the killed and seriously injured. The number of people killed is, quite frankly, appalling. The number of Western Australians seriously injured—this is not a scratch; this is lives ruined and wrecked—in the two years to 2024, was 3,000. That is 3,000 people scraped off the road who had their lives put back. We know about the trauma and the lifelong impact of people and loved ones who are lost in road accidents. Again, the impact on the seriously injured is often lifelong and on thousands and thousands of Western Australian families. When it comes to investment and a government and public response to this, I have to say we are almost immune to the horrors on our roads, are we not? If this many people were being killed and seriously injured in almost any other sphere of our lives, there would be outcries and changes in laws and legislation. I do not want to draw the comparison too closely because gun violence is a different thing—it is a very different thing—but in those same two years when 330 people were killed and 3,000 people were seriously injured, 20 people lost their lives tragically to gun violence in this state. However, the previous Minister for Police declared that removing firearms from our streets will keep us safe. I think more attention needs to be paid to this topic that was raised in this excellent motion today by Hon Julie Freeman.

I want to thank again not just the volunteers, but everyone involved in our first responders—our ambos, our SES and the police. Again, particularly in regional Western Australia, we can almost all remember that moment when either our family has had that phone call or someone we know has had that phone call and you have heard about it. You know where you were when such and such happened because, as I described earlier, it happens all too frequently. Can members imagine this? I know this has happened in dozens of communities where the first responder, the St John Ambulance volunteer, knows the person they are either trying to get out of the car or pick up off the road. Quite frankly, I have no idea how they go on with their lives after an event like that. They keep volunteering and again, how they do that is almost beyond me, but they do. So thank you very much to every single one of them, paid and unpaid, who do that wonderful work for us and will continue to do so.

In closing, I want to touch quickly on one issue related to road safety in Western Australia. In recent years, I have had something to do with Lara Jensen. I am sure most members will have either heard of Lara Jensen or met her. Her brother died in a rail crossing accident 25 years ago this year, very tragically, in Jennacubbine. I spoke to Hon Darren West earlier today—I think he is honourable, being a three-term member?—because it happened at the back of his property just by the Jennacubbine turn-off. I heard him speak in this place a couple of times about that particular night when he heard the train go past. Quite tragically, just after that, the car being driven by Lara's brother and the two young women with him was hit and they were all killed. All three were killed and there was a coronial inquiry after that event by Coroner Alistair Hope. I would like to read some remarks made by him at the time:

> … the Yarramony Road Railway Crossing was not "reasonably conspicuous" – in other words, not readily noticeable – and that the train itself was "not adequately lit".

Coroner Alistair Hope went on to say in his report:

> … trains "were the most dangerous and poorly lit of all large vehicles which motorists may encounter at night" and recommended all locomotives be fitted with flashing lights to help motorists easily distinguish them from other vehicles.

That report was made nearly 25 years ago. As of today, we still do not have mandated lighting—I believe adequate lighting—on our rail network. This is a complicated issue, otherwise it would have been solved before now. It is a state and federal responsibility—primarily federal, but the state can play a role. I just do not think our state and federal politicians on both sides have given this the attention that it deserves. I know Lara and her family, and the other families impacted on that night 25 years ago, are still working very hard to get a result that they believe could have saved those lives 25 years ago. I wish them all the best in that fight. We will certainly be doing everything we can to help. I would again like to congratulate the mover of the motion.

Hon Dr Brian Walker (1:54 pm): Thank you to Hon Julie Freeman for bringing this motion and also thank you to the parliamentary secretary for giving that response, because I think there is a great deal of truth on all sides. I really want to bring a different measure of context to this because I do not know that many people in this chamber have actually attended a fatality at the roadside in the context of trying to save a life. I have in a number of ways. The last person to die in my arms was in a road traffic accident—a multiple fatality road traffic accident. I had the

unenviable duty of telling the police officer to cancel the rescue helicopter because it was a waste of time, effort and fuel; there was not a saveable life there. As his life expired gently in front of me, I realised that there was nothing anyone could do. You are helpless standing or sitting there, cradling this life gently, becoming cold and still.

Road traffic fatalities are nasty. I have had good outcomes in patients I have seen in the Wheatbelt who have survived after 12 hours lying unconscious after a major accident. They have come into my hospital to be saved and to recover with a great deal of success, despite the fractured neck, despite the rip to a major artery, despite major risk of death in my emergency department, leaving me very nervously looking at what I am doing and how I am managing that nursing team with the ambulance officers, wondering how best to manage what could very easily have been a fatality. This is just my personal experience. So when I see these results and speak to the survivors and speak to those who are bereaved, I have a very different point of view than simply looking at the statistics. But let us look at the statistics just now, because very properly, the parliamentary secretary mentioned the amount of dollars that are being spent on enhancing the roads, enhancing safety. I have to ask: Has the increase in funding resulted in lives being saved? The answer is no, it has not. We therefore cannot equate funding with doing the right thing. We are failing in finding the right direction, are we not? We need to look at three main areas: first is the individuals involved, second is the infrastructure and third, of course, is the policy being set by us here in Parliament.

If we take paragraph (a), we can all allow ourselves to be alarmed. The numbers of people dying on our roads are unacceptable. Even one person dying on our roads is unacceptable. There has to be a cause; why has this happened? If we identify the fundamental underlying cause we can reduce the incidence, can we not? It is actually multi-factorial, it is not one single thing that results in someone dying on the roads. There are multiple things that can go wrong. We can look at the responses—our first responders—and again I will reiterate the thanks from this chamber to the first responders at the scene, those in the hospitals and those who are managing the aftercare of those 3,000 survivors.

All of us, at every level, must have a response. All of us—individually, as a Parliament and as a community. Not one of us can stand back and say, "It's nothing to do with me." I find this very challenging because this is part of my life. It is part of my clinical life. To speak about it at a distance, talking about the statistics and what we can do about it is quite confronting for me because I see people's faces in front of me. I see the blood. I see the damage caused; I feel it in my bones. All of us have a responsibility. What can we do in that case? There are many things that can be done. I mentioned earlier that the amount of dollars does not actually have an impact on the number of deaths. It was asked earlier about the statistics for the involvement of alcohol and other drugs in road traffic fatalities. I can tell members the answer because I asked a question on notice in this Parliament. It is 70% of all the road traffic fatalities in two consecutive years—70% had alcohol involved to some degree. If I take that one step further, since 2021, in Australia there have been more than 9,000 deaths due to alcohol alone. That is 9,000 deaths over five years. It was said earlier, if we look at the road traffic fatalities, there must be an action. No-one is going to take this. It is outrageous—intolerable, but 9,000 deaths we can somehow tolerate.

Did members know that the safe level for driving with alcohol is actually zero? The current level of .05 is an approximation. At that level, roundabout, the risk of an accident is increased 300% over the sober state. That is a 300% increase due to taking alcohol at what is considered a safe level, and we allow this. In other parts of the world, more sensible parts of the world, the safe level for alcohol is zero: if you drive, do not drink. This is the advice that we give to people right now in our state: if you drive, do not drink; if you drink, do not drive. That is the only safe response. In that time, by the way, the number of fatalities—this is not saying what is the cause of the fatality; it could be pedestrian being hit by a car—over two successive years due to cannabis alone was two out of 129, yet we find that confronting! Let it be said very clearly that no-one should drive impaired for whatever reason. Sleep impairment gives one a risk of an accident on the road of 800% more than when you drive well slept. How many of us have driven sleep impaired coming back from late evenings here when we started work at six in the morning? How many of us have been fully unimpaired on the roads going back home?

What could we do, though? If we are misdirecting the funds available because we are doing the best we can, is it enough? Is that the right direction? Clearly, it is not. So, what else could we do? One of the simple things we can do is recognise what is causing impairment, and look at all the different signs on the road that take our attention away from what we are doing on the road because we look at the signs. The multiplicity of signs has been shown time and again to be associated with a lack of an ability to appreciate risks on the road, yet we consider that signs on roads are necessary. The more signs, the better! Tell people what to do, where to go and how to behave—yet still no action is taken there.

Another one is looking at the lack of police on the road. It is all very well saying that we will punish people for doing the wrong thing, but would it not be far better to have more police on the roads? Like other members, I have driven on many regional, rural and of course metropolitan roads. I have driven down the Kwinana Freeway, and members have mentioned how safe that road is. Have members seen how drivers are driving, though? Have members ever sat behind someone who is blocking the overtaking lane, refusing to move, while driving at the

same speed as someone in the lefthand lane with a stack of traffic behind and drivers becoming more and more angry and frustrated? Do members think we will have more accidents because of frustrated drivers trying to deal with one idiot blocking the road? Is that the case even if the driver says, "I'm travelling the speed limit. You should not go any faster than me"? If members were in a police car, I can believe that to be so, but, in most cases, no.

How about signalling left when you are going to move left instead of moving in suddenly, and then deciding to signal after you have moved in? How about if you are tailgating someone because you want them to move faster? Do you move up behind someone and flash your lights or honk your horn or just sit there looking threatening? Is that safe behaviour on roads? Why do we not have more police on the roads observing this to pull people over and say, "Right, fella; you're nicked for your unsafe behaviour on the roads!" We do not have the police there. Why? Do we have enough police? Are they off doing things they should not necessarily be doing like chasing, for example, purveyors of cannabis, which has killed no-one in 100 years, rather than being on the roads and looking after us in going about our normal day-to-day business?

How is it that we simply do not have enough police doing what they are trained to do, like detecting all kinds of impairment, not just the presence of alcohol. I suggest that no-one should have any measurable alcohol in their systems at all ever when driving. Therefore, what do police do when they see someone who has behaved a little bit oddly? Does a police officer pull them over, check them for their ability to actually respond and their lane-keeping abilities? Is there anything else in their behaviour that suggests that they may not be functioning quite so well? I do not know about other members, but I have certainly called the police—at least I have asked my wife to call the police—because I saw someone behaving most erratically on the road; namely, unable to keep in the lane, driving at different speeds and behaving very dangerously.

Has anyone ever tried to call the police to advise them of someone behaving in a dangerous manner on the road without dialling 000? There is no answer for the other number. By the time one gets through, the problem has gone. There are no police around to take someone off the road who is clearly a danger to other road users.

We have a systemic problem here in that we are not devoting enough time to the underlying causes of accidents, and we are directing our funds in a way that is not bringing the promise we expect from it. We are wasting our money if we are not going to get results from it. While I appreciate what both sides of politics have done in the past, and what the current government is doing—I appreciate that—but it is not bringing the rewards that we expect. Therefore, doing more of the same is actually a sign of madness. We have to do something different.

That refers to paragraph (c) of the motion looking at every level, the whole society, with local government, road signage and state government. That is what we should be doing here. The responsibility is there with our federal government as well, but what about an individual's responsibilities? How about letting our youngsters learn how to drive safely? After they get their licence, the next step is to advanced driver instruction. How do you manage this car when the weather is not so good, the roads are slippery, leaves are on the road and visibility is poor, and the rain is very heavy when it eventually comes? Why do we not have as a standard that all drivers learn how to take driving to the next level, not simply, "I can pass a test and then they let me go and see how I manage"? Those who survive will be safer drivers; I have no doubt—"those who survive"!

We have spoken about road infrastructure. Anyone who has been on a regional and remote road will know just how poorly those roads are maintained. They are not as wide as one would like. There is no signage on the side of the road. I love the concept here of the rumble strip on the side of the road that the parliamentary secretary mentioned. This will wake up many a driver after their third hour on the road. I do not know how many lives it has saved, but it has certainly saved lives—and mine being one of them. Fantastic! We need more of that. We need every road to be as safe as possible.

I turn to traffic enforcement. Having these nice cameras that detect a problem so we can send drivers a letter stating, "Right, now you've got fine of $200" or "You have to appear in court" is nice and good after the event. People can behave in a dangerous manner, and then two weeks later a letter comes with a fine, the money from which goes into that fund to hopefully protect other people. But what about at that time? Why is no-one on the road stopping such people and pulling them over to say, "Right, this is wrong. Stop it! You must behave on the roads like a responsible driver."

I have not even begun to speak about a 17-year-old driver out with his mates at night hoping that they will not be caught. He is the one who has had not quite as much alcohol as his friends as he drives them home. They do that. How do we stop that? It is through education of course. Make it absolutely normal that alcohol is not drunk at all if you are going to go anywhere near the car.

I loved that police told us at the estimates hearings—was it police or roads?—about this No-one Plans a Crash campaign, with a picture. Excellent. We must have more of this. We must have more understanding in the community about the need to take individual responsibility and not rely on other people's behaviour or, indeed, hoping that the police are there. The camera is not working.

We have a lot to do. But we ought to focus more on the pressing problem, which is that we are allowing 9,000 citizens to die in Australia in five years and doing nothing about it. Also, 70% of our fatalities are being caused, to some degree, by being affected by alcohol when driving, and we sit back and say, "Well, we're not going to do anything about alcohol because it is part of our life." This is just abhorrent. This is ill. This is sick. It is our problem. We let people drive while impaired, do not detect it, and then find other things we can do to fix the problem. It is a misdirection of our efforts and our funds. It should be addressed, and we should address that problem.

Therefore, I thank Hon Julie Freeman for bringing the motion to the house. I thank the government for what it is doing in spending and doing all it can. But I would ask, I would beg, that the direction be reassessed and reviewed by both sides of the house, whoever happens to be in power at the time. We need to find a better approach. I do not want to have to attend another cadaver in a car. I do not want to see a friend of mine, as I have once done, and identify him by his jaw because nothing else was identifiable. I do not want to come across a man who is as flat as an empty rubber doll because he has been crushed to death in a road traffic accident. It is just not nice. I cannot think of a single person who is involved in first responses who would like to see more of that. I ask members, on behalf of all first responders, please let us do better.

Hon Rob Horstman (2:09 pm): I am very grateful to be able to stand here today to talk to the excellent motion Hon Julie Freeman has put forward. One death on our roads sends shock waves through the community. In 2025, there have been 132 shock waves sent through Western Australian communities. Our first responders are first to see the harrowing images at those scenes and they face the terrible truth of what they might encounter on a road accident call-out. Those scenes stay with our first responders for a long time and with their families possibly even longer because they see people struggle with the trauma associated with being one of our emergency service frontline responders. It may be that people in this house are ambulance and firefighting volunteers, and this topic may bring up issues for them, but they are not alone. People dealing with this issue are not alone because the first responders in our great state are with you.

The thing is that many times distressing scenes are avoidable. No-one plans to have a crash when they get into their car. No-one hops into their motor vehicle to drive home from a footy game or work expecting to end up in a crash. Unfortunately, that is what happens. In an emergency every second counts. More specifically, I am talking about the golden hour. The golden hour is the first 60 minutes after a crash in which critical injuries have occurred. If traumatic injury is seen to, attended to, it significantly increases the chance of survival of the people or persons in the crash. In the context of an emergency services response, the concept highlights the importance of rapid assessment and people being tended to at the site of a motor vehicle accident.

We must do better. We must do better for our first responders. We must do better for our communities. We must do better for Western Australians who are left waiting. Firstly, we need to do better for our first responders. They are the people who keep us safe. Main Roads WA five-year crash data reports that there were 126,996 vehicle accidents from 2019 to 2023. Of those, 36,638 resulted in a person requiring medical attention or hospitalisation or in a death. Our first responders were at the scene to near on 40,000 motor vehicle incidents during that timeframe. First responders did not see distressing images at all of those incidents, but that definitely does not devalue the experience of first responders when that did happen.

When our first responders are cared for, they are in a better position to care for us. The reality is that we must do better for our first responders, and there is one way that this could occur. We must extend presumptive PTSD support to our volunteers. Emergency service personnel, whether they are paid or volunteer, are three times more likely to suffer from PTSD compared with the general population—three times more likely. Currently, presumptive post-traumatic stress disorder protections are not afforded to our emergency services volunteers. The government has taken the step to provide presumptive PTSD coverage to paid firefighters, police and ambulance officers. This simple government measure will ensure that it is presumed career firefighters, career police officers and career ambulance officers with a PTSD diagnosis received the injury as a result of their service. My question is this: Why do our emergency services volunteers not also deserve presumptive PTSD measures? Former member of this house Hon Martin Aldridge stood many times in this place to advocate having a presumptive PTSD diagnosis extended to the 30,000 emergency services volunteers in this state. I will continue that work of Hon Martin Aldridge with the sincere hope that at some point a presumptive PTSD diagnosis will be extended to those volunteers.

These protections are important. They will take away altogether, in fact, the need for emergency services volunteers to have to go through the incredibly bureaucratic red tape legal battles and struggles they go through at the moment. It is a process that is often traumatising or re-traumatising for those people. Every time they have to retell their story, they relive that trauma. They put themselves through it again and their family also goes on that journey with them. We need to look after the people who run towards danger to protect us. It should not be too much to ask for; it really should not.

In Coral Bay and many other regional towns, it is very hard to get volunteers. They are really struggling in Coral Bay. They have limited resources and rely heavily on the nursing post, which at peak times has only three nurses, and during normal, I suppose, business, they have only two. When a motor vehicle accident occurs, there are only two ambulances in Coral Bay that are able to attend. One is currently out of action, which is putting even more

pressure on the volunteer services and the nurses. Exmouth is the closest locality to get support for people, but they can be left waiting for one and a half hours or more for that support. The best short-term outcome, and I believe it has been touched on by all members who have spoken to this excellent motion from Hon Julie Freeman, would be to reduce the pressure on our regional roads. More specifically, in the case of Coral Bay, it would be the Minilya–Exmouth Road. In just 12 months, five serious accidents have occurred on that road, with two leading to fatalities. The community has continually called for improvements to the surface of the road and the shoulders, and to this point only two kilometres of the 24-kilometre stretch of road in question has been actioned. There is still no dedicated regional road maintenance fund, which could alleviate this issue.

Last footy season, I was standing with a parent watching footy training in Northampton—home of the mighty Northampton Rams—and the parent's phone went off. Soon after that, the gentleman in question left. He took the call and left. Then a footy coach's phone went off. They had to leave footy training at very short notice. I knew they were volunteer ambos; I was aware of that. It is a small community and we know who our vollies are. I suspected that they had been called out to a job. Obviously, they are not allowed to convey that messaging or let anybody know that is the case. I was concerned and worried that there might have been an accident. As it turned out, there had been. I remember reflecting on that day. At the time, there was one lad missing from training who was always at training. He was always at training; he never missed training. For a horrible moment, I found my mind wandering and thinking, "Is it that lad who's in this accident?" And I am forever grateful for the fact that it was not that lad who was in the accident. Although, when I reflected on that, I remember thinking there was every chance those two volunteer ambos were going to an incident, to a crash, and they might well know the person they will have to attend to and care for and that they would have to then wait for other emergency services to come and help save that person's life. I will always remember that in terms of what volunteers do. Again, I echo the sentiments of every speaker who has stood today and contributed to this motion in thanking our emergency services volunteers for all they do. Paid volunteers, career firefighters—I could go on and on and list everybody who does that. It is incredible what they do.

Linked to the golden hour and the response times we need are the rescue helicopters that are often a lifeline for our regional and remote communities. The 2022 inquiry into aeromedical services reported that 70% of emergency helicopter responses were to primary emergency response road crashes and high trauma incidents. When a helicopter gets called out, it is almost certain it is going to be or potentially be a bad outcome. RAC rescue pilot Ron van Heerden estimated that he had attended more than 100 road crashes during his career. He went on to say that attending so many of these crashes has an incredibly traumatic impact on his crew, and I will quote from Ron van Heerden, the RAC rescue pilot:

> A lot of the time, we have very good outcomes. Those keep us going, but sometimes, despite our best efforts, we don’t have good outcomes, and that stays with us—it’s always there.

We need more people like Ron, and we also need more rescue helicopters. The government has recently launched its new fleet of Leonardo AW139 rescue helicopters to overhaul the ageing Bell helicopter fleet that is based at Jandakot and Bunbury. There is no question that these new aircraft are very impressive. They can go 300 kilometres further and they can travel up to 309 kilometres an hour. There was a glaring omission from this $26.7 million investment, and that is that the Mid West and north are still left dangerously exposed. As far as I am aware, there is still no plan to expand that rescue helicopter network permanently outside of the South West and Perth. This failure comes despite repeated warnings from the Department of Fire and Emergency Services, the State Coroner and the Chief Health Officer that the most logical place to have one based is in Geraldton in the Mid West.

The 2022 aeromedical inquiry was clear about this. One of the quotes was about the fact that a state as vast as WA needs at least nine helicopters. This is a quote to back up the rationale behind principal recommendation 5, which is to improve regional rotary wing aeromedical capability:

> The findings of the Inquiry strongly support a networked expansion of capability. Interstate benchmarking of rotary wing capability (per population) suggests a need for WA to at least double its rotary wing fleet and when geographical challenges are factored, the WA Rotary Wing fleet should be in the order of 2.5x the current. Additional technical backup fleet may increase the fleet size further to a future total of 7-9 aircraft.

Geraldton has one of the busiest Royal Flying Doctor Services in the state. In an emergency, every second does count. That golden hour does count. Every Western Australian, regardless of where they live, deserves equitable access to life-saving services. Emergency responses should not be a postcode lottery for Western Australians. Regional people are over-represented in our road toll and under-represented by emergency service access. In an accident, response times by first responders is the difference between life and death. Although the Mid West and the north are left exposed, Western Australians in serious road accidents all over the state are left waiting. Volunteers deserve presumptive PTSD measures. With our first responders, mental health is vital to the role, as is support for their mental health. This is not optional. This is something that all our first responders need, whether they are career or volunteer.

I will end my comments now and thank Hon Julie Freeman very much for putting forward this motion. I commend it to the house.

Hon Tjorn Sibma (2:23 pm): I note that Hon Kate Doust wishes to speak, and I think she has a unique perspective on these issues, so I will keep my remarks as tailored as I possibly can. First of all, I want to acknowledge the very fine work of Hon Julie Freeman in bringing this motion to the house's attention. I acknowledge that notice of this motion was provided on 14 August this year. I make that observation because I think it speaks to the member's genuine commitment to, and focus on, the matter. I say that because an alarming media statement was issued by the RAC some weeks after the honourable member gave the house notice of this motion. It was dated 2 September, so it is not very old; it is rather recent. The title of the release puts the situation in very stark and accurate terms: "WA's road trauma crisis deepens". I will quote from it:

> So far this year, the state has recorded 128 road deaths, compared to 122 at the same time last year. The figures come 12 months after the Premier held an emergency roundtable to discuss options to address the growing road trauma crisis.
>
> RAC General Manager External Relations Will Golsby—

A person I know quite well—

> said that while some important initiatives had progressed, broader change was needed.

He went on to observe:

> "Funding for the Regional Road Safety Programs, the introduction of P-plate passenger restrictions, and a review of the graduated licensing system are all good recent steps which RAC welcomed – but we need to see more action to address road trauma …
>
> "WA once had one of the best road safety records in the country, however since 2006, and under successive governments, we have consistently had one of the worst."
>
> "For over a decade the warning signs have been flashing, with two Auditor General reports calling for improvements to road safety governance in WA.

Mr Golsby goes on, but I have chosen to end my quotation of that document there for this reason: the tone of my address is not to castigate the government. I think the government, as Mr Golsby has mentioned, has made some novel, encouraging and positive steps in recent years and I think Mr Golsby is absolutely correct; under successive governments, we have dropped the ball on road safety. We have; the evidence is incontrovertible. I also acknowledge the constructive tone of Hon Julie Freeman's motion. It is to encourage the government to prioritise funding and to look at new safety measures and the like. I quoted Mr Golsby's comment for one particular reason, and that is that he identified the issue of governance. Governance is important, and I think it is sometimes an essential element that is overlooked when we talk about road safety, generally speaking.

As Hon Dr Brian Walker acknowledged in his contribution, the issue that we are dealing with is bedevilled by all these multiple factors acting simultaneously. We are talking about co-opting and encouraging better road behaviour among road users. How do we do that, though, when there have been either perceptions or actual observations of genuine governance failure or a lack of confidence in the institutions that convey road safety messages and the like? There has been, since 2006 at least, a decline in the community's regard for the institutions that are designed or have a mission statement to improve road safety, and there are three that I will identify.

The first is, I think unfortunately, the failure of road safety plans themselves to be implemented in a comprehensive way. We are at the halfway mark of the present road safety strategy, which aims to reduce road trauma on Western Australia's roads by between 50% and 70% by 2030. We are so far off that target that there is probably cause now to really rethink the wisdom of that strategy.

The second issue that Hon Dr Brian Walker mentioned and other members also acknowledged in their contributions is an overwhelming reliance upon technology to do the heavy lifting in road safety. I do not for one moment think that we can have a technology-free solution, but we have become lazy and dependent and reliant on a multiplicity of camera and camera technologies to deliver us road safety outcomes. They are important and necessary, but they are not sufficient. Unfortunately, the rollout of these cameras breeds perverse counterproductive behaviours. They breed cynicism amongst road users, who consider them as mere revenue raisers, and to some degree they are accurate—they are not entirely accurate, but they are not entirely wrong, either.

This leads to the treatment of the revenue. If there has been a profound failure of governance, it is in the governance of the Road Trauma Trust Account. Two observations have been made by the Office of the Auditor General about the governance of the various road safety programs and measures that are funded out of that account. If it is the mission of this Parliament, as it should be, to turn around this dispiriting trend in the road toll, road trauma and accidents more generally, perhaps it behoves us to think about undergirding and improving the institutional architecture that is designed to encourage and then enforce appropriate road user behaviours. We cannot,

unfortunately, compel people to do the right thing if they perceive government or agencies as not doing the right thing at the same time. We are all in this together.

The other dimension here, which gets to perceptions of credibility, is the unfortunate absence of police on the roads. Everybody notes it; members of this chamber who have driven on Western Australian roads over the last 20 or 30 years would have observed the notable absence of police traffic branch officers doing their job. I remember driving from Perth to Margaret River as a 19-year-old, seeing at least four or five police vehicles on a one-way journey. I can now travel down south with my family and not see a single marked police vehicle in the course of a week-long trip down south. My observations are my observations, but I do not think they are solitary. We absolutely have a problem with the absence of a police presence on the roads and that needs to be addressed. Perhaps that could be addressed, frankly, with better and more transparent utilisation of the moneys that are being diverted into the Road Trauma Trust Account. We know that that account will grow inexorably with the rollout of additional camera technology, which is picking up, frankly extraordinary behaviour. I will address the behavioural dimension now, while I can.

I think we are at a real crossroads in our community on a range of fronts and it is reflected in driver behaviour. I believe that driver behaviour has deteriorated, not only in a quantitative metric, as these lamentably sad statistics will tell us, but even in people's general observations and the qualitative and subjective analyses that people make every day. Something strange has happened. People are looking more atomised and fragmented and believe that their vehicle and their vehicle's passage on the road is entirely their own domain. There is no concept of the roads as a shared or community space, which gets to the heart of the issue. That degree of separation and atomisation, unfortunately, has accelerated through the perversity and proliferation of digital distractions. It has gotten worse.

On my way here today in the middle of the day, I travelled down Canning Highway for about five kilometres and in the lane next to me I saw a young lady—probably 19 or 20 years of age—on her phone for the entirety of that trip. Hon Dr Brian Walker observed that it places us in an invidious position, because that person is not only a danger to themselves; they are also a danger to absolutely everybody around them. The blithe sense of ignorance and entitlement of that woman presented a real threat to everybody. There were no police. I am not saying that the police should be there all the time, but no policeman was there. Who was I to call? Was I to pull over to the side of the road, call 131 444, wait to be patched through to a police station and report the incident? That person was now five, six or seven kilometres down the road. It is actually pointless to do it. We have a behavioural issue. We have a behavioural problem.

The other issue that I cannot believe we are seeing is the lapse and retrograde performance in the use of seatbelts. Sometimes we take certain things for granted. Getting people to use seatbelts was a generational task. It was normative. We taught our children to put on their seatbelts. Now it has become a little bit laissez faire—an encroachment on one's personal liberty. I am of the conservative strain, which is about as anti-libertarian as you can get, because I think these people are, frankly, utterly irredeemable in their comport with other human beings. That has become a problem. We are seeing the emergent threat of digital technology and phone distraction, retrograde in previously improved behaviours, which is going backwards. Frankly, I am slightly doubtful about the success of advertising campaigns that are multi-channelled and not targeted on a specific segment of the driving population. This is perhaps where I might differ.

If I am to make a constructive contribution to this debate, it would be this: I think we need to tackle younger drivers first. If we want to see an uplift in improvement, we need to grip hold of the new generation of drivers—which is not to say that we forget about the rest, but I think their behaviours and attitudes need immediate correction. My view is that it is far too easy to get a probationary licence. It should be a longer and more difficult undertaking. I know that is confronting, but we have to be able to make some trade-offs. I agree with Hon Dr Brian Walker; our approach to a vehicle driver's licence is that you get it once and that is it. There is no continuing professional development or incentive to improve one's driving skills. That concept is worth reflecting upon. Unfortunately, the problem is so bedevilling, it is a topic that stands in stark contrast to the technology that should be improving the outcome.

I will return to the last point. Investment in technology is important. Investment in roadside treatments is obviously important. A lot of work should be done on the improvement of regional roads, in particular. I note that the government is doing that in concert with the local government sector, but probably not fast enough. There is a lack of clarity of where, when and what the priorities are, but that work is ongoing. Focusing specifically on the technology without focusing on the behaviour will deliver exactly the same result. If the government wants to shift the behaviour, I encourage it to look very, very seriously at rehabilitating the institutional reputation of the Road Safety Commission and make the use of the Road Trauma Trust Account far more transparent, scientific and evaluative. I would like to see a far greater presence of Western Australian police on Western Australian roads. I think that absolutely goes without saying. If we want to improve behaviour on the road, there is nothing like the visible presence of a police officer.

I hope this has been somewhat of a helpful and constructive contribution. It behoves this chamber to return to this topic on occasion more frequently than we ever have in the last two Parliaments. I acknowledge the sterling efforts of Hon Julie Freeman and recommend the motion to the house.

Hon Kate Doust (2:39 pm): I also thank Hon Julie Freeman for raising this matter today. This is a significant issue. There have been 132 road deaths this year, and that is 132 deaths that should never have happened. It is not just the deaths but the significant number of people who have been injured as a result of those accidents. We are all of the same view: that it is beholden on governments, no matter what their colour, to do everything they can to reduce the number of fatalities and injuries on our roads throughout our state. I will not talk about the numbers that my colleague Hon Samantha Rowe has been through, but I will talk about some other issues.

I know that Hon Julie Freeman lives in the country and she has probably lived in the country all of her life. She has probably driven on country roads more than I have. I will say that I grew up in Coolgardie and Kalgoorlie, so I used to spend a lot of time on the roads, travelling between those towns and to the city. Obviously, in the 1960s those roads were a lot quieter than they are now. For 17 years in my working life as a trade union official, before I came here, I used to spend a lot of time on the road—not just in the metro area, but doing my country runs all the way through every town up to Kalgoorlie, to Kambalda and down to Esperance. I would spend a week, or sometimes almost two weeks, just on the roads. I would go to Geraldton, Albany and a range of places. I would obviously not have driven as far as Karratha, as I would have flown, but I would certainly drive around those areas. As I got older I would see a number of fatalities while driving on those roads. I would see trucks turned over just outside Coolgardie, on the road to Meekatharra.

I recall two incidents. I was on P-plates when I started doing my country runs, and on my first run I almost totalled myself coming out of Yellowdine. That was a wake-up call for me to make sure it did not happen again. I recall coming back from Geraldton late one night after a run and there was half a bridge down. I must say that the lighting was not bad, and it was due to quick thinking that I did not end up going through that part of the broken bridge and instead deviated.

I fully appreciate some of the issues raised about the standard of lighting, signage and things like that. Having grown up in the bush, I know that road fatalities are not uncommon. We lost a family friend when I was a child who came off second best with a kangaroo just out of Southern Cross one night. We lost another very close family friend who was coming home from Kambalda, on Kambalda road as they used to call it, which had an outrageously high fatality rate. As that town opened up, people would go from Kalgoorlie to Kambalda on a daily basis to work at the various mine sites. Whilst I do not have Hon Julie Freeman's current experience, historically I have seen some of that myself. It is difficult, not just for families but their communities, to recover from a fatality or to see family or friends significantly injured.

I will come back and talk about the injury rate. I am not the only person in this chamber who has had to deal with that, and I am probably the least of individuals, but I will refer to the fact that, as members would be aware, in May this year I came off second best in a car accident, and I must say that it has taken me more than three months to recover. In fact, last week was the first week in which I was not in daily pain from my broken rib. I was very fortunate in the outcome of that accident not to have the fractured spine or broken jaw that it was initially thought I had. I must say that I am not a very good girl locked up in a neck brace for a couple of days; I do not manage that very well. I still cannot turn my neck fully and I still have some leg issues, but those things will ultimately resolve themselves, but other people are not so lucky. I think about the other family who was in the accident with us. Their ongoing health issues and trauma are different from what I experienced, but they are still there.

We think about the physical impacts on people, but we do not always think about the other types of impacts. In this case, the mother and child were unconscious after their involvement in the same car accident. That person was due to fly out on a FIFO job the next day and because they were not there, they lost their job. That had a financial impact on their family. They continued to have issues with concussion over an extended time. The little boy was so traumatised that they could not get him back into a car for several weeks.

There are lots of other different flow-on examples. I am sure that in every accident in which somebody has been injured, depending on the severity, people will present in different ways or have longer-term implications. I have been very tired as a result of my accident. I have found it difficult to do some of my normal activities. In fact, I have only just had my first Pilates class after three and a half months. Some members will know that exercise has always been very important to me. I used to box, I do Pilates a couple of times a week and I do weights and cardio training. For three and a half months I have been climbing the walls because I have not been able to do that. I must say that, three days after, my legs are still jelly and I hope that will improve over time! Having a car accident can have significant short and long-term implications for people. Some people recover faster and for others the trauma can be lifelong. I just wanted to use that experience.

I know I have acknowledged them before, but I am eternally grateful to the doctor who happened upon us almost immediately after our accident and to the fireman who sat with me for more than an hour while I waited to be cut out of the car. I just met him again last week. He has just retired. He is a lovely, lovely man. I think he had worked

for 28 years as a professional fireman and he said to me that it was very rare for him to meet somebody after an accident and hear about how they were going and their recovery. I had the president and the secretary of the fireman's union with me, and they said to me that it was unusual. The secretary of the union said to me that in his 30-odd years of working in the business, he had only had about 30 examples of firemen being able to meet people after an accident to have some closure. It was really important to them to know that people were recovering and back on their feet. I was also lucky enough to meet with the two ambulance officers who looked after us all the way through until I got to a space at Rockingham General Hospital. We talked about their training, their skill set and the fact that they had dealt with accidents on every turn-off point along the road where we had the accident, which was Ennis Avenue in Rockingham. That is a pretty significant road. I just want to talk about that as an example of a very recent situation.

I agree that we have a significant issue. Hon Tjorn Sibma outlined people's behaviour. I am pretty sure we can all give examples. I recently tried to turn into the driveway of my house. It is on a reasonably quiet street. I had indicated and all of a sudden as I was turning into my driveway a person tried to cut me off. They had been behind me and they came in. I literally stopped the car and thought they had to be crazy. I do not know whether people have just got a bit batty on the roads, but people are not indicating, they are speeding, they are stopping, they are cutting across—I just do not know. Behaviour is a significant issue and there needs to be ways to adjust it. I just do not know what the solution is. My colleague Hon Samantha Rowe articulated a range of programs already in place that are predominantly targeted at younger people. When Michelle Roberts was Minister for Road Safety, she used to run a program leading up to country football finals games hoping to encourage people not to speed or do other things during that time.

I agree with the member; maybe we need to update and make some changes. Technology plays a significant role in how people manage themselves on the road. It is not just the signage on the roads or the fact that cars now are so high tech to drive that people have perhaps become a bit lax about paying attention to how they do things. A lot of cars now have cameras in them, so drivers do not have to turn their head to watch behind them and instead they rely upon their camera. People then have bingles or might hit somebody. It is not just the distraction of the phones. There has been a serious campaign to try to get people to stop looking at their phones or stop using the phone as that distraction. It is in that nanosecond of distraction when an incident can happen. That applies to fatigue as well. We recently had the tragic death of two little girls on a country road when their mum had that nanosecond of fatigue. That was a tragic outcome for her and her family. I think it is tech on the roads, but it is tech in the cars and tech that you have got on you—all these things are distractions. We could run any sort of program we want, but Hon Tjorn Sibma is right, it comes back to the individual about how to manage those distractions. If drivers have Apple Play in their car, text messages come across the screen and members cannot tell me that it does not divert their attention. It does not matter whether they are on a busy freeway like Kwinana Freeway or whether they are on a country road where haul trucks might be zipping past them, that moment of distraction can be the moment that they end up under the back of that haul truck or off the road.

There are a range of issues. Hon Tjorn Sibma also talked about the seatbelt issue. I agree with him. It is a problem and people have become complacent and maybe do not think that they need to buckle up all the time. I recall when I was growing up in Kalgoorlie that we did not have seatbelts in those days—that shows how old I am. My mum was going through an intersection on our way back home in South Kalgoorlie and my sister was in a bassinet in the back seat at a few months old. They did not even have car seats in those days. They put them into a cane bassinet and a bloke hit mum's car. My sister, who was only a few weeks, maybe a couple of months old at most, rolled out of that bassinet and under the back seat. Luckily, it was a minor injury, but it unfortunately sustained until she was a teenager. It was fortunate with everything else. It is just that instant when something can go wrong. I note that the statistics talks about the frequency of accidents and where they happen. It talked about how 18% happen at intersections. It talks about the age demographic, and sadly we note that the age demographic for the highest number of incidents are younger people. It does not break that down into gender.

I pick up on Hon Dr Brian Walker's comments about alcohol; that is a serious issue. But I also believe drug use is a serious issue on the roads now. It is often hard to detect. I am pretty sure that when incidents happen, the police usually take not just a breathalyser, but they also do a blood test.

Hon Klara Andric: They do random drug tests as well.

Hon Kate Doust: Yes, they do the random drug test, but I know that certainly in my incident, blood tests were taken and I know what was proven—I am not going to talk about those outcomes today.

A lot of factors have led to this continuing growth in accidents that should not be happening and could be prevented. I really do think the government could spend an enormous amount of money and could rectify the problems, but at the end of the day, it comes back to how people manage themselves as well. You should not get into a car after you have had booze. You should not get into a car after you have had drugs. You should not get into a car when you are hyped up or distracted, because things will go wrong. I have been amazed at how many accidents have been reported in the media this year—both metro and country. These are incidents in which deaths have occurred and perhaps in that nanosecond of distraction or speed or other issues, they could have been stopped.

Some of them are quite freakish accidents. I think a lot of it comes back to those issues that most members have talked about today. Education is significant, be it for a young person or an older person coming into driving, because it is not always just young people. Perhaps it is dealing with complacency issues. The research element is important. The testing issues are significant. The tech, whilst a bonus, might have created some of its own sideline issues over time. Fatigue is an issue, certainly on country roads where there are long haul drives. When I used to do my Kalgoorlie run, more often than not it is one point of the drive. I would be driving straight home and it would be six or six and a half hours if I did the straight run without a stop. It was not sensible; hindsight is always a good thing.

If someone were looking at this from a systems thinking arrangement, they would be calling it a wicked problem, because so many different factors lead into this issue that could lead into so many different solutions. Money is not always going to be the solution. The human element also has to be factored in and we have to work out how to modify behaviour. Money and legislation is not always the answer to modify behaviour. I do not want this to be taken the wrong way: you cannot legislate against stupidity sometimes. I am not saying every driver is stupid, but stupid behaviour sometimes leads to an accident and a fatality. It is not always the case, but sometimes. Even in my own local community, we have seen some tragic incidents. We lost those young blokes on Orrong Road about a year ago when a number of them were coming back from a sporting event—I think two or three of them did not have seatbelts on—and went at high speed into a tree. It was a tragic loss of young life. It is a significant issue and it is something that, certainly, whilst it may not be what we want to see happen, the Labor government has money going into a range of projects that have already been articulated by my colleague. I will say that reference was made to Kwinana Freeway and how it seems to run smoothly. I use it all the time and I see accidents on it all the time. Some accidents will shut the whole place down; there are some quite significant accidents. It is a whole series of factors that lead to those issues.

Another thing that we do not always think about is something I experienced as a result of my own accident. This new thing has come up around scamming. It is not uncommon for victims of accidents, particularly those with an injury, or perhaps even families of victims who have passed away as a result of the accident, to be contacted by scammers about third-party claims. That is what happened to us. Can members imagine a few days out after an accident and whatever state you are in, you are getting this phone call from a quite aggressive scammer wanting you to sign up for them to manage your third-party claim? It is an interesting sidebar issue that we perhaps need to tackle. As a result of my incident, I discovered that we are the only state that currently does not have claims harvesting legislation. That might be an interesting opportunity down the track for the government to tackle to deal with that.

I just wanted to say a few words. This is a significant challenge for whoever is in government. Given the vastness of our state, it would be wonderful to be able to provide the solution in one hit, but it is obviously something that is progressively changed or updated. To pick up on the third tranche, I think this government has demonstrated that it is keen to work with local authorities to bring about these changes. It is keen to work with law enforcement, health services and frontline services. I cannot speak highly enough of the frontline service people. I said to the union that I fully support the firies in particular and the ambos receiving a much better renumeration package. I certainly am in agreeance with the honourable member's issue around post-traumatic stress disorder arrangements for firemen. I have had that experience with my father, who was significantly injured as a voluntary fireman when I was a child and has never really recovered from the extent of that injury. I am always grateful to the people of Coolgardie for having looked after us during that time. This is a significant issue. I agree, this is a matter that we should talk about openly and regularly and seek to improve it to reduce the rates. Well done for raising it.

The Acting President (Hon Dr Brian Walker): Before I give the call to Hon Klasey Hirst, I advise you that after five minutes, I will be giving the call of the right of reply to the mover.

Hon Klasey Hirst (2:59 pm): I just want to make a small contribution to this motion, especially given the time left. I acknowledge Hon Julie Freeman for bringing this motion to the house. Quite frankly, 132 deaths this year, the highest in 18 years, is shocking. As someone who has lived regionally in Kalgoorlie for seven years, I have spent a significant amount of time going up and down Great Eastern Highway. A week after we moved to Kalgoorlie, my Mum had a stroke, and so very quickly we were going up and down that road a lot. I then had my own medical issues in 2016, which meant more unplanned trips, and these were always on the road; as we simply could not afford to fly or even catch the train, we drove every time.

Then, in 2019, my husband and I renovated our house back in Perth very much on the smell of an oily rag. He worked an eight and six swing at the time. He would finish his last day of work, we would hop in the car at five o'clock, drive to Perth, work five days on the house, and then we drive back again—rinse and repeat. That stopped only when COVID kicked in, and we got stuck in the Goldfields for a bit. I know that road like the back of my hand. My husband and I like to think we had it down to a bit of a fine art. We would pull off at Boorabbin or Southern Cross, run around the car, do the same thing at Kellerberrin, and then drive into Perth. Of course, that was not always the case because each time we drive is different. Nevertheless, I am fairly well driven. I have done

many other long drives. Of course, being in Kalgoorlie, we go to Esperance all the time, and my friend Hon Kate Doust mentioned the road to Kambalda; it still has that reputation.

Hon Kate Doust: Do they still have the road blessings?

Hon Klasey Hirst: I am aware from driving at dawn and dusk in particular that the road is often full of goats as well.

Hon Kate Doust: They had the road blessings every year. They used to have a road blessing every year because of the fatalities.

Hon Klasey Hirst: I cannot quite remember. That road is notorious. We did trips up to the northern Goldfields and Menzies, Leonora, Laverton and Leinster. We have driven across the Nullarbor many times. On one trip in particular, I recall seeing a red kangaroo that—I am not joking—was bigger than our car, and we were in a four-wheel drive at the time! I remember thinking: "If we hit that, we're dead."

The Acting President: Order, member. I would like to give the call now to Hon Julie Freeman to give her her right of reply.

Hon Julie Freeman: I am happy for the honourable member to continue.

The Acting President: Very good. Hon Klasey Hirst.

Hon Klasey Hirst: In 2021, we drove up to Lake Argyle from Kalgoorlie and back again through the Pilbara and Kimberley, and I have done countless trips in the Mid West and Pilbara. Therefore, it is safe to say that I am well travelled on our regional roads. I have really seen it all. I cannot say enough about the amount of overtaking and risks I have seen people take; it is incredible. Of course, there is speeding and road rage, whether it is because of a slow caravan, truck or another vehicle. The risks people take are incredible. Then there is fatigue, both during the day and at night. Perhaps I am lucky, but it was instilled in me from a very young age by my family that we swapped drivers every two hours. On all my family trips in the car, Mum and Dad swapped, even if they were not tired yet, which meant that everyone was refreshed. That has gone forward into my life with my husband, and it is the same with my brother and his wife. Then there is the number of people I have seen not wearing seatbelts—even in Perth. When I worked at Hungry Jacks in my first job, parents came through the drive-through with kids climbing around the back seat without a seatbelt on. I used to give them a toy and say, "Please go and put your seatbelt on for me." Unfortunately, driving out of Kalgoorlie, I have seen people drinking while driving. They drive out of town with a tinny in their hand. That is not drinking and then driving; it is drinking while driving. Huge road trains then come up to or bear down on them. I am not demonising the truck industry. My brother has worked in that industry for over 20 years and I fully understand the contribution it makes, but I have also seen some crazy behaviour. The amount of times I have seen trucks trying to overtake each other on Great Eastern Highway is terrifying. If you are trying to overtake a truck in poor weather, you are temporarily blinded by the spray. It can be simple things like headlights not being turned on. In fair weather, they are extremely helpful. In poor weather, they are vital. You cannot see a car coming when it is raining, particularly if the car is dark or grey in colour. A simple misjudgement on the road or the difference of a second can have devastating consequences.

I do not have a lot of time, but I want to talk about one consequence in particular. Unfortunately, there are many personal examples I could speak of, but one in particular sticks with me most. It did not happen on Great Eastern Highway going home back to Kal; it happened in Kalgoorlie. I take members to August 2021 on the Goldfields Highway intersection with Boorara Road and a crash that occurred when a 37-year-old woman, a geologist, a mum and my husband's colleague and friend, Dr Farzaneh Zandiyyeh, was turning out of the entry to the Super Pit. Her death not only rocked the geology and mining community, it shook the entire Kalgoorlie community. She left behind her twin boys, Faraz and Iliya, who were just aged 12 years at the time. They were cared for by their grandmother who did not speak English, did not drive and could not work. School and daily life became hard, but the community and the school rallied to support them. I acknowledge the support of my friend and previous member of this house Hon Kyle McGinn and his office; they played a vital role in supporting that family during that time. This story is not a statistic. It is about a real life that was lost and children, families and communities.

When a crash happens in WA, whether it is on Great Eastern Highway, the Goldfields Highway or a small country road, police, paramedics, State Emergency Service volunteers, firefighters and local hospital staff are often first on the scene. They face situations most of us never see, and they carry those experiences with them long after the rest of us move on. We know that this work takes a toll. Research shows much higher rates of mental health challenges and post-traumatic stress disorder among emergency workers than in the general community. Services like Road Trauma Support WA are important. The truth is that the memories do not just disappear. To our first responders and frontline health workers, thank you. Thank you for showing up time and again when people are at their most vulnerable. We do not take that for granted.

The motion calls for a whole-of-community approach. As the parliamentary secretary has outlined, that is what we are doing. This requires community and coordinated effort between government, local government, police, health, industry and communities all working together. The road safety round table brought together the people

who build the roads, police the roads, treat trauma, insure risk, ride, drive and deliver freight. We have been doing lots. I am very short of time, so I might leave my remarks there.

Question put and passed.

EVIDENCE BILL 2025

Committee of the whole

Resumed from 9 September. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Dan Caddy (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title

Progress was reported after the clause had been partly considered.

Hon Nick Goiran: We had a very, very short time on clause 1 yesterday evening, and so we now resume it this afternoon. I note that Hon Dr Brad Pettitt is away from the chamber on urgent parliamentary business. Those who might be interested in his best interests might want to draw to his attention that the bill is now being considered. I understand he has some remarks to make at some stage. Until that time, Deputy Chair, we resume consideration of the first clause.

Yesterday evening I asked the parliamentary secretary what was the basis for the changes that had been made to the bill in the other place. Members will note that the Evidence Bill 2025, the version before us, is bill number 9 bar 2, indicating that some changes have been made in the other place. Yesterday evening the parliamentary secretary indicated that the justification for the changes pertained to the intention on business record rules. Who drew that issue to the attention of the government and when was it drawn to the government's attention?

Hon Dan Caddy: It was brought to the attention of the government by the Parliamentary Counsel's Office (PCO) after the bill had been introduced.

Hon Nick Goiran: Therefore, parliamentary secretary, it was PCO that drew to the attention of the government this issue with regard to the business record rules. Which agency makes use of these rules?

Hon Dan Caddy: Primarily, the Director of Public Prosecutions (DPP).

Hon Nick Goiran: Parliamentary secretary, did the DPP raise any concerns about this issue?

Hon Dan Caddy: No, member.

Hon Nick Goiran: In the second reading speech in reply, the parliamentary secretary addressed the query I had raised in my speech in the second reading debate to do with the request, on my part, for the feedback that had been provided by the DPP to be released, and the parliamentary secretary indicated that the government was not prepared to do that; however, the parliamentary secretary provided an explanation on that point. That feedback from the DPP, and I acknowledge that it is not going to be provided in the sense of it being tabled this afternoon, did it ever raise this issue about the business record rules?

Hon Dan Caddy: Member, there are two issues we are dealing with here with amendments in this space. Some of the changes to the bill that have been made between the 2024 bill and the 2025 bill in this space was in response to the DPP, and I will use the word "advice" from the DPP. These particular amendments the member is referring to, which are the amendments we made after the bill was introduced this time, were based on advice from the PCO.

Hon Nick Goiran: Yes, and so just to conclude that point then, in the feedback provided to the government in January 2025, did the DPP never raise this issue of the business record rules?

Hon Dan Caddy: My understanding, as best as I can put it, is that DPP raised that issue in between Parliament being prorogued and the introduction of this bill, which happened in the new Parliament. That issue was addressed. Subsequent to that being addressed, the PCO raised a technical issue with those changes, which is the action that has resulted in this amendment to the bill.

Hon Nick Goiran: Okay. Parliamentary secretary, the feedback that was provided by the DPP in January 2025 was on what topic?

Hon Dan Caddy: The advice or the feedback, if you like, from DPP was that the way the bill was drafted, the business record rules—sorry, I will get this right. The way the bill was drafted initially in 2024 meant that uniform evidence business record rules would have applied to confiscation proceedings, which was not what was desirable, and so the DPP requested that when we reintroduce the bill the wording within it would retain the status quo. Therefore, that is the extent of the feedback that then led to the changes, which were then subsequently amended by PCO because of a technicality.

Hon Nick Goiran: Parliamentary secretary, in summary, in January of this year, the DPP drew to the attention of the government an undesirable element in the 2024 drafting of the bill insofar as the business record rules would apply in all circumstances, and the DPP did not want that to occur with regard to confiscation proceedings, and,

therefore, it advocated to the government in this feedback from January of this year that it would be desirable from the DPP's perspective that that business record rule would be carved out as it applies to confiscation proceedings. That then explains why, in part, the bill that is before us—as it was originally introduced in the other place—is different from the 2024 bill. But since that time, there has been a further amendment made in the other place, also as I understand it pertaining to this business record rules issue—and it has been drawn to the government's attention not by the DPP but parliamentary counsel. I think that is a fair summary of this issue as it has been unpacked this afternoon.

My question, parliamentary secretary, is: what confidence can we have that the DPP, which was the original advocate on this issue, is satisfied with the version that is now presently before us?

Hon Dan Caddy: Yes, that is a fair summation of what happened. Given that the Director of Public Prosecutions had asked to retain the status quo with respect to the conditions that we are talking about, and given that is what has happened and that is fundamentally what they have been working under for some time, hence the status quo, I would suggest that they will be satisfied because they have exactly what they asked for.

Hon Nick Goiran: Which clause gives effect to the request by the DPP to carve out the business records rule?

Hon Dan Caddy: It is clause 466. It will insert proposed sections 109A to 109E into the Criminal Property Confiscation Act.

Hon Nick Goiran: With the parliamentary secretary's indulgence, just so we can close the circuit on this now, if I look at clause 466—I commend those responsible for utilising this drafting technique—it is unlike many other provisions in the bill that have a note comparing clauses with the *Evidence Act 1906*, which we currently use in Western Australia, or indeed the Commonwealth act, on which much of this uniform approach has been based. When I turn to 466, which begins at page 332 of the bill and is an exceptionally large clause that continues until page 338, there does not appear to be similar notation. The parliamentary secretary indicated that the intent here is to retain the status quo. Is the drafting of clause 466 based on an existing provision? That is the primary question I have here. But if the parliamentary secretary can indulge me again with a supplementary question, I really want to know this: Given the DPP understandably made some noise about the inclusion of this provision, did somebody draw clause 466 to its attention and ask, "Does this meet with your expectation in the feedback you provided us in January of 2025?" and said, "By the way, it's not exactly the version that we, the government, introduced into the other place"? It seems to me that that would be good practice and a good way to close the circuit on all of that. Could the parliamentary secretary offer to the chamber any advice he might have on it?

Hon Dan Caddy: There are three parts to the member's question. The first part is around whether the DPP is happy. The DPP obviously saw this legislation as it stands when it was introduced into the other place and it has not provided feedback one way or another on it. I can only—I hate to use the word assume—make the assumption that if the DPP were unhappy, it would have provided feedback. It is based on sections 79B to 79F of the current act. That is to answer the second part of the member's question. The third part of his question was around why the clause is not annotated as clauses are in other parts of the bill. That is because it will amend the *Criminal Property Confiscation Act 2000*. As a consequential amendment, it is put together in the format of the act that it will be inserted into.

Hon Nick Goiran: I know I will be stretching things if I ask further questions about clause 466 now. I think if I pursue this line of questioning on clause 466, the parliamentary secretary would be quite within his rights to say, "How about we take this up at 466?" So I might just pause this line of inquiry for now. Given that we are only on clause 1, it is going to take some time for us to get to clause 466. Might I just make the goodwill suggestion that during one of the breaks, because I doubt that we are going to be finishing this between now and question time in an hour's time, somebody might make an inquiry of the DPP, and by the time we get to 466, we can then ascertain the answer. It seems to me that if the government is going to consult with an agency that has said, "This is very important for us; let's carve out these particular provisions", that it would go and check with that agency. The fact is that we are not certain and we are making certain assumptions. I would just offer that there is a better way. As I say, I just give that as a preliminary indication of what I might take up at consideration of clause 466. If we get to clause 466 and somebody says to me that the DPP has looked at it and is satisfied with it in its amended form, we will move on quickly.

That said, parliamentary secretary, I have a number of other questions in respect of clause 1. I anticipate at least one other member will want to make a contribution, so can I at least ask this question first? We have now discussed at some length the inclusion of the business records rule carve out provision at the relevant section, which is at clause 466 of part 12 of the bill. Other than the substantive matter we have now dealt with, are there any other substantive differences between the package of bills that were introduced in 2024 and the bill presently before us?

Hon Dan Caddy: Yes. I will just get the honourable member the detail of that.

There are eight substantive amendments and I will just go through them quickly. In clause 3, there is an amended definition of "person acting judicially". The reason for this is to give effect to recommendation 1 of the Standing

Committee on Uniform Legislation and Statutes Review. In clause 178, we have deleted the reference to "a proceeding before a member of a House of Parliament or a Committee of a House, or both Houses, of Parliament who, by law, has authority to hear, receive and examine evidence". This has been done to give effect to recommendation 2 of the Standing Committee on Uniform Legislation and Statutes Review. In clause 206, we have extended the application of the clause to witnesses who are alleged victims of sexual abuse in civil proceedings. This has been done to give effect to paragraph 11 of recommendation 46 of the Australian Law Reform Commission's 2025 report *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*. In division 10 of part 7, we have increased penalties for committing a protected recording offence. This has been done to make the penalties comparable with those for similar offences in other jurisdictions. There has been a substantive amendment to clause 353 in that the clause has been deleted. It was unnecessary in WA and the wording of it was considered to be confusing. In clauses 360 to 362, references to "DNA profile certificates" have been replaced with "forensic biology certificates" and the process for appointing forensic biologists has been amended. This is to use accurate terminology and to make the process for appointing forensic scientists more efficient. In clause 409, the words "by a court, judge or person acting judicially under the former Act" have been replaced with "under the former Act by a court, judge or person acting judicially (as that term is defined in section 3 of the former Act)". This has been done to give effect to recommendation 3 of the Standing Committee on Uniform Legislation and Statutes Review. Division 13 of part 12 contains consequential amendments to the Criminal Property Confiscation Act, which we have been talking about, to allow the current act's rules regarding business records to continue to apply in criminal property confiscation proceedings. That is the list of substantive amendments.

Hon Dr Brad Pettitt: I will save most of my questions and comments until we get to clause 240, but I have a quick question about consultation while we are on clause 1. My staff have been provided with a stakeholder list that goes from 2020 to 2024. It is titled "Complete stakeholder list", so I assume the parliamentary secretary has that. It is useful; thank you. The concern is that it appears that the only Aboriginal community–controlled organisations that were consulted on this were the Aboriginal Legal Service of WA and Aboriginal Family Legal Services. I want to know when that consultation happened. Were other organisations that specifically represent women, as they are obviously more likely to be complainants under this bill, not listed? Were they consulted on this bill?

Hon Dan Caddy: I thank the member for the question. It obviously would have been a lot easier if the member had made a second reading contribution in which he asked questions like this that required us to go through tables and pull out information, because this could become reasonably time consuming. To answer the first question, the Aboriginal Legal Service of Western Australia was engaged in 2018 and then again in 2021 and 2024. It has been engaged in an ongoing fashion.

On the member's other question about organisations that specifically deal with women's interests and women's safety, I can tell him that the Centre for Women's Safety and Wellbeing, Women Lawyers of Western Australia and the Women's Legal Service WA were consulted. I also make the point that a number of community legal services were consulted as part of this at multiple stages, and a lot of those legal services either deal primarily with or have a division or section of their practice, for want of a better term, that deals specifically with the area that he is referring to.

Hon Dr Brad Pettitt: Were there any specific consultations with First Nations women? If not, that is okay. I understand it might have been captured through some of those others, but I would be interested to know to make sure that that voice was captured through this process.

Hon Dan Caddy: If the member is asking whether we consulted with First Nations groups et cetera, the answer is no, other than those I have mentioned. The Aboriginal Legal Service represents the entire community, including First Nations women.

Hon Nick Goiran: This is really an intersection between clauses 1 and 2. I appreciate that we can talk a little bit more about the precise timing and the intention of the government with the commencement of the provisions, but they are going to commence at some time. Let us say for the sake of this exercise that there is a case due before the courts on 30 November. I do not have my calendar readily in front of me, so I do not know whether it is a weekday, but let us assume that it is. Let us assume that it is a Thursday and that the intention is that on 1 December, this new evidence law will come into effect. We are midway through the trial and the trial was adjourned at, say, 4:00 pm on Thursday 30 November. On Friday 1 December, the court resumes and everyone stands as His or Her Honour takes their chair. How will those types of cases be dealt with in a transitional sense?

Hon Dan Caddy: Part 11, "Repeal, savings and transitional provisions", deals with this issue. The short answer to the question is if you are part way through a trial, the current act will continue until the end of that trial.

Hon Nick Goiran: Let us take this scenario a little bit further. The existing law, which is the 1906 law, would continue to have full force and effect for the duration of that trial so long as the trial had commenced prior to this new law coming into operation. The trial would end at some point in time. If there was an appeal and the outcome of the appeal was the order of a retrial, which evidence law would apply?

Hon Dan Caddy: A new trial would be a completely new proceeding and would therefore be bound by the new Evidence Act.

Hon Nick Goiran: My last line of inquiry in clause 1 deals with the issue of common-law rules of evidence. As I understand it, a significant impetus for the bill that is presently before us is to try to codify the range of common-law rules on evidence. Does the parliamentary secretary have readily to hand a list of the common-law rules of evidence that are being codified in the bill and the clauses that will do exactly that?

Hon Dan Caddy: I do not have a list in front of me. A readily available list does not exist. As soon as is possible, I can provide Hon Nick Goiran with some examples of the things that are not in the act that will exist in the new act, which goes to the heart of the member's question about codifying what is common law, if that would satisfy him.

Hon Nick Goiran: I thank the parliamentary secretary for the offer. What I would like to know is how we satisfy ourselves of the government's assertion that these common-law rules of evidence are being codified in legislation. I appreciate that certain examples can be provided. Perhaps the best question to ask at this point in time is this: Is it the intention or expectation of the government that all common-law rules on evidence will be codified in the bill?

Hon Dan Caddy: Clause 19 deals with how this bill and its formation interacts with common law. Clause 19 states that the bill does not affect the operation of a principle of common law except so far as expressly stated in the bill or by necessary implication. Common law obviously refers to law principles that are developed in court decisions. Other lower courts are obliged to apply that rule or principle. As the member knows, statutes can override common law. For example, clause 319 of the bill states that courts are no longer to apply the rule from the case of *Longman V The Queen 1989*. There are aspects of common law that the bill does not touch and are not intended to be replaced. For example, there are aspects of common-law legal professional privilege that are relevant to disclosing documents. The associated client legal privilege only deals with claiming that privilege while giving evidence.

Hon Nick Goiran: Parliamentary secretary, I had understood that part of the, shall we say, enthusiasm for this gigantic new replacement evidence law was that it would help practitioners. It is not just, of course, lawyers who have use of evidence laws; indeed, they are used by police officers, amongst others. Part of the enthusiasm was to try to bring everything together under one regime. Part of the impetus was to say that we have these laws operating at the commonwealth level and they are being rolled out in most other jurisdictions. South Australia continues to have standalone evidence law, but I gather most of the other jurisdictions are now applying what might be described as uniform law. My point being that, as I say, the enthusiasm for it was that everything would be brought together under one statute, making it easier for all concerned. I think there may have been a comment to that effect possibly. I would have to re-read the second reading speech, but I think there was something to that effect said in one of the houses. I should say on the record on behalf of the opposition that that is a noble aspiration and one that we support because we want to make access to justice as efficient as possible. Therefore, having one place to work out what the evidence law is a noble aspiration. If it is the case, however, that a decision has been made by government to leave hanging in the realm of common-law decisions by the court certain rules with regard to evidence, it would be useful to have an explanation as to why the government has decided to do that in the case of some common-law rules, while seeking to codify others. The parliamentary secretary helpfully gave the example of the Longman decision or the clause that will remove the requirement for a Longman direction to be given. No explanation is required there. Clearly, in the absence of this bill passing, there would be a requirement to continue to have to provide that direction. If the bill passes, that will no longer be required. This bill will, if you like, expunge that common-law rule. But in terms of other rules that continue to apply, is there an explanation as to why we are not seeking to codify those particular rules?

Hon Dan Caddy: The member is absolutely correct. This is the biggest rewrite of the Evidence Bill. The bill is over 100 years old in its original form. The member is absolutely right to say there was some excitement around the legislation. The whole idea was to redo the act from the ground up and create, as the member said, a substantial act in which everything is found.

I want to clarify that codifying the law was one of a number of policy issues, obviously. Another was uniformity with other uniform jurisdictions. Obviously, there is more in this act than there was in the previous act; we only need to look at the size of it and the number of clauses in it. This act will contain significantly more rules of evidence than the current act. The act is not intended to be a code once enacted. That goes to what I was saying before; it sits where it sits. Clause 19 specifically states:

> This Act does not affect the operation of a principle or rule of common law or equity … except so far as this Act …

If enacted, this act will sit over the common law. When it is incompatible or absurd for common law to continue to operate, obviously the act will prevail. However, if it does not touch on an issue and the common law does, the

common law will continue to apply. In this aspect, we have done our best to take the same approach as the other uniform jurisdictions in the creation of this act.

Hon Nick Goiran: Is the parliamentary secretary or the advisers aware of a common-law rule of evidence that presently exists in Western Australia—if there is none, that is fine; we will move on to clause 2—that will continue to exist because of clause 19, which allows for that to continue to exist and obviously would also allow the common law to continue to develop into the future, which the government has expressly decided not to codify by way of some other provision in the bill?

Hon Dan Caddy: I will give the member one example. There are aspects of the common-law legal professional privilege that are relevant to disclosing documents. The associated privilege that is in the bill—client legal privilege—only deals with claiming that privilege while giving evidence. That is one example. I think I already said that in an earlier answer. That is an example of exactly what the honourable member was referring to.

Clause put and passed.

Clause 2: Commencement

Hon Nick Goiran: There was some discussion about this clause during the second reading debate. The parliamentary secretary will note that clause 2(b) deals specifically with part 12, division 1. It all hangs on the commencement of the *Aquatic Resources Management Act 2016*, in particular, section 240. Has that section come into operation?

Hon Dan Caddy: Not that I am aware of.

Hon Nick Goiran: I think that needs to be checked. Clause 2(c), "Part 12 Division 17", hangs on when section 158 of the *Privacy and Responsible Information Sharing Act 2024* will come into operation. Has that section come into operation?

Hon Dan Caddy: Once again, not that I am aware of.

Hon Nick Goiran: I certainly agree with the parliamentary secretary with regard to the *Privacy and Responsible Information Sharing Act 2024* but I would like to encourage verification with regard to section 240 of the *Aquatic Resources Management Act 2016*. Whilst that work may be getting done, the parliamentary secretary would be aware that I have an amendment standing in my name. I do not intend to labour the point because he kindly indicated in his reply that the government does not oppose the amendment. For the sake of other members, the amendment standing in my name seeks to ensure, consistent with a finding and recommendation made in the previous Parliament with respect to the previous package of bills, that there will be certainty with regard to the review clause. For those who are interested, the review clause in this particular instance can be found at clause 384. When read with clause 2, as it presently stands, it could mean that we would have the perverse effect when a government of the day never allowed the review clause to commence. I appreciate that that is not the intention of this government. There is no suggestion that that is the intention. Nevertheless, for Parliament to be able to have its way and ensure that certainly gets done, the amendment standing in my name would give effect to that. There is, of course, a later amendment at the review clause. That is a separate but related issue insofar as it would allow for two reviews to be done rather than one. The amendment that stands in my name, which I will move momentarily, simply seeks to ensure that the review clause will begin on the day after this legislation receives royal assent. For those reasons, I move:

> e 2, after line 8 — To insert:
>
> (ab) Part 10 (but only section 384) — on the day after the day on which this Act receives the Royal Assent;

Hon Dan Caddy: I will just make a few comments on the honourable member's amendment. I understand that the honourable member is seeking to give effect to a recommendation of the 2024 Standing Committee on Uniform Legislation and Statutes Review report on the Evidence Bill 2024. Recommendation 4 of that report stated:

> Subclause 372(1) of the Evidence Bill 2024 be amended to link the timing of review of the Act to the day on which the substantive provisions of the Act come into operation.

As I said, the government will be supporting this amendment; however, I want to draw to the honourable member's attention the effect the amendment will have on the utility and quality of the first five-year statutory review of the legislation. As has been indicated, the government expects time will be required to prepare for the implementation of the legislation. This is expected to be approximately 18 months after the passage of the bill. This is required for the training of legal practitioners, lawyers and others operating in the justice system or using evidence law in their day-to-day work; establishing the witness intermediary scheme; and preparing necessary regulations and rules of court.

I also note the bill has been drafted with the intention of coming into operation on a single date. Although the government intends for all the provisions to commence on the same date, the commencement of provisions on

proclamation acts as a safeguard in the event particular provisions need to come into effect on different dates. This instrument exists and was a point explained in my second reading reply speech. With the review clause being tied to clause 2, the five-year anniversary of the legislation will be considered to commence the day that the legislation receives assent. This, given the time required to prepare for implementation and then proclaim the substantive provisions of the legislation, will likely mean that the first statutory review will take into account only the operation of the act over what may perhaps end up being a three or even three and a half year period. I wanted to flag this to the honourable member so expectations can be tempered in respect of what the first five-year statutory review may be able to deliver. Even five years is not a long time in the course of court proceedings, as the member especially would be well aware. Three and a half years means many matters operating under the new evidence legislation may not have concluded. Opportunities for refinement of the legislation's implementation and operation based on its real-world application in Western Australian courts may be limited.

The government will be supporting the amendments. These amendments mean that the bill, once it becomes an act, will be subject to three statutory review requirements. The first is the review requirement in clause 384. This provides that a review must be conducted as soon as practicable after the fifth anniversary of the legislation. The review report should be tabled in Parliament as soon as practicable after it is prepared, but no later than 12 months after the act's fifth anniversary. The second is the requirement in clause 385 that requires the operation of the recorded statement provisions of the legislation be reviewed between the act's second and third anniversaries. The third review requirement will be the one that is a result of this amendment. Clause 384 will be amended to provide that a review is required following the 10th anniversary of the act. That report should then be tabled in Parliament as soon as practicable after it is prepared, but no later than 12 months after the act's 10th anniversary.

Hon Nick Goiran: I think the parliamentary secretary has made some excellent remarks and I concur with his assessment. It is for that reason that in a later amendment, at clause 384, I have sought to ensure that indeed a second review takes place so that in effect, if we understand correctly, this will take the best part of 18 months to come into effect, and the first review will have the benefit of about three or three and a half years' worth of experience—and then, because that is arguably a short period of time, we can have confidence that there will be a second review a further five years later so that as a package we have the benefit, might I say, of two reviews rather than one as is currently proposed. We have the benefit of an early review and also the benefit of a latter review. I think it is the best of both worlds. It is one of those matters, ultimately, in which fair minds can disagree and where exactly you put the line in terms of the review—should it be two years, three years, five years et cetera? As I say, fair minds can disagree on this, but I am grateful that the government has indicated it does not oppose the amendment.

Amendment put and passed.

Hon Nick Goiran: Before we move off clause 2, parliamentary secretary, is there any further advice with regard to whether section 240 of the *Aquatic Resources Management Act 2016* has come into effect?

Hon Dan Caddy: I am advised that section 240 of the Aquatic Resources Management Act is not yet in effect.

Hon Nick Goiran: When we look then at clause 2(d), it indicates that the bulk of this gigantic act that is before us can commence on a day fixed by proclamation, and different days may be fixed for different provisions. The parliamentary secretary has indicated, from what I can gather, that this has been included for flexibility purposes. Is there any provision that the parliamentary secretary can identify, or any part of the bill that might give cause for Parliamentary Counsel having drafted this in this fashion? The parliamentary secretary will be familiar with the fact that there are many bills in which it would say that the rest of the act will begin on a day fixed by proclamation—full stop. It will not then say "and different days may be fixed for different provisions". There have been many times that debates have been had and the word "flexibility" has been included. The problem I have always had with that is that if we draw that to its logical conclusion, we would always include that in every single bill. There would not be a bill in which we would not say that different days may be fixed for different provisions. Where it is justified is when government is able to identify particular points of concern. At the present time, I gather that there are no particular points of concern. Would there be a fundamental objection if there was an amendment moved to delete line 28 on page 2?

Hon Dan Caddy: The member asked about specific points of concern being the reason for the provision that might give cause for it being drafted in this fashion. I said in my second reading speech, I think, and certainly in my second reading reply, that the main reason was for flexibility. The member's point is taken about why do we not put it into all other acts, but as we have already outlined today, there is an 18-month implementation phase for this. A lot of work flows once the bill becomes an act, and we want that flexibility built in because, essentially, we cannot predict the future. We do not know whether something will come up during that implementation phase and we do not want the bill as a whole to be just completely blocked because of some unforeseen circumstance.

Clause, as amended, put and passed.

Clause 3: Terms used

Hon Nick Goiran: Deputy Chair, I have a small question on clause 3, and then, to assist your carriage of this matter, I can indicate that my next question will be on clause 6.

The parliamentary secretary indicated in response to an earlier question on clause 1 that one of the substantive matters that had been changed from the package of bills in 2024 to the bill that is presently before us was in clause 3, and particularly, if I recall correctly, he indicated that it was in the definition of "person acting judicially" that is contained on page 9 of the bill at lines 18 to 29. I invite the parliamentary secretary to clarify for the chamber what specific changes have been made to that definition.

Hon Dan Caddy: The member asked me what is the change, which I have already outlined, which was basically a change in the words. Is the member asking for the reason?

Hon Nick Goiran: By way of explanation, I understood that in the previous package of bills there was a definition of "person acting judicially". In this bill there is also a definition of "person acting judicially", but there has been a substantive difference. It may well be the case that there was not a definition in the 2024 bill. I just seek clarification on what precisely the change is.

Hon Dan Caddy: "Person acting judicially" is defined in clause 3 and always was. The words that have been added in at part (b) of the definition are:

> (ii) a member of a House of Parliament or a committee of a House, or both Houses, of Parliament who, by law, has authority to hear, receive and examine evidence;

Hon Nick Goiran: I take it, then, that the exclusion of the State Administrative Tribunal from the definition that is presently before us was included differently in the package of bills. If you like, there are two classes of exclusions. One is "the State Administrative Tribunal or a member of the State Administrative Tribunal exercising the jurisdiction of the Tribunal"; the other is the parliamentary exclusion, which the parliamentary secretary has touched on. I take it that the State Administrative Tribunal exclusion was part of the package in 2024?

Hon Dan Caddy: Yes.

Hon Nick Goiran: Where does the Office of Criminal Injuries Compensation assessor sit in respect to these exclusions? Is the Office of Criminal Injuries Compensation assessor intended to be captured by this definition of "person acting judicially"?

Hon Dan Caddy: The Office of Criminal Injuries Compensation assessor mostly operates administratively, as the member would probably know. It is extremely rare, but they do occasionally hear evidence from live parties, and in that instance, yes, they would be captured. I also point out that the number of clauses in the bill that apply to a person acting judicially are extremely few—very few.

Hon Nick Goiran: The government has decided to carve out the State Administrative Tribunal, which also conducts, to use the parliamentary secretary's phrase, live hearings. Why the distinction? Why do we exclude the State Administrative Tribunal from this provision but include the criminal injuries compensation assessor?

Hon Dan Caddy: The State Administrative Tribunal was in part established to create a less formal, less expensive and more flexible procedure than traditional courts. Under the current act, the tribunal does not strictly apply the rules of evidence unless it chooses to adopt them. This position will not change under the bill. The tribunal will be able to benefit from provisions in the bill in situations in which it decides they will be beneficial. However, it is not bound to apply technical rules, for example, about the admissibility of documents et cetera.

Hon Nick Goiran: My point here is: Why would that same rationale not apply to the Office of Criminal Injuries Compensation assessor? If the argument here is to say that the State Administrative Tribunal was established to make it less expensive and more flexible, let us keep in mind that when it comes to the Office of Criminal Injuries Compensation assessor, we are talking about victims of crime, and they are making an application because of an individual having offended against them—offended in the sense that there is even a criminal conviction against the individual and the victim is now seeking some recompense as a result. Often, sadly, individuals who seek this compensation are victims of violent sexual offences. I stand to be corrected: I do not think that the State Administrative Tribunal is dealing with a plethora of individuals who have been victims of sexual violence. If the argument here is that the State Administrative Tribunal, worthy and noble as it is, should have some kind of less expensive, more flexible regime, I think that the same rationale should apply to the criminal injuries compensation assessor, and I seek an explanation as to why we are creating a distinction between the two.

Hon Dan Caddy: The member questioned why it does not apply to the criminal injuries compensation assessor, or why there is a difference. Section 18 of the act that governs the assessor says:

> (2) In deciding a compensation application an assessor is not bound by rules or practice as to evidence…

The way the Evidence Bill works when it crosses over with other bills is that it is, certainly in this case, subordinate to that act.

Hon Nick Goiran: In other words, the parliamentary secretary is indicating to the chamber that by virtue of the special provision in the *Criminal Injuries Compensation Act 2003*, the philosophy still flows through that the criminal injuries compensation assessor is not bound by those rules of evidence, much like the State Administrative Tribunal. Is there a like provision in the legislation that creates the State Administrative Tribunal?

Hon Dan Caddy: Yes. The Office of Criminal Injuries Compensation is not a tribunal. The State Administrative Tribunal obviously is and it was thought that, because of that fact, we would make it abundantly clear that it does not apply to the State Administrative Tribunal. That is the short answer.

Hon Nick Goiran: I do not think we will make any further progress, but perhaps the parliamentary secretary can empathise—even if not, maybe sympathise—with the fact that I am not really persuaded about this particular provision. If we are going to go out of our way and expressly carve out the State Administrative Tribunal from the definition of "person acting judicially", then there has to be a rationale for it. I do not think the rationale can be "because it has got the word 'tribunal' next to it," because we have other tribunals that are not mentioned.

If we are then looking for similar organisations like the criminal injuries compensation assessor, who hears evidence, and we say that that is not going to be excluded because it has got a special statutory provision, then that is not satisfying as an explanation because we now know that the State Administrative Tribunal has a similar provision. So, I do not expect that we will make much more progress with respect to this, but I would get it on the record now, because this is exactly the type of thing that I would like people to look at in five years' time when there is going to be a review of this particular act. Let us look at the definition of a person acting judicially and make sure that it is consistent.

While we are looking at that, another body that receives evidence, including in hearings, is WorkCover. Injured workers will seek to exercise their rights under the workers compensation legislation. Is it intended that decision-makers at WorkCover would be captured by this definition of a person acting judicially?

Hon Dan Caddy: I will answer the member's substantive question in a minute, but I want to go back and make the point—we are very caught up on a person acting judicially. There are very few clauses within the bill that this applies to. There are so few that I am going to read them out: clause 187, "Effect of evidence certificate"; clause 189, "Effect of disclosure certificate"; clause 328, "Judicial notice to be taken of Australian laws"; clause 332, "Presumption as to authenticity of official publications"; clause 333, "Presumption as to regularity of acts notified in official publications"; clause 334, "Presumption as to authenticity of Parliamentary documents"; clause 335, "Presumption as to authenticity of Commonwealth records and public documents"; clause 336, "Presumption as to authenticity of copies, extracts and summaries of public documents"; clause 337, "Presumption as to the authenticity of official seals and signatures"; clause 338, "Proof of public documents of other States or Territories"; clause 339, "Proof of public documents relating to judgements, acts and processes of courts"; clause 340, "Proof of official statistics"; clause 347, "Proof of foreign documents admissible in foreign countries"; clause 369, "Impounding documents"; and, finally, clause 409, "Continuation of orders, directions, leave and other things done under former Act".

With regard to the member's question about workers compensation legislation and whether a similar clause appears in that bill, I am informed that it is clause 336.

Hon Nick Goiran: I make the observation that the parliamentary secretary says that it is not a long list of clauses, but that was quite a long list that he provided to the house. In fact, there were so many clauses there that we have had bills passed through this house that have had fewer clauses than what was just read. I do not think that it is persuasive to say that there are not many clauses that are impacted by this. First of all, I think there are quite a few clauses for the reasons I just gave. But, again, fair minds might disagree about that. We cannot then just say, "Well, there are not that many clauses so therefore it's not really a big deal." I appreciate the member did not say, "It's not a big deal." That is me taking some literary licence.

We have gone out of our way here to change the definition of "person acting judicially" from the last package of bills because of the work of the Standing Committee on Uniform Legislation and Statutes' review. The government has gone out of its way to also carve out the State Administrative Tribunal. If we are going to do all of that to specially, if you like, protect the State Administrative Tribunal and especially to protect Parliament, despite the fact that the State Administrative Tribunal has its own statutory provision—

Committee interrupted, pursuant to standing orders.

(Continued at a later stage of the sitting.)

QUESTIONS WITHOUT NOTICE

The President: Members, are there any questions?

PRISONERS—ESCAPES

661. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I note that it is National Child Protection Week and refer to the recent escape from custody of accused child sex offender Robert Kevin McCullough and to confirmation during the budget estimates hearing on 25 August 2025 from the Department of Justice that the Attorney General has requested an investigation into the escape, and I refer further to the revelation in a recent article in *The West Australian* that 10 people have escaped custody in the last year.

(1) By what date will the department concluded its investigation?

(2) Will the report on the findings of this investigation be tabled in Parliament?

(3) What were the circumstances surrounding the other nine custody escapes?

(4) Were the escapes in (3) also investigated by the department?

(5) If yes to (4), what were the outcomes of those investigations?

Hon Dan Caddy replied:

Thank you, member, for the question. Member, I do not have my file here. It has not appeared, but I have seen an answer for that question, and I will provide that answer at the end of question time.

PERTH CHILDREN'S HOSPITAL—WATER TESTING

662. Hon Nick Goiran to the parliamentary secretary representing the Minister for Health:

I refer to the minister's statement in the other place yesterday that revealed her office had been advised of five further positive lead test results at Perth Children's Hospital.

(1) On what date were the five tests undertaken?

(2) What were the levels recorded in each instance?

(3) Who was advised of the findings and when?

(4) Were any areas of the hospital decommissioned as a result?

(5) If yes to (4), which areas and on what dates?

Hon Pierre Yang replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Health.

I am advised by the Chief Health Officer that no exceedence has presented a risk to the health and safety of staff or patients.

(1) Quarterly testing occurred between 5 August 2025 and 5 September 2025.

(2) The Chief Health Officer has reviewed the test results, which has informed his opinion above.

(3) Child and Adolescent Health Service reviewed the test results on 5 September 2025 and notified the Department of Health the same day.

(4)–(5) Remediation action was taken immediately by the Child and Adolescent Health Service. No area of the hospital was shut off; however, the relevant water points were shut off.

EDUCATION—HOMESCHOOLING

663. Hon Tjorn Sibma to the Leader of the House representing the Minister for Education:

I refer to homeschooling in Western Australia.

(1) Does the government intend to introduce changes to home education plans?

(2) If yes to (1), can the minister outline the intended changes?

Hon Jackie Jarvis: The Minister for Regional Development is out on urgent parliamentary business, but I am happy to assist!

The President: The Minister for Agriculture and Food; Forestry.

Hon Jackie Jarvis replied:

Thank you, President. I thank the honourable member for some notice of the question. On behalf of the Leader of the House, the following response has been provided by the Minister for Education.

(1) No.

(2) Not applicable.

COAL-FIRED POWER STATIONS

664. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Energy and Decarbonisation:

It looks like my question without notice of which some notice has been given is to the Minister for Agriculture and Food representing the Leader of the House representing the Minister for Energy and Decarbonisation!

I refer to my question without notice 638 of 9 September 2025 on the Cook government's self-imposed timeframe for closure of all coal-fired power stations by October 2029.

(1) In relation to part (2) of the minister's answer, how much additional gas generation will be required to be added to the South West Interconnected System to achieve the government's self-imposed coal closure timeframe?

(2) Who or whom will provide the required additional gas-fired electrical generation, and what is the government's designated timeframe for its delivery?

(3) Will the minister table to the house "the modelled least-cost generation mix for the South West Interconnected System"?

(4) If no to (3),why not?

The President: Minister for Agriculture and Food; Fisheries; Forestry; Small Business; Mid West.

Hon Jackie Jarvis replied:

Thank you, President. I prefer not to use my full title; it makes me feel tired!

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Energy and Decarbonisation.

(1) The amount of gas generation capacity required in future years is dependent on several factors, including actual demand growth, new generation and storage entering the market, the type of new capacity entering, and the actual uptake of rooftop solar and household battery storage.

(2) The Australian Energy Market Operator seeks capacity—generation, storage and demand-side participation—each year for the capacity year, which is 1 October to 30 September, two years subsequent, based on the capacity needed to meet electricity demand in the South West Interconnected System. Market entry to provide generation and storage in this annual process is a matter for current and prospective energy market participants.

(3)–(4) Least-cost generation modelling has informed development of the upcoming SWIS transmission plan, and is underpinned by confidential information provided by project proponents.

FREMANTLE TRAFFIC BRIDGE—CLOSURE

665. Hon Steve Martin to the parliamentary secretary representing the Minister for Transport:

I refer to my question without notice asked on 21 August and answered on 9 September, asking for modelling in relation to traffic impacts on the planned Fremantle Traffic Bridge closure, and the minister's answer that appears to refer to questions about regional roads and health.

(1) How many vehicle crossings currently occur on average per weekday on Fremantle Traffic Bridge and Stirling Bridge?

(2) What percentage of road users currently using the Fremantle Traffic Bridge are expected to divert to Stirling Bridge?

Hon Samantha Rowe replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the Minister for Transport.

(1) There are 23,000 on Fremantle Traffic Bridge and 38,000 on Stirling Bridge.

(2) Main Roads Western Australia and the Fremantle Bridges Alliance are actively working with the community and stakeholders to encourage people to re-examine how and when they travel.

STATE DEVELOPMENT BILL—ABORIGINAL HERITAGE ACT

666. Hon Neil Thomson to the Leader of the House representing the Premier:

I refer to the announcement on the State Development Bill 2025 and the Premier's comments about reducing timeframes of approvals.

(1) Will the provisions in the bill apply to section 18 processes under the *Aboriginal Heritage Act 1972*?

(2) If yes to (1), is the intent of the timeframe notices that can be issued under the bill to seek to modify the Aboriginal Cultural Heritage Committee's deliberation times?

(3) Do Western Australian native title representative bodies support the bill's potential modifications to the Aboriginal Heritage Act's section 18 timelines?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. On behalf of the Leader of the House, the following response has been provided by the Premier.

(1) Timeframe notices can be applied to Aboriginal Heritage Act functions, this includes section 18 processes.

(2) No. The intent of these notices is that they are issued to expedite timeframes for assessment by the Department of Planning, Lands and Heritage to allow the Aboriginal Cultural Heritage Committee to make informed decisions about section 18 consents sooner.

(3) Aboriginal representative bodies were briefed on this bill and its interface with the Aboriginal Heritage Act. Representative bodies were informed that timeframe notices will focus on improving government processes and will not be used to compromise consultation processes with representative bodies or traditional owners.

DRIVER RESTRICTIONS—P-PLATE—"TOM'S LAW"

667. Hon Julie Freeman to the minister representing the Minister Assisting the Minister for Transport:

I refer to the introduction of the "Tom's Law" P-plate driver restrictions at the end of 2024 following advocacy from the community, media and the opposition.

(1) Since the introduction of these laws, how many penalties have been issued to P-plate drivers for breaching passenger limit provisions?

(2) In light of the elevated road death toll in Western Australia this year, is the state government considering introducing any further P-plate restrictions, such as limits on the use of high-powered vehicles?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister Assisting the Minister for Transport.

(1) Since commencement on 1 December 2024, 57 infringements have been issued, with only one request for the infringement to be dealt with by a court.

(2) The Department of Transport and Major Infrastructure is conducting a review of the graduated licensing system to identify enhanced components or additional requirements that could mitigate the risks to drivers and riders in their early solo driving.

COLLIE FUTURES INDUSTRY DEVELOPMENT FUND

668. Hon Rod Caddies to the Leader of the House representing the Premier:

I refer to the Collie Futures Industry Development Fund.

(1) In relation to the $134 million that has been spent to date on industrial land activation, can the Premier please provide a breakdown of the projects that have been funded and how much funding they were allocated?

(2) What grants have been distributed by the Collie Futures Small Grant Program to date, and can the Premier please provide names of recipients and amount received?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Premier.

(1) In October 2024, $134 million was announced as being allocated from the Collie industrial transition fund towards activating Collie's Coolangatta Industrial Estate to help secure major new job-creating industries for the region. The $134 million was an allocation to be spent over the forward estimates as the infrastructure progresses through planning, design and construction. The funding has currently been allocated as follows: $8.3 million allocated to subdivide and acquire industrial land; $5 million allocated to undertake transport feasibility, detailed design and costing work; $3.5 million allocated to undertake water infrastructure supply studies; and $117.2 million allocated for delivery of works once detailed design is complete.

(2) Recipients of the Collie Futures Small Grants Program are listed on the South West Development Commission website; however, I seek leave to table the list of grants distributed to date.

Leave granted.

(See paper 485.)

TREMA MICRATHA

669. Hon Dr Brian Walker to the Minister for Agriculture and Food:

I refer the minister to recent publicity around the *Trema micratha* plant, a Brazilian shrub of which scientists at the Federal University of Rio de Janeiro are now confident produces cannabidiol without tetrahydrocannabinol.

(1) Can the minister confirm that *Trema micratha* is currently a permitted section 11 plant under the WA Organism List, with no control category currently assigned?

(2) Given that permitted organisms must satisfy any applicable import requirements when imported, what requirements apply to this shrub should a potential grower wish to import it into WA?

(3) Noting the Brazilian research to date, does the government have any plans to alter the status of *Trema micratha*?

(4) Given that the Brazilian government has made research funding available to allow its scientists to engage in further research on the plant's properties, are there any similar funds for which interested scientists or growers might apply locally, in the interests of keeping WA farmers and researchers at the cutting edge of CBD research and, if so, who should be approached within government in the first instance?

The President: I will comment on the length of that question, honourable member, and hope that it does not happen again, lest your question be excluded.

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question.

(1) Yes, noting that the status of an organism under the *Biosecurity and Agricultural Management Act 2007* is based on biosecurity risk.

(2) The importation of this plant into Australia is subject to Commonwealth biosecurity import legislation. Importation of permitted organisms into Western Australia is subject to import regulations.

(3) The Department of Primary Industries and Regional Development has no plans to alter the plant's WA Organism List status.

(4) The Future Health Research and Innovation Fund, administered by the Office of Medical Research and Innovation within the Department of Health is the primary mechanism for state-funded medical research.

WORKERS ACCOMMODATION—ESPERANCE

670. Hon Tim Clifford to the parliamentary secretary representing the Minister for Housing and Works:

I refer to an article released by the ABC yesterday, titled "Esperance shire seeks support for 'shovel-ready' housing project to fix tight rental market". In the article, the minister could not confirm whether the government would consider financially supporting Esperance's workers accommodation project, but said it would continue to collaborate with the shire to find suitable funding sources.

(1) What funding sources might be suitable?

(2) Does the minister intend to follow up on this issue?

Hon Dr Katrina Stratton replied:

I thank the honourable member for some notice of the question, and I provide the following on behalf of the Minister for Housing and Works.

(1)–(2) There are a number of funding sources across state and federal governments that have been available to the Shire of Esperance, including, but not limited to, the Infrastructure Development Fund, government officer housing leasing and the forthcoming regional housing support fund. The Shire of Esperance was made aware of the opportunity to lodge an application through the $80 million Infrastructure Development Fund for its worker accommodation project through the unlocking regional worker accommodation opportunities stream. The shire did not submit an application to the Department of Planning, Lands and Heritage.

CLIMATE BILL

671. Hon Sophie McNeill to the Leader of the House representing the Minister for Energy and Decarbonisation:

I refer to the Premier's comments this morning on ABC radio regarding Western Australia's rising emissions and that he wants WA to be a renewable energy superpower. I note that Western Australia is the only state in the country without a 2030 emissions reduction target and the only state without a 2030 renewable energy target.

(1) Are department officials currently drafting a revised climate bill for the government?

(2) If yes to (1), will this bill contain:

(a) a renewable energy target; and

(b) an emissions reduction target?

(3) When does the government intend to introduce this bill?

(4) Who has the government consulted with in relation to a revised climate bill?

Hon Jackie Jarvis replied:

I thank the member for the question, which I answer on behalf of the Leader of the House representing the Minister for Energy and Decarbonisation. The wording of my question is slightly different in that the quote put in by the member was "renewable energy powerhouse"; I think in the member's question, she said "superpower", but the rest of the question remains the same, so I will read the answer provided.

(1)–(4) The Cook government is considering how legislation can support Western Australia in becoming a renewable energy powerhouse. Any legislation is subject to cabinet decisions and is cabinet-in-confidence.

CORRECTIVE SERVICES—DEATHS IN CUSTODY

672. Hon Dr Brad Pettitt to the minister representing the Minister for Corrective Services:

I refer to adult prison and youth detention facilities.

(1) Can the minister please provide a list of each death in custody this calendar year to date, including:

(a) the date the death occurred;

(b) the prison or facility in which the individual was detained;

(c) whether the person was Aboriginal or Torres Strait Islander; and

(d) whether the person was on remand?

Hon Matthew Swinbourn replied:

I thank the member for some notice of the question and I provide the following answer on behalf of the Minister for Corrective Services. The answer is in tabular form, so I seek leave to have it incorporated into *Hansard*.

Leave granted for the following material to be incorporated.

1)

a)	b)	c)	d)	Cause of Death
13/01/2025	Casuarina	Non-Aboriginal	SENTENCED	APPARENT NATURAL
21/02/2025	Melaleuca	Non-Aboriginal	UNSENTENCED	APPARENT UNNATURAL
7/03/2025	Casuarina	Aboriginal	UNSENTENCED	APPARENT UNNATURAL
27/03/2025	Casuarina	Non-Aboriginal	SENTENCED	APPARENT UNNATURAL
2/04/2025	Eastern Goldfields	Aboriginal	UNSENTENCED	APPARENT UNNATURAL
7/05/2025	Casuarina	Aboriginal	SENTENCED	APPARENT NATURAL
9/05/2025	Hakea	Non-Aboriginal	UNSENTENCED	APPARENT UNNATURAL
10/05/2025	Casuarina	Aboriginal	SENTENCED	APPARENT NATURAL
30/07/2025	Albany	Aboriginal	SENTENCED	APPARENT NATURAL
13/08/2025	Hakea	Aboriginal	UNSENTENCED	APPARENT NATURAL
5/09/2025	Acacia	Non-Aboriginal	SENTENCED	APPARENT NATURAL
6/09/2025	Albany	Non-Aboriginal	SENTENCED	APPARENT UNNATURAL

ABORIGINAL FAMILY-LED DECISION-MAKING PILOTS

673. Hon Jess Beckerling to the minister representing the Minister for Child Protection:

(1) Can the minister please confirm whether the Aboriginal family-led decision-making pilots in Geraldton and Mirrabooka concluded as planned on 30 June 2025; and

(a) if yes to (1), is the government planning to make the approach permanent; and

(b) if no to (1), what is the new date of conclusion for the pilots?

(2) Is the minister able to table any interim reports reviewing the pilots to date?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Child Protection.

(1) No.

(a) Not applicable.

(b) The pilot is currently funded until 30 June 2026.

(2) No.

GREYHOUND RACING

674. Hon Amanda Dorn to the minister representing the Minister for Racing and Gaming:

I refer the minister to the greyhound Molly and the response to my previous question on 19 June.

(1) Since that response, is the minister aware that a further three greyhounds have been killed on track, seven euthanised off-track due to race-related injuries, and 10 have sustained major injuries, excluding any unreported incidents occurring off-track?

(2) What causes has Racing and Wagering Western Australia identified in its investigations into these incidents?

(3) What specific improvements or safety measures have been implemented as a result?

Hon Matthew Swinbourn replied:

I thank the member for some notice of the question and I provide the following answer on behalf of the Minister for Racing and Gaming.

The Department of Local Government, Industry Regulation and Safety advises that the information cannot be provided in the required time. I ask that the member please place this question on notice.

SEX OFFENDERS—CHEMICAL CASTRATION

675. Hon Maryka Groenewald to the minister representing the Minister for Corrective Services:

I refer to my question without notice asked on 12 August 2025 to the Attorney General regarding medication used to chemically castrate sex offenders. Given that the Attorney General stated that the decision is in fact made between corrective services officers and medical practitioners, I ask:

(1) Can the minister provide a list of the most common medication prescribed to chemically castrate sex offenders?

(2) If not, why not?

Hon Matthew Swinbourn replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Minister for Corrective Services.

The Department of Justice advises the following.

(1) There are no medications specifically authorised under the Pharmaceutical Benefits Scheme for anti-libidinal treatment—that is, chemical castration—of sex offenders.

(2) Not applicable.

WESTERN AUSTRALIAN ELECTORAL COMMISSION—CONSULTANT

676. Hon Rob Horstman to the minister representing the Minister for Electoral Affairs:

I refer to evidence provided during budget estimates that a consultant is working with the WA Electoral Commission to examine, and I quote "what a really good contemporary electoral commission structure looks like."

(1) Does the consultant work for a firm and, if so, which firm?

(2) What is the duration of the consultant's engagement?

(3) What is the total cost of engaging this consultant?

(4) Is the consultant required to prepare a report or other documents as part of their engagement and, if so, will the minister commit to tabling these documents publicly once completed?

Hon Matthew Swinbourn replied:

I thank the member for some notice of the question. I represent the Minister for Electoral Affairs, so the following answer has been provided to me.

(1) It is Bendelta.

(2) It is eight weeks.

(3) It is $149,807.

(4) The consultant will deliver a detailed report to the Western Australian Electoral Commission.

PUBLIC HOLIDAYS

677. Hon Simon Ehrenfeld to the Leader of the House representing the Premier:

I refer to the Premier's media statement published on 11 August 2025 titled "Thousands have their say in WA public holiday review consultation", which included this statement by the Parliamentary Secretary to the Premier:

> I have met with several representative bodies and key stakeholders across the sector …

(1) What is the exact number of submissions received by the review?

(2) Could the Premier please provide a copy of the online questions asked of participants in the consultation process?

(3) What were the criteria for identifying representative bodies and key stakeholders?

(4) Who were the representative bodies and key stakeholders the parliamentary secretary met with?

Hon Jackie Jarvis replied:

On behalf of the Leader of the House, I thank the honourable member for some notice of the question. The following response has been provided by the Premier.

(1) It is 10,023.

(2) The questions asked of participants in the consultation process aligned with those outlined in the consultation regulatory impact statement as published on www.wa.gov.au and as follows. The remainder of this part of the answer is in tabular format. I seek leave to have it incorporated into *Hansard*.

Leave granted for the following material to be incorporated.

Alignment: What would be the impact of moving WA's existing public holidays to align with other Australian states and territories on you/your organisation?
WA Day: What would be the impact for you/your organisation of shifting WA Day away from winter to a warmer time of year with lower rainfall?
Easter Saturday: What would be the impact of WA observing an Easter Saturday public holiday for you/your organisation?
New Public Holiday: What would be the impact of your new weekday public holiday for you/your organisation?

Respondents who completed the survey were also asked: "If a new weekday public holiday was introduced, what should it recognise or celebrate?" Survey respondents were also asked a small number of demographic questions, such as their location—that is, metropolitan or regional—employment status and main industry of work, to assist with the analysis of the survey responses.

(3) Key representative bodies and stakeholders were identified based on their ability to represent WA's employers, key industry sectors and workforce groups. Consideration was also given to organisations that play a prominent role in promoting and celebrating Western Australian culture through the coordination of community events.

(4) The parliamentary secretary met with the following representative bodies and key stakeholders as part of the public holiday review. The remainder of the answer is in tabular form. I seek leave to have it incorporated into *Hansard*.

Leave granted for the following material to be incorporated.

Australian Hotels Association

Celebrate WA
Chamber of Commerce and Industry WA
Chamber of Minerals and Energy
The Royal Agricultural Society of WA
The Shop, Distributive & Allied Employees' Association of WA
WA Cricket and Cricket Australia
WA Local Government Association
United Workers Union WA
Unions WA

CORRECTIVE SERVICES—WORKERS COMPENSATION CLAIMS

678. Hon Phil Twiss to the minister representing the Minister for Corrective Services:

I refer to WA corrective services officers.

(1) How many workers compensation claims have been lodged by staff employed in each Western Australian prison in the past five years, broken down by year and facility?

(2) Of these claims, how many are currently active, broken down by facility?

Hon Matthew Swinbourn replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Minister for Corrective Services. The answer is overwhelmingly in tabular form, so I seek leave to have it incorporated into *Hansard*.

Leave granted for the following material to be incorporated.

1)

Prison Facility	Number of Claims				
	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026
AMP Albany Regional Prison	29	26	21	26	4
AMP Broome Regional Prison	5	7	3	8	
AMP Bunbury Regional Prison	17	27	34	30	2
AMP Casuarina Prison	134	90	105	111	20
AMP Dowerin Work Camp		1			
AMP Eastern Goldfields Regional Prison	10	17	34	23	3
AMP Greenough Regional Prison	27	13	23	27	1
AMP Hakea Assessment Centre		1	1	1	
AMP Hakea Prison	96	83	140	100	12
AMP Karnet Prison	16	23	22	10	2
AMP Pardelup Regional Prison	4	4	2	7	1
AMP Roebourne Regional Prison	15	17	33	31	3
AMP Roebourne Work Camp		1	1	3	
AMP Warburton Work Camp				1	
AMP West Kimberley Regional Prison	16	17	21	12	3
AMP Wooroloo Prison	5	22	22	17	4
AMP Work CAMPs					1
WYP Bandyup Womens Prison	30	30	40	34	4
WYP Banksia Hill	106	146	131	184	24
WYP Boronia Pre release Centre for Women	3		2	3	
WYP Melaleuca Womens Prison	17	19	24	41	5
WYP Wandoo Prison	7	8	11	6	1
Total	537	552	670	675	90
Data source: DoJ Incurred and Active Claims provided by ICWA					

Please note the following points about data parameters relate to the above table:

The total number of claims allocated to each financial year denotes the financial year in which the injury occurred, rather than the date on which the claim was lodged.

The data represents claims for workers employed directly at the facility and does not include support staff that may be co-located e.g. health services, offender programs.

2)

Prison Facility	Number of Claims					
	2021/22	2022/23	2023/24	2024/25	2025/26	Total
AMP Albany Regional Prison			5	9	4	18
AMP Broome Regional Prison		1	2	6		9
AMP Bunbury Regional Prison	2	5	9	17	2	35
AMP Casuarina Prison	4	10	22	68	20	124
AMP Eastern Goldfields Regional Prison (EGRP)	1	3	10	11	3	28
AMP Greenough Regional Prison	2	1	4	10	1	18
AMP Hakea Assessment Centre			1	1		2
AMP Hakea Prison	5	11	37	51	11	115
AMP Karnet Prison	1	5	6	8	2	22
AMP Pardelup Regional Prison				3	1	4
AMP Roebourne Regional Prison	2	1	7	18	3	31
AMP Roebourne Work Camp			1	1		2
AMP West Kimberley Regional Prison			5	4	3	12
AMP Wooroloo Prison	1	3	3	9	4	20
AMP Work CAMPs					1	1
WYP Bandyup Womens Prison	1	3	16	20	4	44
WYP Banksia Hill	1	14	29	86	22	152
WYP Boronia Pre release Centre for Women			1	1		2
WYP Melaleuca Womens Prison	2		6	24	5	37
WYP Wandoo Prison		1	4	4	1	10
Total	22	58	168	351	87	686
Data source: DoJ Incurred and Active Claims provided by ICWA						

Please note the following points about data parameters relate to the above table:

The total number of claims allocated to each financial year denotes the financial year in which the injury occurred, rather than the date on which the claim was lodged.

The data represents claims for workers employed directly at the facility and does not include support staff that may be co-located e.g. health services, offender programs.

BURSWOOD PARK MOTORPLEX—ENVIRONMENTAL RISK ASSESSMENT

679. Hon Michelle Hofmann to the parliamentary secretary representing the Minister for Transport:

I refer to the Department of Water and Environmental Regulation's *Water Quality Protection Note 100: Motor sport facilities near sensitive waters*.

(1) Will the proposed Burswood motorsport development undergo a site-specific environmental risk assessment in accordance with these guidelines?

(2) Does the site meet the minimum buffer distances from sensitive water resources, wetlands and groundwater tables?

Hon Samantha Rowe replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the Minister for Transport.

(1)–(2) The Perth entertainment and sporting precinct proposal will be referred to the Environmental Protection Authority in coming weeks. It should be noted that buffers for water bodies are not simply a function of distance.

WA COUNTRY HEALTH SERVICE—NURSING SHIFTS—SOUTH WEST

680. Hon Michelle Boylan to the parliamentary secretary representing the Minister for Health:

I refer to South West casual and agency nursing shifts.

(1) Has any budget reduction been applied to casual or agency nursing in the WA Country Health Service for 2025–26 compared with 2024–25?

(2) If not, can the minister confirm that the total funding allocation for casual and agency nursing in WACHS for 2025–26 matches the allocation in 2024–25?

Hon Pierre Yang replied:

I thank the honourable member for some notice of the question. The following has been provided by the Minister for Health.

(1)–(2) Nurse staffing levels for WA Country Health Service facilities are determined in line with clinical and operational requirements.

WA HEALTH BUILDING CONDITION AUDITS—AURECON AUSTRALASIA

681. Hon Anthony Spagnolo to the parliamentary secretary representing the Minister for Health Infrastructure:

I refer to the $1.8 million contract titled "WA Health Building Condition Audits" awarded to Aurecon Australasia Pty Ltd on 11 June 2025.

(1) Why was a snap audit of WA hospitals, to be led by Dr Neale Fong and Mr Michael Barnes, announced in August when the Aurecon audit is already underway?

(2) Why is the principal to the Aurecon contract the Minister for Health rather than the Minister for Health Infrastructure?

(3) To what extent does the Fong–Barnes audit overlap with the Aurecon audit?

(4) Why were Armadale Health Service and Royal Perth Hospital excluded from the Aurecon audit?

(5) What funding has been allocated to the Fong–Barnes snap audit?

Hon Dr Katrina Stratton replied:

I thank the honourable member for some notice of the question, and I provide the following response on behalf of the Minister for Health Infrastructure.

(1) The two pieces of work do not overlap.

(2) The Minister for Health is the nominated party on advice from the Department of Health.

(3) Not applicable.

(4) The East Metropolitan Health Service is already carrying out relevant work.

(5) Information regarding the procurement of Mr Barnes and Dr Fong will be made available on the WA government tenders website www.tenders.wa.gov.au in due course and in line with existing practice.

AGED-CARE SERVICES—NEWMAN

682. Hon Nick Goiran to the minister representing the Minister for Aged Care and Seniors:

I refer to aged-care services in Newman.

(1) Is the minister aware that EPIS Incorporated has been providing care and support to individuals approved for aged-care services for many years?

(2) Is the minister aware that EPIS is the only aged-care provider within Newman offering overnight cottage respite?

(3) Is the minister aware that this service operates from the Newman respite centre on land leased from the Shire of East Pilbara?

(4) Is the minister aware that the lease expired on 22 June 2025, leaving the service and its residents at risk of being turfed onto the street by the shire upon one month's notice?

(5) Will the minister commit to seeking an urgent briefing to ascertain what steps she can take to assist the service?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Aged Care and Seniors.

(1)–(5) The Commonwealth government is responsible for Australia's aged-care system, including funding, legislation, regulation and policy. East Pilbara Independence Support Inc, or EPIS Inc, is a private provider of federally funded aged-care services under the Australian Government's Department of Health, Disability and Ageing's Support at Home program and the Home Care Packages program.

JOB CREATION—FEE-FREE TAFE COURSES

683. Hon Tjorn Sibma to the Leader of the House representing the Minister for Skills and TAFE:

I refer to the answer to question without notice 476 on 26 June in which it was confirmed that 149 TAFE courses are fee free and 185 courses are low fee.

(1) What framework guides the decision to designate a TAFE course as a fee-free course?

(2) What framework guides the decision to designate a TAFE course as a low-fee course?

(3) Who makes these decisions and upon whose advice?

Hon Jackie Jarvis replied:

On behalf of the Leader of the House, I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Skills and TAFE.

(1) Under the Fee-Free TAFE Skills Agreement with the federal government, the state government designates fee-free courses in priority areas, including the care sector; technology and digital; hospitality and tourism; construction; agriculture; and sovereign capability, such as manufacturing and defence.

(2) Low-fee courses are selected in response to existing and emerging skills needs, the state's economic diversification strategy and government priorities.

(3) It is the Minister for Skills and TAFE on advice from the Department of Training and Workforce Development.

FOREST PRODUCTS COMMISSION AND WATER CORPORATION—LOCAL GOVERNMENT RATES

684. Hon Dr Steve Thomas to the Minister for Forestry:

I refer to the purchase and lease of property by the Forest Products Commission and the Water Corporation for the purpose of growing pine plantations.

(1) Does the Forest Products Commission pay local government rates for the land it:

  (a) purchases for the growing of pine trees; or

  (b) leases for the growing of pine trees?

(2) If no to (1), why not?

(3) Does the Water Corporation pay local government rates for the land it:

  (a) purchases for the growing of pine trees; or

  (b) leases for the growing of pine trees?

(4) If yes to (3), why does the corporation pay shire rates if the Forest Products Commission does not?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question.

(1) (a) No.

  (b) Yes.

(2) Under clause 43(2) of the *Forest Products Act 2000,* land held by the Forest Products Commission is not rateable land for the purposes of the *Local Government Act 1995*.

(3)–(4) Please direct these questions to the Minister for Water.

RADIO SYSTEMS REPLACEMENT PROJECT

685. Hon Steve Martin to the parliamentary secretary representing the Minister for Transport:

I refer to the radio systems replacement project, which was first scheduled for completion by 2021–22 and is now part of the high-capacity signalling program.

(1) When will the radio systems replacement project be completed?

(2) Noting that this was not answered in estimates questions, what is the current expenditure for the project to 30 June 2025?

(3) Are analog radio systems still widely used across the system; and, if not, what is the percentage or numerical split?

(4) Noting that the Australian Communications and Media Authority had an original deadline for the Public Transport Authority to vacate the analog radio spectrum by May 2020, what is the current extended deadline?

(5) Can the minister table documents showing the nature and conditions of the extension granted in (4)?

Hon Samantha Rowe replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the Minister for Transport.

(1)–(5) The radio systems replacement project is currently scheduled for completion in late 2026, with the analog radio system continuing to operate in the meantime.

PTA holds licences for 108 analog sites, for which no conditions apply.

STATE DEVELOPMENT BILL—NATURE POSITIVE LAWS

686. Hon Neil Thomson to the Leader of the House representing the Premier:

I refer to the Premier's State Development Bill, which was introduced into the other place today.

(1) Has the Premier discussed the Albanese government's planned nature positive laws with the Prime Minister and how they might impact the Premier's bill and its aims to streamline wait times for development in WA?

(2) If yes to (1), what was the nature of those discussions?

(3) If yes to (1), can the Premier table any written agreements by the Albanese government to the state on how nature positive laws will be impacted by the Premier's bill?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. On behalf of the Leader of the House, I provide the following response provided by the Premier.

(1) The federal government's previously proposed nature positive laws are not proceeding.

(2) Not applicable.

(3) Not applicable.

ROEBOURNE HEAVY HAULAGE DEVIATION ROUTE

687. Hon Julie Freeman to the parliamentary secretary representing the Minister for Transport:

I refer to the proposed Roebourne heavy haulage deviation route, for which project development began in 2022, followed by community consultation in 2023, and note that there is no budget allocation this year or in the out years. Given that the project is intended to improve road user safety, I ask:

(1) What steps have been taken to secure funding for the project?

(2) What is the current timeline for the progression of the project?

(3) How has community feedback from the 2023 consultation been incorporated into planning?

Hon Samantha Rowe replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the Minister for Transport.

(1)–(3) As with all projects, the Roebourne heavy haulage deviation route is subject to the regular budgetary process. Feedback from the community has been consolidated and will be considered as part of the design and development process.

SYNERGY—A1 RESIDENTIAL TARIFF

688. Hon Rod Caddies to the Leader of the House representing the Minister for Energy and Decarbonisation:

I refer to the Synergy Al residential tariff.

(1) What would the A1 tariff need to be set at to be cost reflective, based on the most recently available data?

(2) Will the cost of WA's energy transition result in increased operating subsidies being paid to Synergy by the state government?

Hon Jackie Jarvis replied:

I thank the honourable member for some notice of the question. On behalf of the Leader of the House, I provide the following response provided by the Minister for Energy and Decarbonisation.

(1) The decision to increase the Al residential electricity tariff by 2.5%—less than the forecast growth of the consumer price index of 2.75%—in 2025–26 results in the tariff remaining below the cost of supply in 2025–26, with an estimated cost recovery rate of 78%.

(2) Synergy's current subsidy reflects Synergy's current cost to generate electricity with its inefficient thermal generation fleet. Least-cost energy system modelling indicates that renewable generation, firmed by battery storage and gas generation, is the most efficient way to replace energy produced by coal generation while also supporting future demand growth. This will minimise the impact of the energy transformation on Synergy's operating subsidy.

PRISONERS—ESCAPES

Answer

Hon Dan Caddy (Parliamentary Secretary) (5:04 pm): I have an answer to question without notice 661 I was asked earlier by Hon Nick Goiran.

(1) It is 19 September 2025.

(2) No.

Given that parts (3) to (5) have a significant amount of detail in them and the answer is in tabular form, I seek leave to have them incorporated into *Hansard*.

Leave granted for the following material to be incorporated.

Date	FACILITY	CIRCUMSTANCES
22/07/2024	CASUARINA PRISON	Prisoner escaped from Fiona Stanley Hospital as part of medical assessment/treatment and was recaptured by escort staff in nearby carpark.
3/08/2024	BROOME REGIONAL PRISON	Prisoner absconded from Wyndham Work Camp temporarily and returned to the camp 20 minutes later.
26/09/2024	GREENOUGH REGIONAL PRISON	Prisoner escaped during transit. He was re-captured by WAPOL and returned to Greenough Regional Prison.
3/11/2024	BORONIA PRE RELEASE CENTRE	Following a social visit, a breach was detected in the perimeter fence. A search was conducted of the area and Police apprehended the prisoner.
1/03/2025	BROOME REGIONAL PRISON	Prisoner absconded from Wyndham Work Camp, returned to WAPF.
1/03/2025	BROOME REGIONAL PRISON	Prisoner absconded from Wyndham Work Camp and returned voluntarily.
1/03/2025	BROOME REGIONAL PRISON	Prisoner absconded from Wyndham Work Camp and was taken into custody by WAPF.
21/06/2025	HAKEA PRISON	Prisoner escaped from Ventia staff at Kununurra Airport whilst in transit from Kununurra Police Station to Broome Regional Prison, recaptured by WAPF in the vicinity of the airport.
22/07/2025	MELALEUCA WOMEN'S PRISON	Prisoner escaped from Ambulance upon arrival at Fiona Stanley Hospital Emergency for assessment following a fall from her bed. Prisoner was recaptured by escort staff in nearby carpark.

(4) Between 1 January 2024 to 25 August 2025, a total of nine prisoners escaped or attempted to escape from custody (involving seven incidents) which were referred to People Culture and Standards (PCS) for investigation.

(5) Investigation outcomes as of 10 September 2025:

Three investigations found no staff misconduct was identified.

Three investigations are still on ongoing.

One matter was identified as a duplicate report and was not progressed further.

EVIDENCE BILL 2025

Committee of the whole

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Simon Ehrenfeld) in the chair; Hon Dan Caddy (Parliamentary Secretary) in charge of the bill.

Clause 3: Terms Used

Committee was interrupted after the clause had been partly considered.

Hon Dan Caddy: I want to make some brief remarks on the closing remarks of Hon Nick Goiran, before we were so rudely interrupted for question time, around the number of clauses a person acting judicially affects. I read that list in, and the honourable member made a point of saying that it was a long list containing more clauses than some bills that come to this chamber, which is indeed true. But to be clear, it was 15 clauses in a 492-clause bill, which is 3% of the clauses in the bill. The purpose for the inclusion of the list and reading it out was to demonstrate that whilst important, it is a very small component in total of the bill that we have been debating for some time now.

Hon Nick Goiran: It is good to be back! Might I take this opportunity to commend the parliamentary secretary representing the Attorney General, who is new to the role, for the hardworking approach he is taking. He is certainly following in the footsteps of his predecessor, Hon Matthew Swinbourn, who is away from the chamber on urgent parliamentary business. I thank the parliamentary secretary for his hard work dealing with this bill and during question time.

We paused for a moment to consider the definition of the term "person acting judicially". It is not my intention to spend any further time talking about the term "credibility of a witness". I spent a bit of time on that during my second reading contribution, and I went through a couple of high-profile examples of the credibility of witnesses. It is not my intention to spend any further time on that.

I want to conclude consideration on "person acting judicially". This is more of a statement because we have had a reasonable amount of dialogue on this point already. For the purpose of the record, it seems to me somewhat unsatisfactory that a decision has been made by government to insert a definition of a "person acting judicially" and, in doing so, to carve out the State Administrative Tribunal. That was a decision made by the government in the last Parliament, and a package of bills was presented to the house that sought to do that. In the intervening period, the government has decided to carve out another class of persons acting judicially—that is, to incorporate an exemption with respect to parliamentary proceedings. To be clear, the opposition has no objection to the State Administrative Tribunal and the proceedings in Parliament being exempted from the definition of "person acting judicially" for the purposes of the Evidence Bill 2025. I would, however, note, and put to the parliamentary secretary rhetorically—I do not necessarily need a response, but of course he is at liberty to provide one—that it is not necessary to have lines 22 through to 29 on page 9 of the bill. That is the provision that expressly goes out of its way to exclude the State Administrative Tribunal and parliamentary proceedings, but they would be excluded in any event. In the case of the State Administrative Tribunal, that would be by virtue of the provision that the parliamentary secretary has referred to already.

The examination of this clause and this term have been instructive, because it has identified other examples of persons or bodies that have the authority to hear, receive and examine evidence. Two examples that we identified earlier this afternoon have been the criminal injuries compensation assessors and the WorkCover WA assessors, or whatever their formal title is, be it assessor or arbitrator, under their legislation. They are also persons who have the authority to hear, receive and examine evidence. As I understand from the parliamentary secretary, those individuals are carved out anyway by virtue of a section in their own statute, just like the State Administrative Tribunal, so why do we bother to do this? To the extent that we had an explanation during the examination of this clause it was that the State Administrative Tribunal is by its very name a tribunal and therefore the government wanted to put it beyond doubt, but of course there are other tribunals in Western Australia. Might there therefore be some confusion as to the situation with those bodies? As I say, I do not think we will be making any progress here. It is not my intention, nor is it the responsibility of the opposition, to now go through the process of trying to identify all those other bodies like the State Administrative Tribunal and the Parliament that might also need an exclusion to put things beyond doubt. That is not the job of the opposition; that is the job of the government. It is the government's bill. It takes responsibility for this and the term that is found on page 9. I simply make these comments for the purpose, if nothing else, of the review that will be conducted into this legislation in five years time, in the hope that somebody will take the time to examine this definition and ensure that it is entirely consistent rather than what it is at the present time, which is partially consistent.

Clause put and passed.

Clauses 4 and 5 put and passed

Clause 6: References to documents

Hon Nick Goiran: As we are considering clause 6, I want to consider clauses 6, 7 and 8 as a package. For the benefit of the chamber, depending on what other questions members might have, I indicate to the Deputy Chair that my next clause for questioning is clause 13.

As we consider clause 6 as a package with clauses 7 and 8, members may note that clause 6 is entitled "References to documents", clause 7 is "Representations made in documents" and clause 8 is "References to availability of documents and things". My attention is particularly drawn to the definition of "document", found in clause 6(1), which states:

> A ***document*** is any record of information and includes the following —
>
> (a) anything on which there is writing;
>
> (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
>
> (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else;
>
> (d) a map, plan, drawing or photograph.

Clause 6(1)(a) is particularly pertinent in light of some developments that happened in the chamber yesterday. According to that provision, a document is a record of information and includes anything on which there is writing. Clause 6(2) states:

> A ***document*** also includes the following —
>
> (a) any part of the document;
>
> (b) any copy, reproduction or duplicate of the document or of any part of the document;
>
> (c) any part of a copy, reproduction or duplicate of a document.

Yesterday, the Parliamentary Secretary to the Minister for Health Infrastructure tabled three documents when she made a statement. These documents had to do with a reported radioactive water leak at Sir Charles Gairdner Hospital. I have those documents in my possession, but, of course, they are a copy or a reproduction of those documents. They are not the documents that the parliamentary secretary tabled; they are now in the custody of the Parliament. I have in my possession this afternoon a copy or reproduction of those documents. I indicate to the chamber that this reproduction was printed by me by virtue of the electronic copy that had been provided. The definition in clause 6(3) at page 16 of the bill also refers to what a public document is and states:

> A ***public document*** is a document that —
>
> (a) forms part of the records of the Commonwealth, a State or a Territory; or
>
> (b) forms part of the records of the government of a foreign country; or
>
> (c) forms part of the records of a person or body holding office or exercising a function under or because of the Commonwealth Constitution, an Australian law or a law of a foreign country; or
>
> (d) is being kept by or on behalf of the Commonwealth, a State or a Territory, a government of a foreign country or a person or body referred to in paragraph (c).

By virtue of clause 6(4), we know that there are further examples of what a public document is. Clause 6(4) states:

> A ***public document*** includes the records of the proceedings of, and papers presented to —
>
> (a) an Australian Parliament, a House of an Australian Parliament, a committee of a House of an Australian Parliament or a committee of an Australian Parliament; and
>
> (b) a legislature of a foreign country, including a House or committee (however described) of a legislature of a foreign country.

All of that is to say that there is no doubt in my mind that the documents presented by the Parliamentary Secretary to the Minister for Health Infrastructure yesterday are indeed documents that would meet the definition of not only a document, but also a public document pursuant to this provision of the bill.

As I say, it is useful to consider clause 6 in light of what is contained in clauses 7 and 8. Clause 7 is entitled "Representations made in documents" and says:

> For the purposes of this Act, a representation contained in a 16 document is taken to have been made by a person if —
>
> (a) the document was written, made or otherwise produced by the person; or

(b) the representation was recognised or acknowledged by the person as the person's representation by signing, initialling or otherwise marking the document.

Interestingly, in the example I have provided the house now, these documents tabled by the Parliamentary Secretary to the Minister for Health Infrastructure on the reported radioactive water leak at Sir Charles Gairdner Hospital, certain provisions have been redacted. Three documents were tabled yesterday by the parliamentary secretary. I note that one of those documents has provision for it to be signed. In fact, this document is entitled "Maintenance Advice Form". We know that the maintenance advice form is dated 27 March 2023. One of those dates is handwritten and the other is type recorded but both of them have provision for a signature and both of them have been redacted. I take that to mean that but for the redaction the documents tabled yesterday would otherwise contain two signatures, which have been redacted. Therefore, the representations made in these documents have been made by the persons in the documents and, in particular, that they would then meet the definition in clause 7, as read in conjunction with clause 6. Of course, of those representations include things such as a work description that said:

> URGENT RAPID RADIATION LEAKAGE: Pipe blocked leaking to corridor in sub-basement. Need plumber to unblock. Call Physicist to supervise ...

That is what was recorded in one of the documents tabled yesterday. In addition, the second document records the following:

> Radioactive waste pipe in the sub-basement has began leaking from the seal in 2 entrance values. Radioactive water is dripping down onto the floor. Require a plumber to stop the leak. Work must be carried out early morning and completed before radioactive therapies begin at 7am. Must called physicist on—

Then, there is presumably a number that has been redacted:

> —before beginning work.

That is what is contained in two of these documents. Then, there is a third document dated 27 March 2023. The first two documents are dated 13 and 14 March 2023. These documents are about this reported radioactive water leak at Sir Charles Gairdner Hospital, and, I might add in passing, the government has been very resistant to providing them to the Parliament. The extraordinary extent necessary to obtain these documents has been quite unbelievable.

Hon Dan Caddy: Can you read the answer to the question?

Hon Nick Goiran: Does the parliamentary secretary want me to read the answer to the question?

Hon Dan Caddy: The answer said there was no radioactive leak.

Hon Nick Goiran: The parliamentary secretary has invited me to do so and it is interesting that he should ask because the statement, rather than the answer, that was provided yesterday—I think this is the portion of the document that the parliamentary secretary is referring to—by the Parliamentary Secretary to the Minister for Health Infrastructure says:

> The Department of Health advice has remained consistent throughout and that advice is ... The incident in the Sir Charles Gairdner Hospital G-block sub-basement was not a radioactive leak. It involved a non-hazardous water leak from a pipe, which was repaired without further risk. A physicist confirmed that there was no detectable radiation present prior to remedial works being undertaken.

I think that is the portion of the statement that the parliamentary secretary has invited me to read out.

The Deputy Chair: I give the honourable member the call again.

Hon Nick Goiran: It is very interesting that there were no documents tabled yesterday to the parliamentary secretary that confirm what the government suggests the physicist has confirmed. The government simply said that a physicist confirmed there was no detectable radiation present prior to remedial works being undertaken. Where are the documents that support that? Where is the evidence that would support the assertion that was made by Minister Carey. Minister Carey seemed to suggest that that was the case, and he has been invited, repeatedly, to provide documents that would support his assertion. He has been incapable of doing so, or unwilling. It has been quite an extraordinary episode. It is very, very rare for the Parliament of Western Australia to have to pass an order to produce, and on the cusp of that potentially happening I note the government produced these three documents yesterday, none of which verify the assertions put by Minister Carey. One might say in passing that perhaps Minister Carey has too many portfolios and is therefore incapable of doing his job when it comes to health infrastructure, but that is a matter for the government for another day.

I return to clause 6. If we read the clauses in conjunction, clause 6, "References to documents"; clause 7, "Representations made in documents", which include whether they have been signed, initialled or otherwise; and clause 8, which refers to references to availability of documents and things, we can note, here at page 17 of the bill that clause 8 says:

For the purposes of this Act, a document or thing is taken not to be available to a party if and only if —

(a) it cannot be found after reasonable inquiry and search by the party;

The clause then goes on to provide other examples. Line 1 of page 18 of the bill says:

(b) it was destroyed by the party, or by a person on behalf of the party, otherwise than in bad faith, or was destroyed by another person;

I go back to the example of this document that meets the definition here in clause 6. Clause 6 defines what a document is, and that means the document tabled yesterday by the Parliamentary Secretary to the Minister for Health Infrastructure. What is very interesting is that other documents have been asked to be provided. The question then becomes: Has reasonable inquiry and search been undertaken by the Minister of Health Infrastructure as per clause 8(a). Can they not be found? Has somebody in the Cook Labor government made reasonable inquiries and search about this verification by the physicist—the suggestion by the government that the physicist has confirmed that there was no radioactive water leak? We do not know. Remember, this is the government that promised gold-standard transparency, of which all it has delivered is gold-standard secrecy for the last nine years. Be that as it may, more concerning is this provision in clause 8(b) that talks about the destruction of documents otherwise than in bad faith. I trust that there are no documents about this reported radioactive water leak that have been destroyed, whether in good or bad faith. I charitably assume that is not the case. I trust that the parliamentary secretary will understand point being made here. The government is asking the chamber today—preferably today, debate might not finish today—to pass the Evidence Bill 2025. It would like the bill to bring Western Australia into line with the other jurisdictions. It would like to retain to contain many provisions under the existing Western Australian law that has been here since 1906. It wants to codify certain provisions that have been made over time, courtesy of the common law. It says this is very important. In fact, it is the most important bill for the government this week. It says that it will take about 18 months to bring this Evidence Bill into effect. It has agreed that there will be a review of this law in five years time and, indeed—well, we hope—subject to a further amendment, a second review five years thereafter.

This is how important this matter is to the government. Then, I think it is reasonable for members to expect that the government will be the model citizen, that the government will be the model litigants, that the government will ensure that it adheres to the very things that it expects everybody else to do, and if it expects to enshrine into our statute this definition of a document, including what is a public document, that it will itself accept that the documents tabled yesterday by the parliamentary secretary for the Minister for Health Infrastructure was indeed a document that makes this definition. Then it will also accept that there are representations that were made in those documents by the persons who created the documents consistent with clause 7 in the bill. It will also accept that the onus is on it to demonstrate whether it has made reasonable inquiry, and search for documents before there is an assertion made that the documents are taken not to be available. The government cannot have it both ways.

It decided, albeit yesterday, to belatedly bring this bill on in virtually the final few minutes of yesterday's proceedings. Now it has decided to make it its priority for today. Then the government needs to be held to account with respect to the content of the documents, including the bill that is presently before us. Might I say on behalf of the opposition as we are considering the passage of clause 6—I think I have already indicated that my next round of questions and examination will be at clause 13—that the opposition supports clause 6, the opposition supports clause 7, the opposition supports clause 8. We expect the government, Minister Carey in particular, to be reminded of his obligations when it comes to public documents and the importance of representations in these public documents, especially if there is a public officer who is brought to the government's attention or a concern about a radioactive water leak in a hospital.

We certainly expect that the government will respect those representations found in the documents and will agree to be held to account for those representations. Now, if there is a very good reason that the representations are inaccurate, for example, that there was no radioactive water leak, then provide documents to suggest that, to confirm it. Provide the evidence. It is not going to be good enough, with all due respect, to have the word of Minister Carey. That is not going to satisfy us. I dare say, on his track record, that it is not going to satisfy a lot of Western Australians. So, we support the passage of clause 6, we support the passage of clause 7, we support the passage of clause 8, and we call on the government to ensure that it maintains the standard that it is expecting of everybody else.

Hon Dan Caddy: The was not really a question in there, but there is a lot to respond to, and I am happy to respond to most of it. Essentially, the member is asking for us to give proof that something did not happen or does not exist. The matter relating to the plumbing at the hospital happened on 13 March 2023 and the honourable member has asked questions on notice and has indeed received a very fulsome answer to those questions, as we just heard. He quoted at some length not just the answer that I suggested he quote, and I thank him for that, but from some of the reports as well. A list of relevant work orders associated with the leak was released under a freedom of information request and the only other material relevant to it that exists was a maintenance advice form, which

was tabled either in this house or the other. I am not sure whether it has been tabled and in any case the honourable member has a copy of it because he was reading from it.

The Department of Health advice has remained consistent throughout this. The incident in the G block sub-basement was not a radioactive leak. It involved a non-hazardous water leak.

Hon Nick Goiran: How do we know that?

Hon Dan Caddy: We know because the leak involved the non-hazardous water leak from a pipe that was repaired without further risks. The member has read the report or the work order that he has there. A physicist has confirmed that there was no detectable radiation present prior to the remedial works being undertaken. The leak was repaired consistent with hospital safety protocols. The matter did not require reporting to the Radiological Council. These hospital systems are managed under Australian Radiation Protection and Nuclear Safety Regulations in line with the *Radiation Safety Act 1975*, which, as a closing comment, I would say has nothing to do with the Evidence Bill 2025, so maybe we might get back to that. Thank you.

Clause put and passed.

Clauses 7 to 12 put and passed

Clause 13: References to offspring and parents

Hon Nick Goiran: How is the definition of "parent" in clause 13 intended to operate in light of the definition in clause 5 of the Interpretation Act?

Hon Dan Caddy: The short answer is the definition is non-exhaustive and will be informed by the definition of "parent" currently in the *Interpretation Act 1984*.

Hon Nick Goiran: So, despite the fact that the bill before us is intended—as I said earlier, for lack of better words—to be a one-stop shop for those who need to be concerned about the state of the evidence laws in Western Australia, it appears that when it comes to the definition of a parent, that going to the specific provision at clause 13, which seeks to define a parent, that it is not exhaustive. The parliamentary secretary will note that there is a very helpful part that has been done by the drafters and those involved in the production of this document.

There is a note at the bottom of this particular clause. It says that we should compare this with the Commonwealth act. Is there a definition of "parent" in the current *Evidence Act 1906*?

Hon Dan Caddy: Member, neither "offspring" nor "parent" are terms defined in the current act, but "child" is defined in the current act; however, this is a reference to a child being a person under the age of 18 years rather than the status of "being the child of a person". The definition in the bill has been amended from the Commonwealth act, as the definition in the Commonwealth act is now somewhat outdated and may inadvertently capture a person living with a child who is not undertaking a parental role. That is some further information.

Hon Nick Goiran: Notwithstanding the fact that there is a note with respect to the Commonwealth act, I understand that the definition of "parent" under clause 13 will not be consistent with the definition under the Commonwealth legislation.

Hon Dan Caddy: No, member, the definitions are not the same. There is a note to compare the clause to the *Evidence Act 1995*. Those notes refer the reader to either a former act or another act wherein a definition or a choice of wording is the closest possible place where that could be found.

Hon Nick Goiran: Therefore, I take it that in some instances there will be a definition in both the existing 1906 Western Australian act and the Commonwealth's *Evidence Act 1995*. Are there instances of a double notation in the bill?

Hon Dan Caddy: I am informed that when the wording in a bill has been formed through a combination of what may appear in two or more acts, they will be listed.

Hon Nick Goiran: I return to the definition of "parent", notwithstanding its deviation from the Commonwealth definition. The parliamentary secretary indicated that we will have to take into account the definition in the *Interpretation Act 1984*. Will we also have to take other Western Australian statutes into account when defining what a parent is?

Hon Dan Caddy: That is an incredibly broad question, as the member would realise. For the purposes of this legislation and for people working with it, it will be the definition in this act and the *Interpretation Act 1984*.

Hon Nick Goiran: Is the definition of "offspring" also based on a provision in the Commonwealth act or is it only the definition of "parent"?

Hon Dan Caddy: The section in the Commonwealth act references children and parents. It does not use the word "offspring". The act defines children and parents and their relationship. That may not be helpful to the member—it may not answer his question—but it is the best answer I can give with reference to that act.

Hon Nick Goiran: I understand from the parliamentary secretary's answers that the 1906 Western Australian act has a definition of "children". The Commonwealth act has a definition of "children", yet we have decided not to use the definition of "children" in this legislation; instead, we have the definition of "offspring". Can an explanation be provided for that?

Hon Dan Caddy: I will give the member the long explanation. As I said before, neither "offspring" nor "parent" are defined in the current act and "child" is defined in reference purely to age, not to any sort of relationship. The Commonwealth act does not clearly distinguish between a child being a person under the age of 18 years and the child of a person who is related in that way, but may be of any age. Context usually clarifies which of the meanings was intended. The current act defines "child", but for the purposes of a child being a person under the age of 18 years. For clarity, the bill has adopted an updated version of the definition of the Commonwealth act, as I referred to before—schedule dictionary part 2, clause 10, but changed the name of the term. The definition is non-exhaustive. As I mentioned, the specific kinds of people mentioned as included by the definition are mentioned to explicitly bring them within the definition wherein there might be cause for debate.

The Commonwealth act refers also to an adoptive parent and the father of a person born exnuptial. This definition was part of the original version of the Commonwealth act from 1995. Times have moved on, and some of the items that were included in the definition would no longer be debatable inclusions in the definition of "parent". The specific reference to an adoptive parent is unnecessary in WA as it is already captured by the Interpretation Act's definition of a parent. The reference to the father of an exnuptial child is outdated, gendered and is not required given that it is assumed by the modern standard English definition of "parent", so that is the reason it has not been included.

The remaining provision has been modified to make clear that a person living with a child as if the child were a member of the person's family is only to be regarded as the child's parent if they are acting in that role. This excludes, for example, siblings who live with a child but are not responsible for the child. This was a drafting amendment to explicitly avoid an interpretation whereby a sibling or a relative who is not and has not acted as a parent might fall within that definition.

Hon Nick Goiran: We have already made reference to the fact that there are notes in the current act of 1906 and there are notes in the Commonwealth act of 1995. I note that there are also some notes in the 1995 New South Wales legislation. Does the New South Wales legislation have any definitions of "child", "offspring" or "parent"?

Hon Dan Caddy: A quick review, member, but it appears that the New South Wales legislation mirrors the Commonwealth legislation.

Hon Nick Goiran: For the purposes of what will be the evidence act 2025, assuming we pass it this year, is it intended that the definition of a "child" is the offspring of a parent who is yet to have attained the age of 18?

Hon Dan Caddy: A child—and I have said this previously—is defined by age. A child is under the age of 18, whereas "offspring" denotes a relationship, so offspring, by its very nature, could be a child of any age, but it is more in defining the relationship that that person—the offspring—has with a third person or second person, however we are going to put it.

Hon Nick Goiran: Clause 13(2) states:

> A ***parent***, in relation to a child, includes a person who acts as a parent to the child and with whom the child lives as if the child were a member of the person's family.

The word "child" appears four times in the space of that subclause, yet there is no definition of "child". I am seeking to confirm whether by necessary implication, if you like, it is intended that for the purposes of the Evidence Bill 2025 that a child is the offspring of a parent who is yet to attain the age of 18.

Hon Dan Caddy: I refer to clause 3 on page four of the bill, which states, in part:

> ***child*** means —
>
> (a) a person under 18 years of age;

So there is a definition of "child" within the bill, but as I explained, the definition of child is done by age; "offspring" is to denote a familial relationship. A person may well be both a child and offspring, as defined by the bill, but this was done very deliberately to avoid confusion.

Clause put and passed.

Clause 14 put and passed

Clause 15: Extended application of certain provisions

Hon Nick Goiran: It is specified at clause 15(1):

> A provision of this Act applies to a proceeding before a WA tribunal or a person acting judicially, whether or not the tribunal or person acting judicially is a court, if this Act expressly provides that the provision extends to a proceeding before a WA tribunal or a person acting judicially.

Clause 15 (2) states:

> If a provision of this Act extends to a proceeding before a WA tribunal or a person acting judicially, a reference in the provision to a court includes a reference to a WA tribunal, or a person acting judicially, as the case requires.

Is there a list of which WA tribunals and types of persons acting judicially are intended to be captured by the application of the act?

Hon Dan Caddy: Member, "tribunal" is defined in the legislation and "person acting judicially" is also defined, as we spoke about for some time earlier, but there is no list as such.

Hon Nick Goiran: When the parliamentary secretary says that "tribunal" has been defined, if I look at page 12 of the bill, going back to clause 3, the definition of "tribunal" states:

> ***tribunal***, of a State or Territory, means a person or body authorised by or under a law of the State or Territory to take evidence on oath or affirmation;

There is also the definition of "WA tribunal" on page 13, from line 11 onward. It states:

> (a) means a tribunal established in this State under a written law; but
>
> (b) does not include the State Administrative Tribunal;

Which tribunal is it in Western Australia that we say is captured by the application of the bill, other than the State Administrative Tribunal, which we know is not captured?

Hon Dan Caddy: As I said before, we do not have a list, but the answer to the member's question is essentially any tribunal established under a state law that does not have an exemption to the Evidence Act. It is a very broad question and that is a very broad answer, but that is the best that I can give the member.

Hon Nick Goiran: I probably cannot take it too much further at this time, other than to simply indicate that the government is going out of its way here to define what is a WA tribunal but is not in a position to provide examples. Perhaps that is a little unfair, because I do not think I have asked the parliamentary secretary to provide an example. So I will start with that. Other than the State Administrative Tribunal, and without necessarily expecting the parliamentary secretary to provide an exhaustive list, because he has indicated that no exhaustive list has currently been prepared, what are the types of tribunals that the government intends to have this evidence act apply to? The parliamentary secretary has indicated that they are tribunals that exist, other than those that have exemptions. What would be one or two examples of such tribunals?

Hon Dan Caddy: I can give the member one example, and I give it advisedly, having not checked the legislation. The Mental Health Tribunal may be one such tribunal.

Clause put and passed.

Clauses 16 to 18 put and passed

Clause 19: Application of common law and equity

Hon Nick Goiran: There is reference here to a carve-out on bail. Why has bail been included as part of the carve-out at clause 19(2)(b)?

Hon Dan Caddy: The paragraph that the member has referred to is the application of the uniform provision, which is why it is how it is.

Hon Nick Goiran: So this is the provision that will apply the uniform provision. Can the parliamentary secretary elaborate on what he means by that?

Hon Dan Caddy: It is worded almost identically to section 9(2)(b) of the Commonwealth act. It is the same; it refers to bail, so it is uniform law.

Hon Nick Goiran: My question was why has bail been included in the carve-out in clause 19(2) and the explanation that has been provided is that it is because that is what the Commonwealth has done. The Commonwealth has carved out any common-law rules that apply to bail. I take it that this has not been necessary in the current 1906 act in WA because the 1906 act that we are using at the moment has the evidence statute, and then some common-law principles apply with respect to bail and the amalgamation of those two things then form the law that needs to be applied for bail. In this particular instance, I assume that the government therefore wanted to retain those common-law principles or common-law evidence laws for bail and that is why we are including

clause 19(2)(b). As it so happens, this provision also exists in the Commonwealth legislation, so to that extent it is uniform. Is that the purpose of the carve-out in clause 19(2)(b)?

Hon Dan Caddy: Yes. What the member has said is accurate, but I will build on that. Obviously, this is uniform legislation, so our starting point is that we do what we can to keep uniform and consistent with other jurisdictions. I can give the member more if he wants. There are obviously specific laws. Bail law is very specific. By carving this out, we will not be in conflict and we will fall back to the laws on bail that exist in the state, as is the case in other jurisdictions and at the Commonwealth level.

Hon Nick Goiran: The outworking of clause 19—I think we had this discussion during debate on clause 1—is that we are not completely codifying the evidence law in Western Australia; we are partly codifying the evidence law in Western Australia.

Hon Dan Caddy: Correct.

Hon Nick Goiran: Thank you. Have any other jurisdictions completely codified their evidence law?

Hon Dan Caddy: I can confirm that the uniform jurisdictions have not completely codified.

Hon Nick Goiran: Obviously, Western Australia will be one of them once this bill passes and comes into full effect. New South Wales evidently is one of those, as is the Commonwealth. What other jurisdictions are part of the uniform scheme?

Hon Dan Caddy: At the moment, those that are not a part of it are Western Australia, Queensland and South Australia.

Clause put and passed.

Clauses 20 to 24 put and passed

Clause 25: Compellability: foreign sovereign and others

Hon Nick Goiran: Members should be not only familiar with but also supportive of clause 25 because one of the purposes of clause 25 is so that it is not permissible to compel a member of Parliament. There are 37 members of the Legislative Council in Western Australia in this 42nd Parliament. It will not be permissible to compel a member of Parliament to give evidence if the compulsion to give the evidence conflicts with the member fulfilling their duties in the sense that there is a sitting of Parliament, a joint sitting of Parliament or, indeed, a meeting of a committee of which a member is part. They are the circumstances in which a member of Parliament will be immune from being compelled to give evidence. It is partial, not complete, immunity, and one that ought to be supported. It also says in this provision that certain other peoples are not compellable to give evidence. One of them is a foreign sovereign and the other one is the head of state of a foreign country. They are the ones who are not able to be compelled to give evidence. Of course, circumstances were set out earlier, such as a person who has reduced capacity, which is set out in clause 24. There are other circumstances that we will get to shortly with respect to judges, jurors and, indeed, a co-accused. Clause 27 deals with circumstances in which that might be permissible, depending on whether they are in separate trials or in the same trial and so forth. There is also a restriction on the compellability of a person to give evidence if they are a spouse and another provision deals with witnesses in public revenue cases, which I intend to get to specifically when we get to clause 29. But for the time being, I think what members can see from that package of clauses is that only a small class of individuals are not captured by clause 22, which we have already passed. It states that every person is competent to give evidence and a person who is competent to give evidence about a fact is compellable to give that evidence.

This very much reminds me of an episode involving the Standing Committee on Estimates and Financial Operations in the 41st Parliament with which the parliamentary secretary would be very familiar. In that episode involving the Standing Committee on Estimates and Financial Operations—might I mention in passing what an outstanding Chair that committee has in this 42nd Parliament. The committee had an equally excellent Chair in the 41st Parliament in Hon Peter Collier. I had the opportunity to serve on that committee, as did the parliamentary secretary, Hon Dan Caddy, when he was serving his apprenticeship prior to being elevated to being the Parliamentary Secretary to the Attorney General. Members may well like to familiarise themselves with report 90 of the Standing Committee on Estimates and Financial Operations, which looked into the budget estimates process for 2023–24. I will invite members to familiarise themselves with paragraphs in the report on another occasion so as to not unnecessarily hold up the passage of this bill. Page 21 of that report has four very pertinent paragraphs.

Progress reported and leave granted to sit again, pursuant to standing orders.

PERTH CHILDREN'S HOSPITAL—WATER TESTING

Paper tabled

A paper relating to an answer to question without notice 662 was tabled by **Hon Pierre Yang (Parliamentary Secretary)**.

(See paper 486.)

THREATENED ECOLOGICAL COMMUNITIES

Statement

Hon Amanda Dorn (6:18 pm): Western Australia is home to some of the most extraordinary ecosystems on earth—living networks of plants, animals, fungi and microbes that sustain life itself. These threatened ecological communities (TECs) are not just habitats; they are life-support systems. When one collapses, the damage is irreversible. From Roebuck Bay to the Stirling Ranges, TECs stretch across the state like scattered jewels, but they are vanishing fast.

Once they are damaged, these ecosystems rarely recover. They do not just bounce back. That is why TECs are protected—to preserve entire systems, not just species—yet that protection is failing. The Auditor General's latest report is a wake-up call. Of the 65 listed threatened ecological communities, 72% are neglected. Another 390 priority threatened ecological communities teeter on the edge. The Department of Biodiversity, Conservation and Attractions (DBCA) admits that it lacks the resources to assess them. At current staffing levels, it would take over a century to evaluate them all. This is not conservation; it is collapse in slow motion. Sixty of those unassessed communities are in the Kimberley, one of Australia's richest biological regions.

Despite the WA Biodiversity Conservation Act coming into effect in 2019, progress has been glacial. Interim recovery plans remain unapproved, monitoring is sporadic and although the state posted a $2.4 billion surplus in 2024–25, none of it was directed towards threatened ecological community protection. We do not even know the full extent of the damage. Is cattle grazing degrading ecosystems? Is groundwater extraction pushing them to the brink? Is it climate change? The truth is that we just do not know. The Montane heath and thicket of the eastern Stirling Range is now critically endangered. Botanist Professor Stephen Hopper warns that this is not just a local emergency; it is also a national and global crisis.

These ecosystems are our natural heritage and they are vanishing, but the DBCA is trying. Many staff are passionate and committed, but they are being asked to protect WA's ecological backbone without the tools to do so. Regional planning is underway and funding partnerships are forming, but planning alone will not stop extinctions. We need urgent investment, bold leadership and conservation treated as a core responsibility, not an afterthought, because protecting TECs is not just about saving nature; it is about safeguarding the systems that make life in WA not only possible, but simply extraordinary.

TERRORISM LEGISLATION AMENDMENT (EXTENSION OF EXPIRY) BILL 2025

Receipt and first reading

Bill received from the Assembly and, on motion by **Hon Matthew Swinbourn (Minister for the Environment)**, read a first time.

Second reading speech

Hon Matthew Swinbourn (Minister for the Environment) (6:23 pm): I move:

> That the bill be now read a second time.

The Terrorism Legislation Amendment (Extension of Expiry) Bill 2025 will amend the *Terrorism (Extraordinary Powers) Act 2005* (the TEP act) and the *Terrorism (Preventative Detention) Act 2006* (the TPD act) to extend the extraordinary counterterrorism powers in those acts to 19 December 2027. The TEP act and the TPD act give effect to a 2005 Council of Australian Governments agreement for all states and territories to enact legislation to introduce measures to prevent terrorist attacks or to preserve evidence following a terrorist act.

The TEP act confers powers on police such as the power to direct the movement of people and vehicles, stop and search a person or vehicle and enter and search a place. It also makes provision for the use of force, including lethal force, and enables the covert entry and search of premises that may be connected to a terrorist act.

The TPD act provides police officers with the ability to obtain a preventative detention order, which allows them to take a person into custody and detain them for a period of up to 14 days in order to prevent a terrorist act from occurring in the near future or preserve evidence of a recent terrorist act.

Due to the extraordinary and potentially intrusive nature of the measures imposed by the terrorism acts, they are subject to a number of checks and balances, including a sunset date. The TEP act is currently set to expire on 19 December 2025 and the TPD act is set to expire on 22 September 2026. The powers conferred by these acts have not been used in Western Australia to date, save for one application for a covert search warrant under the TEP act that was never executed. However, the acts form an integral part of the national security framework and provide police with important legislative tools in the event of a terrorist act.

The national terrorism threat level remains elevated. In August 2024, the Australian Security Intelligence Organisation raised the level to "probable", meaning that there is a greater than 50% chance of an attack or attack

planning in the next 12 months. At the time, the ASIO director general noted that in the previous four months, there had been eight attacks or disruptions that either involved alleged terrorism or were being investigated as potential acts of terrorism. Several high-profile terrorist acts have been committed in other states in recent months, including the Wakeley church stabbing in Sydney in April 2024, the Adass Israel Synagogue arson attack in Melbourne in December 2024, the Newtown Synagogue attempted arson attack in Sydney in January 2025 and the East Melbourne Synagogue arson attack in July 2025. In Western Australia, the stabbing incident that occurred in Willetton in May 2024 was later determined to have met the criteria to be classified as a terrorist attack, although due to the manner in which the incident unfolded, the extraordinary powers under the TEP act were not used on that occasion.

The Western Australia Police Force is currently undertaking a statutory review of the TEP act. A statutory review of the TPD act has recently been completed and that review will be tabled in Parliament in the near future. Extending the sunset dates of each act to 19 December 2027 will allow sufficient time for the upcoming review of the TEP act to be concluded and the recommendations from that review and the review of the TPD act to be fully considered for implementation. More comprehensive amendments based on the outcomes of that consideration will then be able to be put to Parliament at a later time.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth. Previous rulings have indicated that standing order 126(1) does not apply to bills that amend uniform legislation. Standing order 126(1) would apply only if the amendments in the bill itself are the subject of a uniform agreement. This is not the case for this bill.

I commend the bill to the house and I table the explanatory memorandum.

(See paper 487.)

Debate adjourned, pursuant to standing orders.

House adjourned at 6:27 pm

Questions on notice answered today are available on the Parliament of Western Australia's website