



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2019

LEGISLATIVE COUNCIL

Thursday, 11 April 2019

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THE PRESIDENT (Hon Kate Doust) took the chair at 10.00 am, read prayers and acknowledged country.

CHRISTCHURCH TERRORIST ATTACK

Legislative Council's Resolution — New Zealand Parliament's Response — Statement by President

THE PRESIDENT (Hon Kate Doust) [10.01 am]: Members, before we start today, you will remember that on Tuesday, 19 March, the Legislative Council expressed its deepest sympathy to the people of New Zealand and those affected by the abhorrent terrorist attack in Christchurch. I wrote to the Right Honourable Trevor Mallard, Speaker of the New Zealand House of Representatives, advising him of the resolution, and today I received a response from him and I thought I would share it with you. It states —

Dear Madam President

Thank you for your moving words of support and solidarity. It is certainly a comfort to know we are not alone in our sense of a deep loss.

As a country, we are all deeply shocked and heartbroken by Friday's horrific acts of terrorism and hate. The outpouring of love and generosity displayed across the country over these past few days has shown that no matter one's religion, ethnicity, or country of birth, we are all New Zealanders, and we will not tolerate violence or racism of any kind. We will continue to be proud of our multi-cultural and inclusive society and continue to promote these values to the world.

On behalf of the New Zealand Parliament, thank you once again for expressing your sympathy and support, and that of the Legislative Council of Western Australia. We shall hold this close as we continue to grieve, support the victims, their families, and our cherished Muslim communities.

Yours sincerely

Rt Hon Trevor Mallard

Speaker of the New Zealand House of Representatives

THOMAS–NICHOLSON ROADS INTERSECTION — UPGRADE

Petition

HON DONNA FARAGHER (East Metropolitan) [10.02 am]: I present a petitioning containing 28 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia, support the upgrading of the intersection at Thomas and Nicholson Roads in Oakford. This intersection has averaged nearly one crash per month in the past five years and has been listed as one of the RAC's most dangerous intersections. There has already been \$10 million of federal funding allocated to the upgrading of the intersection and the local community are desperate to see it improved.

Your petitioners therefore respectfully request the Legislative Council urge the Government to make this project a State priority.

And your petitioners as in duty bound, will ever pray.

[See paper 2619.]

BOAO FORUM FOR ASIA ANNUAL CONFERENCE

Statement by Minister for Regional Development

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.03 am]: I travelled recently to the Hainan province in China to represent the Western Australian government at the Boao Forum for Asia Annual Conference. Jointly initiated by 29 countries and inaugurated in 2001, the Boao Forum for Asia is the premier forum for Asian economies and emerging markets. The forum brings together heads of state and government, ministers, heads of international organisations, CEOs, economists and journalists from Asia and beyond. The Boao Forum provides a unique opportunity to discuss issues relevant to Western Australia and the region at the highest level with Asian and global leaders across politics, business and academia. China is Western Australia's largest market for merchandise exports, accounting for 47 per cent of the state's exports in 2017–18—close to \$62 billion worth. As our largest market for agricultural and food exports, China accounted for 22 per cent of agricultural exports in 2016–17, valued at \$1.89 billion.

The visit was an opportunity to confirm the importance with which the Western Australian government holds its largest trading partner, particularly given the challenges in the relationship at a national level. The visit provided the opportunity to highlight the state's export capabilities in agriculture, renewable hydrogen and tech metals. Fortescue Metals Group has been a long-term partner of the Boao Forum and I would like to thank its chairman, Mr Andrew Forrest, and CEO, Ms Liz Gaines, for the invitation to attend. I would also like to acknowledge the support provided by the FMG team and the Western Australian trade office in Shanghai.

I table a brief report on the trip.

[See paper 2620.]

AGRICULTURE AND FOOD — MOBILE SLAUGHTERING UNIT

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [10.06 am]: Last week, I witnessed the unveiling of a working prototype of the first Australian mobile slaughtering unit designed and built in Western Australia. The Australian livestock sector has been wanting an effective mobile process for over 20 years and it has been made possible by the hard work and ingenuity of the WA company Simmons Global and the Victorian agricultural start-up Provenir. This new technology will significantly improve animal welfare and allow for increased traceability of the provenance of each animal. The processing costs are likely to be higher per unit, but this technology allows growers, restaurateurs and gourmet retailers to target a premium market of consumers who want the very best locally grown meat. By removing the need to transport livestock to an abattoir, the stress on the animals is reduced, which confers great benefit to their welfare and the quality of the meat produced. This technology demonstrates that smaller scale facilities and innovative models are possible and can allow growers and processors more flexibility and an opportunity to capture high-value markets.

It has been a complex task to develop the technology that is able to be transported and meets Australia's high regulatory standards for animal welfare and food safety. When looking for an engineering firm that had the expertise and capability to design and construct this concept, Provenir looked to WA and to Simmons Global. Our state has a peerless reputation in the engineering sector, earned from the skill honed in the mining and oil and gas industries. This project serves as a great reminder of how we might diversify that engineering talent and apply it to agricultural innovation. This week the mobile abattoir will process its first animals at Narrogin College of Agriculture. We hope this goes well, as it could be a game changer for many in the livestock industry.

PAPERS TABLED

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

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Fiftieth Report — "Terms of Reference: Inquiry into Children and Young People on the Sex Offenders Register — is Mandatory Registration Appropriate?" — Tabling

HON MATTHEW SWINBOURN (East Metropolitan) [10.09 am]: I am directed to present the fiftieth report of the Standing Committee on Environment and Public Affairs titled "Terms of Reference: Inquiry into Children and Young People on the Sex Offenders Register — is Mandatory Registration Appropriate?".

[See paper 2621.]

Hon MATTHEW SWINBOURN: The report that I have just tabled advises the house of the resolution of the Standing Committee on Environment and Public Affairs to commence an inquiry into mandatory registration of children and young people on the sex offenders register and to advise the house of the terms of reference, pursuant to standing order 179(2). The committee resolved at its meeting on 10 April 2019 to commence an inquiry into issues raised in petition 70 regarding the application of Western Australia's sex offender registration scheme to children and young people. This inquiry will examine the criteria for registration of children and young people on the sex offenders register and how those criteria relate to the purpose and operation of the Community Protection (Offender Reporting) Act 2004. Particular attention will be paid to the nature of reportable offences committed by children and young people that may warrant a discretionary approach to registration as a sex offender. Consensual sexual activity between young people of similar age is one example. The committee will examine these issues in the context of the purpose of the legislation to protect the community and assist the police in their investigations, the practical implications of mandatory registration for children and young people, and the approach employed by other jurisdictions. The committee will seek evidence from the public and from relevant stakeholders during the inquiry. I commend the report to the house.

DISALLOWANCE MOTIONS

Notice of Motion

1. Dangerous Sexual Offenders Amendment Regulations 2019.
2. Australian Computer Society Professional Standards Scheme.

Notices of motion given by **Hon Robin Chapple**.

STAMP DUTY EXEMPTIONS — RETIREES*Notice of Motion*

Hon Colin Tincknell gave notice that at the next sitting of the house he would move —

That this house calls on the state government to extend stamp duty exemptions to Western Australian retirees to —

- (a) provide an incentive when downsizing from their current home; and
- (b) allow them to maximise the equity in their current home and encourage them to move to a dwelling that would better suit their circumstances.

ENERGY SUPPLY*Motion*

HON DR STEVE THOMAS (South West) [10.13 am] — without notice: I move —

That this house calls on the government to outline to the house —

- (a) what plans or policies does the state government have to manage the maintenance and lifespan issues facing coal-fired electricity generation units in Collie, including Muja and Collie power stations;
- (b) how will those plans and policies deliver a stable and reliable base load of electricity to the south west integrated system into the future;
- (c) what role will the government's election commitments of —
 - (i) a biomass plant in Collie;
 - (ii) a solar farm in Collie; and
 - (iii) a wave energy project in Albany,
 play in the implementation of those plans and policies, and whether the government can give a commitment that any of those projects will proceed;
- (d) how close is Synergy to reaching the 20 per cent renewable energy target by 2020, and how will the government achieve that target; and
- (e) what are the expected or modelled impacts on the Western Australian energy system that would result from the federal ALP opposition's policy of a 50 per cent renewable energy target by 2030 if this became law?

Unfortunately, I have only 20 minutes to debate the energy systems of Western Australia, because if there were a more open time frame I might give Hon Nick Goiran a run for his money. I have a great degree of passion on this issue, in which people connected to the south west integrated system, and the people and communities of the south west need to take a significant interest. In the brief time I have available, I will try to run through the questions in the motion as quickly as possible.

The first question is: what plans or policies does the government have in place to manage the coal-fired power stations and the coal system in Collie? This is becoming something of a crisis for the Collie community, and a number of meetings have been called in recent months, some of which I have attended. I suspect I might be the first Liberal member of Parliament to address a union meeting in Collie, or certainly the first I can remember in my living history. It is not a very common occurrence, but it is an indication of the degree of concern in the Collie community. I have attended two meetings this year. The first was in January, when the new Minister for Energy, Hon Bill Johnston, addressed the community, and the second was at the beginning of March, when the Minister for Regional Development addressed the community. A couple of interesting things can be said.

I stood at the first meeting and took some pretty significant notes, so that I might be able to use them in the future. I thought this one was particularly interesting. The member for Collie–Preston, quoting the new Minister for Energy, said that Collie had been good for the Labor Party, so the Labor Party must be good to Collie. We will wait to see how that pans out. A statement from the new Minister for Energy is particularly pertinent. He said that the private sector would not build another coal-fired power station. Coal, he said, takes 20 years to pay off, gas five years. He followed that up by saying that another coal-fired power station would not fit into the system. These are particularly pertinent comments, because they indicated to the Collie community, which has traditionally been a provider of coal and energy, that the future is going to change significantly. At that meeting, on 25 January this year, Hon Bill Johnston was not able to indicate to the Collie community what the future and the solution might be. He was very good at outlining the problem, but not necessarily outlining the future.

The problem is that the Muja and Collie coal-fired power stations are coming to the end of their life spans. The situation with the maintenance of Muja C and D is quite diabolical, in particular unit 5, the first part of Muja C, which I generally talk about as being held together by metaphorical baling twine and number 8 wire, which is how

my father's farm ran for many decades. This power station is in trouble. I acknowledge that, and I believe that the government, in the minister's presentation, also acknowledged that. Hon Bill Johnston said that he had inspected the power station that day and found that two of the units were turned off and two were running at 50 per cent capacity. That is, a baseload coal-fired power station with a nameplate capacity of over 800 megawatts was producing less than 200 megawatts. That is a very frequent outcome for the Muja power station. Coal-fired power stations are designed to travel at a fairly uniform capacity of over 75 or 80 per cent of their total nameplate capacity. That is, they are supposed to run fairly constantly, with constant feed and constant output. When they are moved up and down rapidly, they deteriorate rapidly. That is what has happened to the coal-fired power stations in Collie, particularly Muja. When the Minister for Energy turned up, they were running at one-quarter of their capacity. Collie A power station, which is a new station, built, I think in 1999, has the same problem. The maintenance program at Collie A power station is not keeping up with the divergences of its output, and it now has significant maintenance issues. The government has a significant problem.

It would have been thought that the newest power stations, which are privately owned—Bluewaters 1 and 2—would not have this problem because they are new technology and new power stations. It needs to be remembered that Bluewaters was a second-hand power station at the start of the process. There is a maintenance issue at Bluewaters, there is a significant maintenance issue at Collie A and there is a catastrophic maintenance issue at Muja C and D. These things will need to be addressed by long-term policy.

Hon Alannah MacTiernan: Like putting \$300 million into trying to repair them?

Hon Dr STEVE THOMAS: That is only going to be the beginning, minister. I hope the minister will address this in some detail. That is just the start, not the solution to the problem. That is just the beginning of the maintenance issues that go along with these power stations. I would like to know what policies are in place. I am glad the minister interjected because the second trip to Collie was made by the Minister for Regional Development. I will admit that I made a bit of a fuss the first time about not being acknowledged at the public meeting and not having an opportunity to interact. However, that was corrected by the organisers of the second meeting on 8 March where I was invited to address the audience, as was the Minister for Regional Development and the local member. I thought that was a very, very good step, so well done to them. While there, I took some notes on the Minister for Regional Development's comments, and they were very interesting. These are the notes that I recorded of the Minister for Regional Development that day, and I quote —

But we all know some of the power stations are going to be reaching the end of their natural life in six or seven years and that will become an obviously logical point where we might see some sort of step down. We are not trying to desperately divest ourselves of coal as part of the operation, but we are acknowledging that this is going to happen; that is, over the next 15 or 20 years there is going to be a transition, so we've got to make sure we've got the alternatives in place.

I agree with that, but neither the Minister for Energy nor the Minister for Regional Development has been able to tell us what that plan is. We are looking at a six or seven-year time frame for development, but power stations take a long time to deliver. I think Hon Bill Johnston, the Minister for Energy, has belled the cat here when he said that gas has a five-year return life span and coal has a 20-year return on investment. I think Hon Bill Johnston has basically told the community of Collie that these coal-fired power stations will not be rebuilt. Some money will be spent on continuing their life span up to a point and the government most likely has a plan to progress to a coal-fired power station in, I would say, the mid-2020s. That is not necessarily a bad outcome for energy generation in Western Australia. However, it will be a problematic outcome for the community of Collie. The first thing that needs to happen is that the government needs to fess up. We need a little bit of honesty in the process with the government saying that this is its plan or this is not its plan. If it is not the government's plan, precisely what is its plan? It might surprise the government to learn that it is now 2019. This government likes to talk about the previous government a lot and thinks it is still in the mid-teens, but the reality is that this is 2019; 2020 is next year and 2025 is not very long after that. The government needs to have plans in place now. It is not sufficient to say that Synergy and the government are thinking about it or they are having a few meetings to think about it. We need to know exactly what the plan is.

I have spent a bit long on that part of the motion, so we have to move on. The second question asks —

how will those plans and policies deliver a stable and reliable base load of electricity to the south west integrated system ...

That is critically important. The total baseload requirement has gone down in the years I have been involved in the system. Ten years ago, peak demand was about 4 500 megawatts. Peak demand now is about 3 700 megawatts, so we have become more efficient with our power usage, and that gives us some advantages. It gives the government the advantage of being able to cut back the amount of energy produced in its fossil-fuelled coal stations. That is fine, but it is messing them up and that is contributing significantly to the degeneration of those units. We need to know how stable baseload power can be provided. The government has made a few announcements over the last two years about renewable energy, some good, some not so good.

I refer now to the third question in the motion. I am intrigued to know what role the government's various commitments will play. Prior to the election, the government announced a \$30 million biomass plant in Collie, a \$30 million solar farm in Collie and \$15-something million to a wave energy project in Albany, all of which would theoretically contribute to the energy profile of the state of Western Australia and the south west integrated system. But are they? Will we get a set of steak knives with that? The reality is that I do not think any of these are deliverable projects. I am not particularly offended by that. This is a matter of the government simply saying that it does not think it can deliver these projects. I am on the record; I have put myself out there; my head is on the chopping block; I have said that we should get rid of the Collie projects. I do not think they are deliverable and I do not think they will make a genuine economic contribution. There are certainly no jobs of significance involved in solar farming in Collie beyond the construction and mowing the lawn around the outside. That is about it. The reality is that these are not significant contributors either to the economy of the regional towns in which they were supposed to be based or to Western Australia's energy system in the south west. I say get rid of them.

The Minister for Regional Development made a very interesting comment at the meeting in Collie. I like to take notes; I think it is very important. The minister said that the government would have an \$80 million fund for the future of Collie. That is very interesting because there is the \$20 million Collie futures fund, from which some money has been dribbled out to various projects, some of which have some merit and some I probably would not have picked, but the government has and that is the joy of being in government. It gets to pick the winners and the losers and that is absolutely fine. Now it is an \$80 million fund, so I suspect it is made up of the \$20 million Collie futures fund, the \$30 million for the solar farm and the \$30 million for the biomass plant. If that has happened, it is not a bad outcome. I would happily work with the government to make sure that that \$80 million fund is appropriately used. However, the Minister for Regional Development has a problem—it is not a problem based on Liberal or Labor politics because we would have the same one—that is, as soon as there is a fund of that size, the minister usually loses control of it and it goes back to Treasury and the Expenditure Review Committee. The problem with this government is that the Minister for Regional Development is not on the Expenditure Review Committee. I would have thought that was essential. It is a failing of the McGowan government that the person responsible for government expenditure of approximately \$1 billion each year has been shuffled out of the Expenditure Review Committee. I understand that previous Ministers for Regional Development were always part of the Expenditure Review Committee. I am outraged on behalf of the Minister for Regional Development. That sort of snub is just foolish because it is bad policy for Western Australia; it is bad governance. The minister should definitely be on the ERC. By not being on the ERC, the minister can potentially lose control of the \$80 million—let us not call it a slush fund yet; it will depend how it is expended—that is ostensibly on offer to the community of Collie to manage its transition away from coal. It needs to do that because the Minister for Energy has said that neither the private sector nor the government will ever build another coal-fired power station. That money is essential. I would rather see it remain in the control of the Minister for Regional Development because Treasury has a habit of saying, “You had \$80 million; now you've got \$40 million; now you've got \$20 million and that's the original amount, we'll leave you with that.” That is something for everyone to be very aware of.

The government has announced a couple of major renewable energy projects, of which I will make very brief mention. They are the Warradarge Wind Farm, which has a 180-megawatt capacity, and the expansion of the Greenough River solar farm, which has a 30-megawatt capacity. In theory, that is 210 megawatts of capacity going into the renewable system. That is okay. The government is using it to say that it will meet its 20 per cent renewable energy commitments by 2020, which is only next year. The bonus is that, thanks to the federal coalition government, the 20 per cent renewable energy target was changed from a position under Labor whereby 20 per cent had to come from each supplier to a national target of 33 000 gigawatt hours. Thanks only to that coalition government can this state government say it might meet the 2020 target because there is no gigawatt-hour target for the state of Western Australia. Theoretically, it will receive 20 per cent renewable energy target in nameplate, but in capacity, the government's own figures suggest that output will be about 50 per cent of capacity. The 20 per cent target by 2020 will be reached in name only or, in this case, in nameplate only. In actual output, the government will not get anywhere near 20 per cent renewable energy production from its renewable energy capacity at the moment, given the irregularity of those renewable energies. This is a significant question. The government will stand up and say that it will meet 20 per cent capacity by 2020 but it will not meet 20 per cent of production. Production will probably be around half that and then it will be a little more than half that once these two major projects go ahead. These are good projects. I do not mind these projects; I am glad to see that the government has got into privatisation mode. These are private energy projects in which the government owns a 20 per cent share—a public-private partnership. There is a spare seat over here for anyone who wants to acknowledge the political realities of this. It is great to see that the government is involving the private sector in energy development again and engaging in a public-private partnership. I think that is fantastic. But I will make this comment. The “AEMO Insights” report of the Australian Energy Market Operator of May 2017, headed “Renewables Influence on the Generation Mix and Gas Demand in Western Australia”, says —

To achieve the 2020 LRET target of 23.5% renewables generation within the SWIS, approximately 3,770 GWh p.a. of generation from renewable sources is required. Based on the average 2016 capacity factor of renewables in the SWIS (36.5%), this would require an additional 703 MW renewable nameplate

capacity. However, since this a federal target, the SWIS-specific value is an estimate only. There is no obligation for WA to install any set level of renewable generation within any timeframe. However, it is expected that the federal LRET will continue to drive investment in renewables in WA.

There is no doubt that it has. The state government has invested, which is absolutely fine, but that is based on the current large-scale renewable energy target of 20 per cent renewable energy. Thanks to the previous coalition government, there is a national target of 33 000 gigawatt hours per annum. If Tasmania has 100 per cent renewable energy generation, or near to it, and South Australia has a very high level of renewable energy generation, when it is working, which is most of the time—I am the first to acknowledge that we played some politics with that in South Australia—it has a significant impact. There is a real question to ask at the end of this, because the state government will not be producing 20 per cent of the energy in the SWIS from renewable sources in 2020. The government has decided that it has a new target, or it did for a while, of 50 per cent by 2030. I thought that was particularly interesting. I will finish on this point, because paragraph (e) of the motion states —

what are the expected ... impacts ... of a 50 per cent renewable energy target ...

This is not new. At the end of 2016, the Labor Party was reacting to media reports that the then Labor energy spokesman, who funnily enough was Hon Bill Johnston, had told the National Environmental Law Association conference that the party had a clear target for the proportion of energy it intended to derive from renewable sources. A newspaper report from the time states —

“The Labor Party’s target is at least 50 per cent by 2030,” Mr Johnston told the conference during a Q and A session.

The Leader of the Opposition in the other place has said that he heard the now Minister for Energy say that on numerous occasions at that time. We are jumping from 20 per cent, which we will achieve in nameplate only in 2020, to 50 per cent by 2030. What is that going to do? That will have a significant impact. During the question and answer session, Mr Johnston said that the Labor Party’s renewable energy target was at least 50 per cent by 2030. There is going to be a problem. It depends on which set of estimates is used. I will quote from an article on the Nationals website, which states —

According to modelling by Dr Brian Fisher (former head of the Australian Bureau of Agriculture and Resource Economics, and lead author on three reports of the UN’s Intergovernmental Panel on Climate Change), Labor’s policies could mean by 2030:

- 58% higher wholesale electricity prices.

The article states that it would also lead to slightly lower annual GDP, dropping 0.6 per cent, a \$472 billion cumulative hit to the economy and, potentially, a lowering of wages by \$9 000 a year. I take all those things with a grain of salt, as I always do—I am a Nationals sceptic—but the reality is that it will have an impact. I want to know how the government intends to get to 50 per cent renewable energy in this state by 2030, or will there again be an exception for Western Australia going forward? Is this a target in nameplate only? It is intriguing to me that the other Bill—B2—the federal Leader of the Opposition, has come up with the same solution. Was this planned? We can imagine the conversation. Was it planned in advance, was it part of discussions or did they just come upon it simultaneously? Did they say, “Are you thinking what I’m thinking, B1?” “I think I am, B2: it’s 50 per cent renewable energy time!” I do not understand exactly how the calculations went down with this one, but I think we are at risk of again becoming a banana republic!

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.34 am]: I stand to enthusiastically support the motion put by Hon Dr Steve Thomas. He has given us a very enlightened account of where we are at in terms of energy needs and expectations in Western Australia. What a perfect day to be debating this topic—the day the federal election is called—when, without doubt, energy will be pivotal to the debates across the nation over the next five weeks. It is particularly pertinent in Western Australia, because the last time the Bolsheviks were in power in Western Australia, they could not keep the lights on or provide sufficient gas. We ran out of gas and we ran out of electricity. Those are the facts. We had very good books, but we ran out of gas and electricity. One of the most fundamental premises of a government is that it will provide essential services, but that government could not do that. We should remember that. That is why this motion is particularly pertinent now.

The motion goes through a raft of issues, particularly with regard to the disparity between fuel sources—coal, gas and renewables. Western Australia is fundamentally rich in fuel sources—in gas, coal and renewables. Energy production in Western Australia has always been around two-thirds gas, which is a cleaner fuel source than coal, and around one-third coal. We have a mix. There must be a good mix, and we have a good mix in Western Australia. Our government provided certainty in Western Australia in terms of gas storage and renewables. When I was energy minister, we doubled the renewable sources in the south west interconnected system over that time. I am not so confident for the future. Now that members opposite have the treasury bench again, I am concerned that we will relive history and we will run out of electricity. The plan of the government at the moment is, quite frankly, fundamentally flawed.

Surprise, surprise, the one area I will deal with today is in paragraph (c) of the motion—that is, the wave energy project in Albany. A commitment of the current government was that it would provide a wave energy project in Albany. It is never going to happen now. We saw it go belly up about a month ago as a direct result of the actions of the Minister for Regional Development. She is solely responsible for the fact that the wave energy project will not go ahead. As I have said on numerous occasions, the Minister for Regional Development has a direct conflict of interest—a perceived conflict of interest—in that project. Remember, under the Ministerial Code of Conduct, a perceived conflict of interest is exactly the same as an actual conflict of interest. If members do not believe me, they should look at the Ministerial Code of Conduct, because it is in there. I will briefly outline the reasons for that. The minister was a former director of EMC, which was consumed by Carnegie. We found out in the last couple of days that she was actually employed by EMC, which was just staggering. She was appointed to the board by John Davidson, the same John Davidson who became a director of Carnegie. She worked closely with John Davidson over those years. She was at the launch of the wave energy project in Albany with the now Premier, as opposition leader, and Hon Bill Johnston, as shadow energy minister. She had no role in that whatsoever; she was there because she had close contacts with Carnegie. A month after the election, she initiated a meeting with Carnegie but with none of the other proponents for the project. Just by the by, Carnegie got the contract. The only company the minister met with was the company that got the contract. Of course, history will comment on and analyse that process, because it was an unmitigated disaster. That all went pear-shaped. Three other companies met the criteria, but they were not asked to come in and take up the cudgels of this great project. That shows the commitment of the Labor Party to the wave energy project. Why did it not ask one of the other three companies to do it? It was because there was a nudge and a wink with Carnegie. I tell members right now: Carnegie was the preferred candidate, it had the ear of the Minister for Regional Development and it got that contract, but now that it has gone pear-shaped, that election commitment has gone. The Labor government will not now have wave energy. The minister keeps on giving. In the last few days there was the revelation that she was not only on the board of EMC but also employed by EMC. That came through an article from the ABC. The minister was quoted in that article as saying —

“I have never hidden the fact that I was paid and that part of that remuneration was shares,” she said in a statement to the ABC.

The article also says —

Responding to questions from the ABC, Ms MacTiernan rejected any suggestion that she had not been open with the WA Parliament about how she was paid for her EMC work.

“All discussion, debate and questions around this topic have focused on the former shareholding,” she said.

“I have never been queried on other remuneration for that work and would have no reason to be anything but completely open about that remuneration if I had been.”

Was she being honest to the Parliament or not? There are two parts to that article. In one part she said she had never hidden the fact, but in another part she said she was never asked. That is transparency: if someone is not asked about something, they are being transparent! That is absolute garbage. Then she had the absolute train wreck of an interview on ABC radio on Tuesday afternoon. Members had to listen to it to believe it. It beggars belief. It went from one thing to the other; it was an absolute train wreck. According to my notes, in the interview she said —

I absolutely acknowledged in the Parliament that I worked for EMC.

That is wrong. When she was asked, “Did you reveal that you are also paid in cash by EMC?”, she responded —

Absolutely! In the time line by Hon Sue Ellery in the Parliament I made it absolutely clear.

That is wrong. She also stated —

I made it quite clear in the Parliament that I worked for that company.

That is wrong. She also stated —

I make it quite clear that I had not at any time said, or thought to, in any way, shape or form, obscure the fact that I worked for the company.

That is garbage. Let us have a look. I mentioned some of this last night based on the response I got to a question yesterday. Let us have a look at how transparent the minister has been. She has had numerous opportunities to stand up and be transparent. On Wednesday, 14 June 2017, she said —

I had some shares in Energy Made Clean that I had acquired instead of remuneration for the work that I did for the company.

Hon Alannah MacTiernan: Could you start at the beginning of that answer? You are so dishonest.

Hon PETER COLLIER: Will you stop yelling out!

The PRESIDENT: Order!

Hon Alannah MacTiernan interjected.

The PRESIDENT: Minister!

Hon PETER COLLIER: Can you listen to the President?

The PRESIDENT: Minister, that is not helpful. It does not help Hansard. You will have your opportunity in a moment.

Hon PETER COLLIER: I suggest to members that if they do not trust me, they should look at *Hansard* and read it for themselves. It says —

I had some shares in Energy Made Clean that I had acquired instead of remuneration for the work that I did for the company.

That is garbage.

Hon Alannah MacTiernan: That is half the answer.

Hon PETER COLLIER: Has the minister heard the ruling from the President?

The minister also said —

In 2011 and 2012, I was a director of Energy Made Clean because I was keen to be involved in renewable energy. At the time, I was not in Parliament. Of course, when I became a federal member, I resigned from that position. In 2011 and 2012, I was a director of EMC, which was a completely separate company from Carnegie at that time.

It goes on and on. Honestly, we just have to shake our heads in disbelief. I mentioned a lot of this last night. I highly recommend that members look at *Hansard*. I asked the minister herself. I challenged the minister yesterday to come into this chamber today and provide evidence of where she said she was, firstly, employed by EMC and, secondly, paid by EMC, but she will not be able to do so. She thinks I am being selective in my quotes. I challenge her again to provide the exact quote. There is a clear, evident conflict of interest as far as the minister is concerned. She can shake her head all she likes. Members opposite and the Premier can say she has no conflict of interest. That is exactly where we see the destruction of a government. Remember, the seeds of destruction for a government are sown in the Parliament, and the Labor Party has germinated them—it really has. If members do not trust me, they should trust one of the minister’s former colleagues quoted in the same ABC article I read earlier. It says —

Ms MacTiernan’s former EMC colleague Professor David Harries said he was disappointed with how she handled the tender process for the Albany project, given her history with EMC.

This is not me; this is one of her former colleagues from EMC. The article continues —

“The tender process—I, like everyone, have got big questions about whether it followed due process,” he said.

“As to what degree Alannah separated EMC and Carnegie and thought she was dealing with a wave energy company, and the wave energy company had acquired a company she used to be on the board of and worked for, I don’t know.

“It wasn’t a good look, I’ll say that, and it added just one more concern to the whole picture.

“She couldn’t have said she wasn’t aware that John Davidson was on the board of Carnegie.”

Hear, hear! I have been saying that for two years. A person would have to have their head in the sand not to acknowledge that the Minister for Regional Development did not have a perceived conflict of interest in this project. This was one of her former colleagues, completely apolitical, who stated the bleeding obvious. There is a clear perceived conflict of interest. The reason that the wave-to-energy project has gone belly up and is not going ahead is directly, unambiguously, transparently the responsibility of one person and that person is the Minister for Regional Development. She is directly responsible.

HON COLIN de GRUSSA (Agricultural) [10.44 am]: I rise to make a brief contribution on this motion, but I will focus my comments on part (b), which is about reliability and so on, and I will take a slightly different tack from previous speakers. I start by thanking the member for bringing this motion forward. It is important that we discuss our energy systems and their reliability, especially in a regional context because, as we know, delivery of energy to regional communities is often difficult, and with changing technologies it is becoming more so.

As I said, I want to focus on reliability. I start my commentary with some anecdotes from my colleague in the other place Mr Shane Love, MLA, who is consistently and persistently raising issues of reliability in his patch, which is also part of my electorate, in particular in the midwest and Mullewa. Yesterday, he read two petitions on the reliability of electricity in the midwest region and in Mullewa. Those communities are facing tremendous issues in finding reliable power from the south west interconnected system. There are clearly issues. I have a number of news articles here that date back to 2017 in which residents have voiced their outrage after suffering through a series of sweltering days without power. I quote from the *Geraldton Guardian* of 17 January 2017 —

... Mullewa business owner Saryn Jones claiming she had been without power on five occasions in one week.

“This is a daily occurrence,” ...

“We are 100km away from the nearest town and it is very hot.

This is in January, at the peak of summer. It was extremely hot out there and there were power outages daily, and often for hours upon hours. Where is this? Is this a Third World situation? No, this was Western Australia only two years ago. The list of articles goes on. There are more stories here, again from 2017. One from ABC news has the subheading “Frustration at unreliable connections”. I quote —

“We had a shocking summer. Our power went out copious amounts of times,” ...

“On the majority of the hot days that came through, our power went out. Not just for an hour or two, sometimes 50 hours, sometimes 24.”

“We lose our water because our pumps no longer function, we lose phone signal because our phone boosters no longer work.

Without power, the heat is uncomfortable and difficult to bear. People are still paying for that utility, I might add, and they often have to buy their own generators just to back up the power systems because of the unreliability they face. Another article from 2017 states —

Storms cut power to more than 1500 homes and businesses in the Mid West ...

That is fine. We expect that natural disasters are going to occur, but the issue is how quickly that power can be restored. Sometimes there are issues. This happened just a week after my colleague Shane Love called for the state government to immediately install a microgrid or battery system to help provide some continuity of power in that area.

These issues are not new. They continue to go on, and we as a Parliament should be debating this and doing something to ensure that our communities have reliable power no matter where people live. Western Power’s response to the community meetings raises a couple of issues of priorities for restorations of faults, but also the fact that when there is a total fire ban or there are risks of fire, it cuts the power because it is worried about starting fires. Okay, I can understand that some pretty serious pole-top fires have started because of dust or related issues, so Western Power has to be cautious and careful, but maybe we should be looking at alternative methods to deliver that power so that the poles and wires used do not cause an issue in the first place. That is why I want to talk a little more about the method of delivery of our power and some of the opportunities that exist to improve reliability and delivery of energy to our regional consumers in particular—but, of course, everyone will benefit.

Hon Darren West: Your policy was to privatise Western Power. Is that still your policy?

Hon COLIN de GRUSSA: It was not my policy; I was not part of the last government.

I want to talk about opportunities that exist, particularly those that have come out of natural disasters. We all remember the terrible fires in Esperance in 2015, which did a lot of damage. I saw firsthand on the day of the fire and afterwards just how hot the fire was. I walked out to a paddock where there had been a crop and power poles and wires and all that was left was the insulators and a little bit of metal that held them onto the pole. The poles themselves had been absolutely disintegrated by the heat. There was no ash, there was nothing. It was that hot that the poles had essentially evaporated. In its wisdom, Horizon Power, the utility provider down there—not the south west interconnected system or Western Power—said it could provide something different. What did it do? It offered small standalone systems to farmers and Cape Le Grand National Park. It offered to provide power through a standalone unit with backup generators, solar and batteries. The farmers thought about it for a while; some of them did not want that system because they were fearful that it would be less reliable than what they had. In the end, they took that system on and, from the conversations that I have had with them over the years, they are absolutely rapt with the reliability of their power. They still get a bill from their energy utility. If something goes wrong, they ring the energy utility; they do not have to deal with a third party that might not exist, luckily, because the systems were provided by electromagnetic compatibility arrangements. They get their bill, the system is fixed when it needs fixing and, above all, they have far more reliable power than they had before; indeed, it is to the point that farmers have three-phase power, an option that they did not have before. These are extraordinarily good systems and outcomes for those people. It is a better and more reliable system, especially for fringe-of-grid areas in which the delivery of electricity through the traditional pole and wire network is very difficult. That was a good result for them.

That brings me to another conversation that I had relating to this issue; namely, the opportunity for communities to step-up and provide their own energy generation options. A good example is the Esperance Community Power project, which has proposed a large-scale wind and solar hybrid renewable energy project in response to the community’s demand for more renewable energy in that part of the world. One of the issues in Esperance is that its system cannot take on more renewable energy, partly because it reached saturation reasonably early. It is difficult because it is a small grid. I understand that there are some technical limitations, although those will be relieved soon with changes in technology, I hope.

Another area I want to raise is the fantastic thing in many contracts these days—the take-or-pay clause. It is my understanding that there are take-or-pay clauses in many contracts for the generation and supply of electricity, which means that the utility has to pay for the power whether or not it is used. Tell me if that is not a disincentive for the use of renewables. Surely that clause should be reviewed, particularly given that the provision for the

generation of electricity in Esperance, which I am talking about, is now up for review. Indeed, not long ago, I read petition 108 into this place, which referred to the ability for that community energy cooperative, if you like, to tender to provide energy to the grid. I am encouraged by a letter that I received today from the Minister for Energy, which reads —

In light of the petition, I have asked the Department of Treasury to work with Horizon Power and Synergy to review their EOI criteria for power purchase agreements, with a view to addressing the issues raised by Esperance Community Power. As part of this process, Treasury will consult community energy groups and other relevant stakeholders.

That is great news. Communities with the capacity to build and fund systems to support themselves should be encouraged wholeheartedly. I certainly support the encouragement of those things. We need to have a good look at the way contracts are structured between utilities and generators.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.54 am]: I thank Hon Dr Steve Thomas for raising this issue, which shows a very strong sense of daring on his part because, of course, it causes us to go back in time to look at the contribution of the previous government in dealing with the complex issues at Collie.

We all knew for a long time that there would be complex issues in Collie. Under Hon Peter Collier's great and fantastic contribution as energy minister, the former government decided to repair and reopen Australia's dirtiest coal-fired power station, which was closed by the Carpenter government in 2007, even though all the technical advice was that although it might be able to do something with the knocks and socks, it could do nothing to change its status as Australia's dirtiest coal-fired power station. Nevertheless, the former government ploughed ahead. Hon Peter Collier comes in here and makes wild accusations, but let us look at what we know as absolute facts in the energy portfolio under his leadership.

Verve entered into a project with the private sector but the full risk of that project remained with Verve and the taxpayer. It started off being a \$150 million project. The former government decided to renovate the old, retired power stations but by 2012, it was clear that that was not working. Despite real problems with the project, the former government continued to pile on the money, unlike what we did with the Perth Wave Energy project when it became evident that the company engaged to deliver that piece of common-user infrastructure was not in a position to do so, which was to cut it off. Did the previous government do that? No, it kept piling on the money. It kept throwing money in—\$100 million here and another \$50 million here—until \$304 million had been thrown at that power station, after which time it was closed. For the majority of the time after the money was spent, it was not operating, partly because of technical problems and partly because, quite obviously—it was quite obvious to everyone—the market was changing. As Hon Dr Steve Thomas acknowledged, the growth of solar was well and truly underway by the time the Barnett government, led by its energy minister, Hon Peter Collier, started pumping and loading dollars into Muja A and B. We acknowledge that there were problems.

I want to make clear our election commitments about a biomass plant and a solar energy plant. We said that if private sector companies wanted to invest in them and they had a credible project, an amount—effectively a capital subsidy—would be available to them. We did not go to the election saying that we would build a biomass plant or a solar energy plant. We did not say that; that was not our undertaking. Very clearly, our undertaking was to provide those funds. We are working, attempting to find for that and for the Collie futures fund a variety of companies that might be interested in investing in new enterprises in Collie. Some of those that we are investing in are tourism-related facilities because we want diversity. However, we are also looking at possible industrial uses. Indeed, some of those industrial uses will also involve a range of renewable energy.

Hon Dr Steve Thomas: That money that is no longer specifically dedicated to those two particular outcomes could go to any appropriate project in the area.

Hon ALANNAH MacTIERNAN: As we move through the work that we are doing with a range of different companies, different opportunities may well arise, and we may have some flexibility around that. We need to understand that we have very substantial energy infrastructure in Collie. We have the high-voltage lines, the substation and the transformers. As has been alluded to, Minister Johnston has said that this is obviously a place where, because of all the other infrastructure—it is not just the coal—related to energy transmission, there is a logic in having those sorts of projects involved in Collie. We are looking at those. I think it is really interesting to look at some of the projects that have been developed around the world. The Whyalla steel plant is a very interesting case in point. That plant will be largely run by renewable energy. That just shows the degree to which the world is changing and technology is changing.

At our last Collie meeting we had a very interesting report from the person within our agency who is focusing on bioenergy. He made the point that the best use for bioenergy is generating heat. We use a lot more of the calorific value than using biomass to create electrons. There is a far stronger case for using biomass in industrial applications that require heat rather than electricity. We are doing that work. We are working with a whole range of companies. The idea is that we have the Collie futures fund, which is available for companies to apply for funding to do

detailed feasibilities on big projects. Some of those projects may involve renewable energy of one form or another. That sum of money will then be available to us. We are quite open. If someone comes up with a bigger idea, of course we will consider that. We are really open. We are out there working very, very hard with a whole range of companies. It is not that we would flog a dead horse and it is not that we would throw \$300 million of taxpayers' money into a wasted project and go back into a twentieth-century coal-fired power station. We are trying to find the industries of the future for Collie.

This is not easy work. We have to go out there and really work hard to encourage those to come in. As I said to the member, we are looking at a range of things. We are even looking at medicinal cannabis operations so that we can use CO₂ in the hothouse to help generate the plant growth. We are looking at the business circumstances for that new growth area. We are exploring lots of opportunities, but part of our difficulty is that we cannot say that we will get any of those across the line. We are sure that ultimately some will come, because the logic is there. Collie is a couple of hours from major population centres. It is near a major port that has lots of opportunities for expansion. It is near Kemerton—the industrial hub. We are optimistic that we are going to be able to solve this problem, but it is not going to be solved by dumping taxpayer funds into an absurd piece of kit that was long past its life span. We are very confident and we are working hard, but it is not easy. There are no quick answers, but we are working in a highly structured and disciplined way to achieve that.

I am not going to go through this thing over and over again, but we do need to deal with the Carnegie issue. When Hon Jim Chown first asks me a question, it is very interesting. Every time our friends at the ABC and Hon Peter Collier raise this, they always read half the answer; they read only the second half of the answer. It is actually more complicated, if it is read in its entirety, which I am happy to do —

Hon Peter Collier: Go for it. I've asked you to do that. Go for it.

Hon ALANNAH MacTIERNAN: Yes. I am happy to do this.

The PRESIDENT: Order, minister!

Point of Order

Hon COLIN TINCKNELL: This is not anything to do with the non-government business.

The PRESIDENT: Actually, member, it is. There is reference to the wave energy project in Albany, so there is reference to this motion.

Debate Resumed

Hon ALANNAH MacTIERNAN: Hon Colin Tincknell, that was a pretty spectacular intervention. Did the member not hear Hon Peter Collier's contribution to the debate? Did the member hear his contribution?

Hon Colin Tincknell: I heard his contribution.

Hon ALANNAH MacTIERNAN: It was all about what I said in Parliament. Why did the member not get up then and say that that was not relevant?

Hon Colin Tincknell: I wish I had done.

Hon ALANNAH MacTIERNAN: Good.

I was asked about —

Hon Donna Faragher interjected.

The PRESIDENT: Order! I am finding it really hard to hear what the minister has to say, and pointing does not help either.

Hon ALANNAH MacTIERNAN: The question was, basically, what were the financial interests that I had? Did I have shares or other interests in Energy Made Clean? I said —

During the interregnum of my various parliamentary careers, I worked —

Note the word “worked”, which is the same as “was employed” —

in the private sector and followed my passion for renewable energy.

Hon Peter Collier interjected.

The PRESIDENT: Order! Minister, can you just do me a favour, please, and shift over a little bit closer to your microphone, because I understand that people are finding it difficult to hear you.

Hon ALANNAH MacTIERNAN: Okay.

I said that I worked and followed my passion for renewable energy—yes, it is true—from 10 May. It is important to understand this. There have been a lot of interjections. From May 2011 to 4 July 2013, I worked with the company.

Hon Peter Collier: Well, you didn't say “worked”.

Hon ALANNAH MacTIERNAN: I did. I worked in the private sector and followed my passion for renewable energy. The member is saying that the real issue here is that it might have been another renewable energy company. No-one—not even the ABC journalists—has come up with that bizarre interpretation. Clearly, I was referencing the fact that I had an involvement with EMC and then there were questions about the shares. I said that I had acquired the shares instead of remuneration, and what I meant was that is why I got those shares. It never occurred to me that people would think that I had not been paid, but I did get shares as that remuneration. If there was any doubt about that —

Hon Michael Mischin: Instead of? That's even worse!

Hon ALANNAH MacTIERNAN: The shares that I got were instead of remuneration, but it was not exclusive. When Hon Sue Ellery was setting out from notes, which I provided, the next time this came up for debate, it was made clear that this was part payment for my role on the board. As I have said, I do not understand what the other form of payment might have been, but clearly it was going to be money. The extraordinary thing again about our friends at the ABC is that they are calling it “cash payments”.

Hon Peter Collier: You have been caught out!

Hon ALANNAH MacTIERNAN: Caught out? I said —

Hon Peter Collier: Yes, you have.

Hon ALANNAH MacTIERNAN: So you are saying that your proposition —

Hon Peter Collier: You are in this so deep.

Hon ALANNAH MacTIERNAN: I have not been caught out. You have been caught out!

Hon Peter Collier: You are embarrassing!

The PRESIDENT: Order, members!

Hon ALANNAH MacTIERNAN: I am sorry, mate; it does not work with me, because you know what? You spent \$302 million of taxpayers' money.

Hon Peter Collier interjected.

Hon ALANNAH MacTIERNAN: Today we have heard a unique proposition from the Leader of the Opposition, a suggestion about a question on Energy Made Clean.

HON COLIN TINCKNELL (South West) [11.10 am]: Today we have seen why we have energy problems in Australia. The tired old parties just keep blaming each other and the problem does not get solved. I thank the member for bringing forward this good motion because only last Thursday we were talking about electricity and the issues with its price and production costs, and how the public is really struggling at the moment. We have a major problem with the energy industry. The minister has just spoken to the motion and I have to admit, it is not an easy problem to solve. But the best way to attempt to solve it is if the Liberal Party and the Labor Party work together. I was at the same meeting that Hon Dr Steve Thomas, Hon Alannah MacTiernan and federal Senator Georgiou attended. Hon Mick Murray was also there as the local member. I heard people talking about a bipartisan approach to help Collie through this transition stage. If we can take that approach and achieve that for Collie, why are we not working in a bipartisan way on energy?

Hon Dr Sally Talbot: Do you think that's what this motion is about?

Hon COLIN TINCKNELL: I am saying that this motion is about energy. At the moment, we will not solve those problems until the two major parties work together. This is an issue for all Australians, especially Western Australians. We talked about the recent rises in the electricity price—17 per cent in the last two years—and people are struggling. We talked about the meeting in Collie. That is the third meeting I have had as a member for the South West Region with the people in Collie. They have a problem, and if Collie has a problem, WA has a problem. Those people have supported Western Australia for a long time—well over 100 years—and we cannot forget them. We need to help them to transition and make the required changes. If that transition is made using the recreational fishing industry or the tourism industry, or by getting those people jobs in the lithium plant, that will be great, but we need to do more. We need to work with the people of Collie. We need to take into account those who work at the coal-fired power station and the mine in Collie. If there is going to be a transition, it will have to be a gradual process. We have seen the implications of what happens when people throw away reliable baseload power. We have seen that happen in South Australia and in countries around the world. There is no doubt that renewables are coming and that they will be a part of our future. We have to invest in not only that but also the wires and the power poles and the current baseload power stations that provide energy to the businesses and people of Western Australia. If we cannot do that, we will have major issues. We really need to work together on this issue. All Western Australians want us to solve this issue, but there is no easy answer. It is a matter of maintaining those baseload power stations while gradually integrating renewables into the system. We have seen the termination of the contract with Carnegie Clean Energy, the recent liquidation of RCR Tomlinson and a lack of investment into the poles and wires, as I mentioned before. We have an ageing power system that is failing and we know what the near future will

bring. We will have unreliable power and people will not be able to afford to turn on their power. Those who will be able to afford it will not get it anyway—power supply will be all over the place because we will not have invested well enough for the future. As I mentioned, the bipartisan approach to the transition process for the people in Collie, which was talked about in that meeting at Collie, is the same approach that we need to take towards energy in this country and this state.

I would like to focus on a few things. One of the major things to note is that technological developments are coming with renewables. How do we transition that into the current system? No-one has found the answer and no-one has had a smooth transition system that has worked. When it comes to energy in the eastern states, people talk a different language. In many cases, they are promoting coal-fired power stations because they do not have the reliable gas supply that we have here. Everyone has their reasons for pushing a certain barrow. However, the number one reason that we should all be pushing together is that Western Australians need reliable energy. At the moment, our only reliable baseload power is coming from coal-fired power generation in places like Muja —

Hon Dr Steve Thomas interjected.

Hon COLIN TINCKNELL: Yes. We have that gas because, fortunately, we had a future plan to protect some of our gas resources and ensure that Western Australians benefited from that. That was a wise move at the time. We did not see that happen in the east and those states are now suffering for that. That is the reason why they are pushing for more coal-fired power stations.

We need to work together. I believe that the Carnegie wave energy project was doomed right from the start. I even spoke about that in my maiden speech when I thought that it was a very risky project to be investing in at a time when we had massive debt. There are things that we want and would like to have and there are things that we must have and need. At the moment, we need baseload power to provide for the energy needs of our population. I believe that the Carnegie project was always doomed to fail. It is a shame that the lack of investment in the current system has put the energy needs of Western Australians at risk. People from not only Collie but also around the state are nervous about what will happen. We have heard in this discussion about the mistakes that have been made in the rest of Australia and in other countries, and people are not confident that this Parliament will get it right. It does not matter whether the Labor Party or the Liberal Party is in government. As the Leader of the Opposition mentioned, one of the main duties of the government is to provide reliable energy for businesses—which are paying through the nose because of the rising cost of electricity—and consumers, especially those on low incomes who have no way of paying their bills because of the increase in costs.

I commend the member for the motion. I will sit down to give other members a chance to speak because there are still a few people to speak on this matter.

HON DR SALLY TALBOT (South West) [11.18 am]: I was not intending to speak on this motion because when I saw how it was framed, it looked to me as though Hon Dr Steve Thomas had simply gone around his party room and asked people what they wanted to talk about. He obviously gave Hon Peter Collier a chance to grandstand and a few other people have jumped up—it is just a mishmash of a motion. What has brought me to my feet this morning is the contribution made by my colleague Hon Alannah MacTiernan. Hon Alannah MacTiernan is not known for her restraint or understatement, but I have to say that the address she just gave to this place was full of restraint and understatement. I cannot say that Hon Dr Steve Thomas has shown, as Hon Alannah MacTiernan said, a sense of daring in moving this motion. I think it is completely shameless. I say to Hon Dr Steve Thomas, shame on you for moving this motion. Shame on you!

I do not think Hon Dr Steve Thomas is a bad man. I work with him well in our electorate. We go around the south west and we can work well to deliver for our community. I pride myself on doing that. I often talk about the fact that we have multi-member electorates in the upper house and most of the time, most of us work together okay. However, it is shameful for Hon Dr Steve Thomas to come in here today and move a motion that talks about plans and policies for the town of Collie. That is what I say to Hon Dr Steve Thomas. The only way I can find of exonerating him is that he was not a member of this place during those eight and a half years when his colleagues who are now on the opposition benches wrecked this state's economy. Right at the middle of that wreckage, smoking in the ruins of what those people left behind, was the Shire of Collie. It is an absolute disgrace. When I look at what the state Labor government has been able to do in two short years, it makes me very proud to stand beside my colleagues, Hon Alannah MacTiernan, who is leading that charge, and Mick Murray. What would that town have done without Mick Murray for all this time? It is only because of Mick Murray that that town is still standing today.

Several members interjected.

The PRESIDENT: Order! Hon Dr Sally Talbot.

Hon Dr SALLY TALBOT: Thank you, Madam President. I know members opposite do not like to hear any of this stuff. Talk about all froth and no beer. The opposition is pathetically thin on the froth at the moment.

Several members interjected.

The PRESIDENT: Order!

Hon Dr SALLY TALBOT: What we just heard from Hon Dr Steve Thomas was breathtaking in its arrogance. How dare any member of the Liberal Party or Nationals WA come into this place and talk about plans and policies for Collie!

What we are doing in Collie is what all responsible economic managers, all governments who care about the rights of ordinary working people, have to do during the time of serious challenge for people who work and live in economies that are transitioning to clean energy. That is exactly what this government is doing. It is exactly what my party in opposition promised to do for Collie if we were elected to government. We stand shoulder to shoulder with the workforce in Collie, the families and the community in the Collie region, and with local businesses, both the big businesses that are running the mines and the small businesses that are running the shops and providing the local services. We are standing shoulder to shoulder with them to help them walk through what is a very challenging time of transition. The promise we have made to the Collie community is that no worker will be left behind. That is a promise that we will go to the barricades on to fight members opposite. They are never to be allowed back onto the treasury bench to take this kind of responsibility because they just do not get it. They are deaf and blind when it comes to what communities like Collie need.

Collie still has a future. Coal still has a future. It does not fit into a three-word slogan, but Collie still has a future, and so does coal. We have contracts in place for decades yet. Members opposite cannot seriously think that this government will stand by and let Collie go to the wall. They were happy to see that happen. I have spoken again and again in this place about this famous moment. Hon Dr Steve Thomas was not here to take part in this so maybe he can stand above all this. His party's former leader, when he was Premier, said to one of his colleagues in cabinet, "We're running out of money, mate." That is what he said.

Hon Michael Mischin: Oh, you were there, were you?

Hon Dr SALLY TALBOT: That is a published, printed statement from that meeting. Nobody from the Liberal Party has refuted that the former Premier made the comment, "We're running out of money, mate." He reported it himself. Thanks to Hon Alannah MacTiernan, we now have on the record as part of this debate exactly where some of their money went. It went to prop up one of the filthiest coal-fired power stations in the country because members opposite had no idea what to do with it. It was \$304 million.

Several members interjected.

The PRESIDENT: Order! It is really hard to hear Hon Dr Sally Talbot.

Hon Dr SALLY TALBOT: There is an expression for what members opposite did with that money and I will not use it here because I know that the President would not let me get away with it. But that is what they did, and they did it up the wall with \$304 million. They might just as well have stood on the Narrows Bridge and chucked it in the Swan.

Several members interjected.

Hon Dr SALLY TALBOT: I will tell members what the people of Collie want: they want stable, permanent employment. What a surprise! The people of Collie want stable, permanent employment. They do not want stable employment that is on a permanent basis for you mob over there—they want to see the back of you, and that is exactly why they voted overwhelmingly to chuck you out. They want stable, permanent employment, and it has been a long time since the people have had that. It has been a long time for the workers of Collie. The stress and uncertainty that has plagued that town for a decade is bad for the workers, bad for their families and bad for their kids. I will tell members what the worst thing is. They can read all the reports that have been written about this. The worst thing for a community like Collie that has an economy that is dependent on old forms of energy is unplanned closures. Unplanned closures are devastating for communities like Collie, but that is exactly what they were going to get from the mob opposite, and it is not what the McGowan Labor government will deliver to the community. There will be no unplanned closures in Collie. We have given that commitment; that is what we are going to deliver on.

We back 100 per cent the Collie Futures fund and the programs that are being rolled out under the Collie Futures banner. We will stand shoulder to shoulder with the Collie community and make sure that every cent of that money is delivered. We have already delivered nearly \$900 000 under the Collie Futures small grants program. Just the other day we announced the \$8 million multipurpose bushfire facility in Collie. We will spend every cent of that money and it will all be done to provide jobs in Collie; that is, jobs for local workers in Collie.

Several members interjected.

Hon Dr SALLY TALBOT: Listen to me. I know members opposite hate it, but they have got to listen. They did not listen when they were on the treasury bench; they can jolly well shut up and listen now!

Several members interjected.

Hon Dr SALLY TALBOT: What the people of Collie want is stable, permanent, long-term secure employment.

Several members interjected.

The PRESIDENT: Order! I am actually finding it really hard to hear. There is a bit of excess noise on that side of the room.

Hon Dr SALLY TALBOT: The Labor government will deliver that to them and we will work with the community. We will work with small and —

Several members interjected.

The PRESIDENT: Order! Members, there is a lot of noise but not a lot of listening—to me either.

Hon Dr SALLY TALBOT: We will work with the Collie community. We will work with the workforce. We will work with large businesses and small businesses in the Collie —

Several members interjected.

Hon Dr SALLY TALBOT: I know members opposite hate it. I know they want me to stop, but I am not going to stop because my message to them is that it is about time they stopped frothing on and started to listen.

Several members interjected.

Hon Dr SALLY TALBOT: Every cent that this government puts into Collie will drive economic growth in the Collie region and it will create jobs for local people. I say to Hon Dr Steve Thomas in this Parliament: shame on you. Thank God for Mick Murray, thank God for Hon Alannah MacTiernan, and thank God for the McGowan Labor government.

HON DIANE EVERS (South West) [11.29 am]: I appreciate getting the call on this motion, because I have been getting very annoyed over this issue. On 21 March, I asked a question without notice in Parliament and the Minister for Energy's answer stated that the government has a whole-of-system plan to take a structured, coordinated approach to planning, developing and investing in our power systems. I acknowledge that the government said that this will be delivered in mid-2020, and I understand that that is pre-election time. The problem is that the government started only two years ago and if anybody in this place knows anything about energy, which I am sure they all do, they will know that changes cannot be made immediately.

I take offence at the idea that we should continue to provide base load through coal while we wait for the transition to renewables to happen. That is what has happened for the past 10 years. We have been waiting and waiting, while the world is changing around us. We keep saying, "Invest in coal; let's do more of it." We have some other options, such as wave energy. I am totally dissatisfied with the discussion on this matter so far today. All we talk about is what has happened in the past and we are not looking forward to the future when wave energy can provide baseload power, even though many other options are available. A number of different renewable energy options are available to us and we should be looking at those now. We should not be asking how long we can keep coal mines open or how long we can keep repairing our dilapidated equipment. We do not need to do that. We do not even need to be using gas. We can change, just like the rest of the world. Thirty to 40 per cent of home owners in Western Australia have already adopted a solar photovoltaic system. They are much smarter than we are. We are trying to live in the past under an archaic system, because we think what has happened in the past is what should happen in the future. The future is not like that. The future is changing and we need to change quickly with it.

Although we will get that whole-of-system plan in 2020, sooner would be better and maybe with a few details. I acknowledge the part of the motion that asks for some of the details. We want to know now, but it is possible that we do not know that yet. Can members opposite tell me when past governments in this two-party system in which we just fight each other have put forward a plan before it was ready and the other side has said, "Great idea; let's go for it"? That is not what the government wants to do. It wants to put forward a plan that is accepted by the community, that we can move on with and that can institute a new form of energy in the system so that we do not have power outages. Wind towers were built in Albany in 2004 or 2005. Prior to that, we had blackouts once or twice a day. Since those wind towers have gone in, that no longer happens. We are on the edge of the system and we are getting good, reliable power and we have one or two blackouts a year now. Things have changed. If renewables can do that, that is excellent. South Australia has been mentioned in this place. South Australia has batteries and the batteries are working better than they were expected to. That is what we need to look at.

What can we do in the future? How can we help Collie, which has excellent infrastructure for the distribution of energy? We can continue to put in other renewable sources to link into that. As Hon Alannah MacTiernan said, there are very good uses for biomass, such as using the heat from it for heating buildings. Abattoirs are using it, as are swimming pools. The pool in Albany is using biomass from blue gum plantations and its power bill has been cut enormously because a new form of energy is being used that actually works and provides the information and energy resources that we need. There is an idea that electricity is expensive. Yes, it is, because we have been doing the wrong thing for so many years. Let us look to the future. Let us be innovative. Let us put in renewable energy sources such as sunlight, wind or wave movement so that we do not have to keep paying, as we do with coal, gas and nuclear power. With anything else, we have to keep paying for the inputs. If renewable sources are built, the energy cost will come down as we use more and more of it, as we are doing with solar panels. The price of a five-kilowatt solar power system went from \$55 000 in 2008 to about \$10 000 in 2018.

Motion lapsed, pursuant to standing orders.

EMERGENCY SERVICES PERSONNEL*Motion*

HON LAURIE GRAHAM (Agricultural) [11.34 am] — without notice: I move —

That this house —

- (a) extends its gratitude to all emergency services personnel in Western Australia for the vital role that they play in protecting our communities; and
- (b) acknowledges the extraordinary efforts of our emergency services during the recent natural disasters across the state.

Recently, we saw firsthand the commitment of our volunteers to their communities during the wide range of emergency situations that took place across the state. In the limited time available to me, I will be able to touch on only a few of these matters in some detail. I am sure that other members, particularly those who represent regional communities, will wish to address matters that are closer to their homes.

To give a scale of the number of volunteers involved, I would like to refer to a list of the volunteer marine service groups, the State Emergency Service groups, the volunteer fire and rescue services, the volunteer bush fire brigades and the volunteer fire and emergency services in the Agricultural Region. There are some 394 of these units in the Agricultural Region, of which just over 150 are in the central wheatbelt region alone. That is a tremendous number of volunteers who provide regular support to our communities in times of need. Bushfires in Esperance, Forrestdale, Balingup and York and cyclone Veronica in the Pilbara have kept our emergency services busy. Last month, the Esperance region was faced with a complex of fires. More than 350 firefighters, including local volunteer firefighters, with support from firefighters from as far away as the Pilbara region, put in an exceptional effort battling these long-burning fires. They worked tirelessly together on the ground and in the air and did an incredible job to protect lives and save property. They worked in very hot conditions of over 40 degrees in some areas and through dry thunderstorms that caused unpredictable winds.

When Minister Logan and Commissioner Klemm visited Geraldton on 7 March on other matters, they welcomed back some of the volunteer firefighters and support crews returning from the Esperance fires. I would like to quote from an article that appeared in *The Geraldton Guardian* of 8 March. It shows a photo of Commissioner Klemm flanked by Gary Olsen and Len Simmons, the firefighters who had returned. The main reference I would like to make is to a point raised by the minister. He said that he was happy to break his other engagements to welcome the emergency service workers home. They were a mix of firefighters, SES workers and others. He wanted to meet them and say thanks, and it was as simple as that. It was just an opportunity to meet those firefighters who had put in a tremendous effort—they came from all around the regions—despite the fact that some members of the group who came home that day were flown in. Some had driven to the fire, some had to drive back and others were coming on later flights and then had on-flights to areas within the Murchison and Gascoyne area. It was a tremendous effort.

Amongst the volunteers who returned that day were members of the Waggrakine brigade, and I would like to single them out. They again made themselves available to travel to Esperance to fight the fire, and they took their firefighting appliance with them. I have had a long association with the Waggrakine brigade. When I was a shire councillor at Greenough, members of the brigade often made themselves available to attend fires wherever they were required—anywhere at any time. At that time, they were nicknamed “Dad’s Army” by the then bushfire control officer at the shire, Rick Maslen, and he always spoke highly of their dedication and skills. In those days, the brigade was mainly made up of retired people. They had very modest equipment, often fully provided by the shire. Very limited money was available for equipment; just the basic equipment was provided for each unit. It is indeed pleasing to see that we have moved on to much better equipment today than was provided at that time, and also much better training. They are now hosting a junior brigade, which is great to see.

In January this year, volunteers from the south west, midwest and goldfields regions travelled for hours to support our metro crews at the Forrestdale fire that threatened homes across several suburbs. All up, more than 90 brigades, groups and units worked together to combat that fire. The firefighters were faced with extremely challenging conditions, with winds on the fireground gusting up to 80 kilometres an hour. This fire was burning in peatland, which is very hard to extinguish and get under control. I believe at one stage nearly 50 per cent of our career service assets were at that blaze, which just shows how challenging it was and the extraordinary efforts of our emergency service workers. The fire in Balingup and Nannup in February saw hundreds of volunteers spend three days bringing the fire under control. It raced through 3 337 hectares. Many of us cannot begin to imagine what it would be like to drive towards a fire as others are driving to escape it, or set out to sea for hours to search for a lost vessel, or worse. Our emergency services regularly do just this.

Turning to the recent cyclone that battered the Pilbara coast, we were incredibly fortunate to have people from the State Emergency Service who, along with Department of Fire and Emergency Services personnel, travelled to the Pilbara during cyclone Veronica to prepare the community and help with the clean-up. This cyclone posed the biggest risk to the area in a decade. Its path and unusually slow speed meant the risk of destructive winds and high rainfall was significant. It presented a real threat to the communities of Port Hedland, Whim Creek, Point Samson, Cossack,

Roebourne and Karratha, as well as many Aboriginal communities throughout the area. As cyclone Veronica hit, State Emergency Service volunteers handled more than 110 requests for assistance. They made temporary repairs to roofs, secured damaged structures, cleared fallen trees and cleaned up debris in heavy downpours with windy and blustery conditions while also navigating flooded areas. The professionalism and preparedness of the emergency services in their regions is highly regarded and I know that the impacts of this cyclone will be felt for some time as the community recovers. Yesterday, while attending another event, it was disturbing to hear a report that one property owner in the area has lost 1 000 head of prime cattle ready for the market. It must be a tremendous economic loss to him, and since he had a marketplace for those cattle, also a loss to his customers. No doubt he will recover, but that shows the risks posed by these events.

It has been a busy summer on the water as well. Our volunteer marine rescue groups have been hard at work. Our state has more than 1 700 skilled volunteers who dedicate their time and energy to keeping us safe along our coastline. In Geraldton, a VMR group was successful in searching for a missing experienced kite surfer off the midwest coast. The man was found alive by the Geraldton VMR and surf lifesaving crews at an isolated beach south of Bowes River, more than 16 hours after being reported missing. Crews transported him safely back to Geraldton after he had spent a very cold night lost and wet, having been blown off course the day before. The search involved 80 police, emergency service personnel and volunteers. VMR, private and surf lifesaving vessels searched the waters with the assistance of fixed-wing planes and helicopters, with State Emergency Service volunteers and police providing assistance in the air and on the ground.

We must acknowledge our volunteers, who regularly make sacrifices to help others. They take time off work, leave behind their family and friends and spend long hours doing a difficult job without expecting anything in return. I would like to acknowledge the employers who make many of their staff available, particularly councils. It is great to see the contribution they make to ensuring that other communities are protected. Self-employed people, who regularly leave paid work to go and fight fires are another group deserving recognition. They do this selflessly, even though it would almost certainly be affecting their business performance. I would also like to acknowledge the extraordinary efforts of our career fire and rescue service. There is absolutely no doubt that it takes courage, skill, perseverance and teamwork to be a career firefighter in the demanding situations that our state's emergency services confront every day of every week of every year. Our career firefighters have chosen to serve the community in their career. When things take a turn for the worse, the community turns to them for protection, leadership and comfort.

In closing, I am proud to move this motion of gratitude to our emergency services personnel on behalf of my local community. I would also like to again extend my thanks to all career and volunteer fire and emergency services personnel for their continued selfless, courageous and exceptional efforts in keeping us all safe. I am sure that members across this chamber will join me in this. Our emergency services personnel risk their lives and safety to protect and assist the community. Responding to large-scale bushfires, carrying out difficult marine rescues or searching for missing persons, they step forward in times of emergency or natural disaster. I am proud to be a part of a government that truly values and invests in our emergency services. This government is continuing to invest in enhancing our emergency services, committing a record additional \$128.5 million to our emergency services, and embarking on the most ambitious reforms to our bushfire management sector.

I would like to refer to a media release from Hon Fran Logan, about prescribed burning. The first prescribed burning forum was held in Busselton, and we all know that there were great developments from that forum. We have seen broad acceptance of the service introduced. We have also seen the letters in *The Esperance Express*, outlining funding for fire mitigation and expressing appreciation. I am sure that the Shire of Ravensthorpe would have liked a lot more mitigation undertaken in past years, so that the recent events there would not have occurred. The new Rural Fire Division is in place, and although there have been different political views on this at different times, I am very pleased that when I meet people out on the ground, they fully appreciate what has been done. I am sure that today we have far more volunteers as a result of this model than we would have if we had employed paid firefighters in rural areas. A lot of people have said that if it occurs in a rural area, they will move away from it. I urge all members in this house to continue to join us in supporting our emergency services and working together for a safer state.

HON MATTHEW SWINBOURN (East Metropolitan) [11.50 am]: I see that a number of members would like to make a contribution, so I will keep mine as brief as possible. I thank Hon Laurie Graham for moving this motion, the merits of which are self-explanatory. As a member for East Metropolitan Region, I believe we are fortunate that a considerable part of the state's forest is through the Darling Range electorate, which we all know is an extremely bushfire-prone area. We can see from a list of the bush fire brigades that most of them are throughout the Darling Range area for that reason. They are volunteer brigades of course. The men and women who contribute their time and the young people—there are the cadets now—do a tremendous job of protecting their communities and our communities from the danger of bushfires in particular. I am not quite sure what we would do without them. Although they are volunteers, they take their role extremely seriously and spend a lot of their time training and improving their ability to fight fires. Although we have unfortunately had incidents such as the Kelmscott fires

that got out of hand, they deal very well with most incidents that occur through that region. Given our drying climate and the reduction in water, bushfire fighting techniques are constantly evolving and improving. I am very grateful for their continuing service to the community, and I think we should commend them and support them.

The McGowan government, of course, has committed considerable resources towards bushfire mitigation with the Bushfire Centre of Excellence to be built near Pinjarra and other investments throughout those areas. I suppose, to some extent, Hon Laurie Graham may have had in mind what has happened in response to the recent cyclones, but this motion brings to my mind those bushfire volunteers especially. I do not have any issue with adding my voice to this motion and commending it to the house.

The DEPUTY PRESIDENT: I give the call to Hon Dr Steve Thomas. I have noted that Hon Martin Pritchard, Hon Colin de Grussa, Hon Kyle McGinn and Hon Adele Farina have also sought the call and I hope to give it to them all in turn.

HON DR STEVE THOMAS (South West) [11.52 am]: Thank you, Mr Deputy President. In that regard, I will try to make my contribution relatively brief, having already had a crack today. I thank the honourable member for the motion before the house, which is to express the gratitude of the house to all emergency services personnel and to acknowledge the extraordinary effort they make. I believe that every person in the house would effectively stand up and agree with Hon Laurie Graham's motion, because, obviously, the state does not function without a significant contribution by emergency volunteers, and all the other volunteers that keep Western Australia ticking over. At last count, there were slightly fewer than 28 000 emergency volunteers in the state of Western Australia. It has dropped slightly, unfortunately. I will come back to that, because maintaining that workforce is absolutely critical. Obviously, as a proportion of society, the number of emergency services volunteers has declined a bit in recent years. We can understand that the younger generation is very busy and we find the same with lots of other organisations, such as the local footy club or other sports clubs, or helping out at the local canteen or the local P&C. The modern generation is extremely busy; there are lots of calls on their time. Sometimes I wish some of those pressures were not there, such as the amount of time we all seem to spend on electronic devices these days. The reality is that people face time shortages, and that means it is more difficult to attract volunteers in all those areas. Exactly the same applies to emergency service volunteers. We have an issue in light of the declining number of ageing volunteers. Getting volunteers in emergency services of a younger average age in particular is absolutely critical. Although many of us might be able to serve on our local P&Cs well into older age, it is far more difficult to serve in an emergency service brigade, such as a bush fire brigade, a fire and rescue brigade, an ambulance service or a marine rescue service, without that degree of youthful energy, enthusiasm and strength. There is an issue for us all to be aware of in trying as much as possible to keep working on the next generation of volunteers in those services. All sides of politics, I think, are aware of that and try to make a significant contribution to that. Obviously, there is always work to be done. I fully acknowledge that the government has taken this on, as I am sure every government in the past has.

It has been a very busy time. We see floods occurring not just in Western Australia but also around Australia. We are experiencing a period of more extreme weather and that will continue into the future, and that means that we need to be more and more prepared for these events. They are dramatic and seem to have happened in Queensland and in the north of Western Australia, where the northern areas started in drought and suddenly ended up in flood, with significant cattle losses, as the member mentioned. I suspect those in Queensland were far worse. It always makes me wonder whether half-starved cattle were less likely to survive when the floods came. We have had the absolute worst of both ends and those events will get worse as time goes by. The capacity to respond to emergencies such as fire or floods by the State Emergency Service, fire and rescue, the bush fire brigade or marine rescue remains absolutely critical.

The member referred to the Rural Fire Division and the Bushfire Centre of Excellence in particular. He noted that it was a bit political. Let me say that I am very supportive of the siting of the Bushfire Centre of Excellence. To my mind, the Shire of Murray is a regional location. I know there are different views on that. I know lots of farmers who live and work in the Shire of Murray, and I, consider it to be a regional location. Also, in conversation with the Minister for Emergency Services, I said that in a public sense, I have not only endorsed his decision but also taken credit for it by insisting that it be moved out of the metropolitan area. I note that Hon Matthew Swinbourn was talking about the Darling Range area in particular, and the United Firefighters Union of Western Australia was adamant that it should go there originally, so I take some credit for the fact that it is actually in a regional area.

Hon Michael Mischin: Well done.

Hon Dr STEVE THOMAS: Thank you very much.

Hon Alannah MacTiernan: I think quite a few people in caucus had that view.

Hon Dr STEVE THOMAS: I am sure there was a bit of debate around the process. I know that a number of opinions say that is not far enough away from Perth. To be honest, I take credit for the fact that it is that far out. The reality is that it is a regional area. I urge members to be a little bit cautious about saying that the Shire of Murray is not regional enough, because I noted a member of another party suggesting that it had to be further away.

Hon Alannah MacTiernan interjected.

The DEPUTY PRESIDENT: Order! Hon Dr Steve Thomas is trying to address the motion.

Hon Dr STEVE THOMAS: Thank you, Mr Deputy President. I noted that the same political party put out a press release saying it should be at Muresk Institute. I did not think that was an appropriate spot, but maybe it is. I make this point: Pinjarra is 83 kilometres from where we stand today—I have just looked it up—and Muresk is 105 kilometres away, so there is only a 20 or 30-kilometre difference in the distance from central Perth to those two proposed locations. If the member is suggesting that Muresk is appropriately rural, I suggest that they have to accept that the Shire of Murray is also appropriately rural. That remains my position as the shadow Minister for Emergency Services. I think that is a reasonable location and I have supported the minister in that, which hopefully takes the politics out of the process.

The Liberal Party absolutely supports the motion to extend the gratitude of this house to all emergency services volunteers. Volunteering is not an easy task. We will always find volunteers who would like the system to be improved, particularly as we travel around regional Western Australia. One can always find somebody somewhere with a complaint. I generally find that there has been a shift, for which I will give the government a little credit. It has worked to shift the relationship between the volunteers and the Department of Fire and Emergency Services. It has moved to try to improve that relationship. That is particularly important. We hope that the Bushfire Centre of Excellence and the additional training that will be done there will continue to promote and develop that. That is a particularly important part of the argument.

The member mentioned the Rural Fire Division. I will finish on this point to give other members a chance. The Rural Fire Division is an important part of the future. It will be partially based at the Bushfire Centre of Excellence in the Shire of Murray. However, the bit that the Minister for Emergency Services is yet to appropriately get his head around is that the Rural Fire Division will never be exclusively and entirely based in one location and its officers will never be removed from active duty, as it were. Level 3 fire control officers appointed to head the Rural Fire Division cannot be sat in a central office, whether in Darling Range or the Shire of Murray, and taken out of operational service. This is something that the minister needs to correct in his conversations with fire and emergency services volunteers in Western Australia. The government is not looking at having a separate head office somewhere with a bunch of pencil-pushers. That is not what DFES is trying to put in place. The Rural Fire Division will be part of an integrated system. Some members of the Rural Fire Division will be located, if the minister is true to his word, in the Shire of Murray with the Bushfire Centre of Excellence, and many will be distributed around the regions, where the threat is the greatest. That is an appropriate result. It is the only way this will function. We need to make sure that the minister changes his rhetoric and explains that accurately, particularly to volunteers, who get quite concerned about a separate head office somewhere that no-one will ever be able to reach. This is a critical part of the debate, and we need to make sure that the record is corrected.

HON KYLE MCGINN (Mining and Pastoral) [12.02 pm]: I will keep my contribution brief, because I know that quite a few people want to speak on the motion. Firstly, I thank Hon Laurie Graham for bringing this motion to the floor of the house today. It is always great to get the opportunity to stand up in here and recognise, thank and have a debate around volunteers in this state. Western Australia is massive. Geographically, it is huge. The Mining and Pastoral Region is by no means small. It is probably one of the biggest electoral regions in the world, at 2.2 million square kilometres. A lot of issues arise in the electorate. In Kalgoorlie, prospectors who go out looking for gold can end up getting lost. That then ends up being a massive task for the State Emergency Service volunteers who go out to find them. Minister Fran Logan and I went out and had a chat with some of those SES volunteers last year. They were great. They put in a lot of time outside of work hours and on weekends, not just doing the actual SES work but also drumming up support for the SES. SES volunteers can always be found rattling the tin at their local fair or other events in regional areas. They have the volunteer book out trying to get more volunteers.

Hon Dr Steve Thomas mentioned earlier that we rely on these volunteers. He is 100 per cent right. We rely on these volunteers, particularly in regional towns, to ensure that we are safe. Cyclone Veronica was a plain and simple case. The SES volunteers had to prepare for the cyclone. A guy I used to work with, Matt Bager, is a wharfie who is with the SES in Karratha. He had to secure the port, then go home and secure his home, and then he was out securing other people's homes and businesses in the community. It is quite a task, and they need to be commended for that. They not only secured things in Karratha, but also, once that job was done, went straight up to Port Hedland to do the same. When I was an official up in the Pilbara, Matt was called down to Exmouth for a week because there was a big issue down there and it was a disaster. He was down there doing the best he could. He was given paid leave for it. Under the award, there is the ability for volunteer work to take place, which is great, particularly for our emergency services. That is something all employees should take up a little more. When there is the ability to do that, we should encourage people to volunteer. I know that Matt has done it for many years and loves that work. He should be commended for what he gives back to the community.

I also went to Broome last year to see the opening of the new centre for the Broome Volunteer Sea Rescue Group. That is a great new facility that has been established at the port. These volunteers get out on the water in their time off to ensure that if someone does meet with a disaster on a ship, in a boat or in a tinnie, they will get home safe. That is critical. If volunteers were not doing that work, it would be a huge task for any government to fill that void. We must continue to support and talk about them. I am sure that most members of this place would be out there

supporting them whenever they see them at fairs and stuff like that. Just having a chat to them, one finds out pretty quickly that volunteers know pretty much everything there is to know about search and rescue. Whichever issue they are passionate about, they can talk about it for days. It is interesting. I do not see myself getting out there with a chainsaw and cutting down trees, but I think I could do it because of the amount of times I have been told how to do it!

There are 26 000 men and women spread across this state who volunteer in emergency services. That is a huge number. Can members picture that stopping and becoming a state responsibility? It would be a mammoth task. It is critical that we continue to support them and that those groups continue to expand.

We now have marine rescue support being established in Karratha, which is another key area. We rely on industry in that area as well. I will touch briefly on volunteer paramedics in Karratha. A lot of them come from Woodside and Rio Tinto. They have those skills and qualifications and they volunteer their time in the community. That sort of stuff is critical as well.

As has been touched on, training is a massive part of emergency services. I am proud that this government is improving the opportunities for volunteers to access training. It is critical that we continue to train them, because if we do not train them, their skills will slowly go away. That can be seen on many occasions. It is funny that with the SES or marine rescue services, there is always one old codger who has been there for many years and knows everything. The skills and experience that he or she has in that space have to be passed on to other volunteers. It is critical that we ensure that these groups continue to operate and that we support them as best we can. I thank Hon Laurie Graham for bringing on this motion today. I look forward to hearing the contributions of other members.

HON MARTIN PRITCHARD (North Metropolitan) [12.08 pm]: I would like to add my voice to the support for emergency services personnel in Western Australia. As has been mentioned a couple of times, there are just north of 26 000 people in these organisations, with the vast majority of them being volunteers. It seems to me that people in country towns are more aware of the people who actually volunteer and support these services than are people in metropolitan Perth. I first started thinking about the contributions that volunteers make a number of years ago, when I used to visit country towns in the south west as part of my duties working for the Shop, Distributive and Allied Employees Association of WA. I was visiting a Coles store and talking to the shop steward when all of a sudden he received a phone call. He had to dash out to attend to an emergency. He was a volunteer for St John Ambulance, which is a little bit different. It made me think of the support that he and his family gave and the contributions they make, but also, again, as has been mentioned, that of employers. The Coles store in Manjimup did not have a lot of staff, but just accepted the fact that this young gentleman had to leave, jump in the ambulance and bring somebody to Perth. I wanted to make special mention of employers. I am often very critical of employers in the modern day, particularly large employers, because I truly believe that they had more of a social conscience in years past, but I accept that they still make a massive contribution. In this case, allowing staff, particularly in small country towns, to up and leave is a burden, and they quite voluntarily contribute.

The next time I thought about this issue was when I lived in Karratha in the late 1980s to early 1990s. Of course, people there often speak about cyclones. There are two things I did when I first went to live in Karratha. One was to work out how to use the air conditioner, which basically was turned on and turned off five years later when I left! The other thing was to make sure I knew what to do to prepare property and the building for cyclones. When I heard about cyclone Veronica, I took a special interest, because there was some thought it might cross land near Karratha, which would have been quite devastating. During the time I was up there, there were two major cyclones, both of which bypassed Karratha, that made landfall at Mardi. Irrespective of that, having personal experience of the problems that those cyclones create, even just water damage and high winds, I certainly appreciate the fact that during cyclone Veronica there were over 100 calls for assistance, which many volunteers and career emergency service personnel would have answered. There is nothing like being in a situation in which we need help and having someone just turn up and give their time and effort to help us out of a jam. A lot of people in Karratha at the time used to have cyclone parties. People would shut the house and sit inside, and it was a bit of fun, except, of course, when they were subject to house damage or those problems. Then, they were very, very grateful to see the emergency service personnel turn up.

When I left Karratha, I moved to the northern suburbs; I live in Duncraig. Again, moving back into the metropolitan area, we tend to think less, unfortunately, of what those volunteers do for us. A couple of incidents occurred quite recently that made me turn my mind to the volunteers and career emergency service personnel who are at the call when needed. The first incident I recall is the fire at Jandabup that happened earlier this year. I wanted to look at what contributed to fighting it. I note that 120 firefighters responded to the fire, using 50 fire trucks. Also, nine aircraft were used and 30 staff from parks and wildlife assisted. There was also support from the State Emergency Service and the Salvation Army, which often gets out there to provide food, sustenance and comfort to the people fighting fires. Of course, Western Australia Police Force was also there. That fire burnt over 40 hectares, which does not sound like much, but the location was close to houses, and I am pleased to say that no houses were lost.

The other thing that came to my mind was probably a little bit on the other side of this. At Christmas, just off the coast a fire started on board a small 16-foot cruiser, I think, and six people had to jump for their lives, including

a five-year-old. It just turned my mind to the issue. The article about this indicated that those people did not have time to put on a beacon and they were not wearing life jackets. Unfortunately, a lot of people do not tend to help themselves. Luckily, a number of boats around spotted the fire and put out the call. The Fremantle Sea Rescue volunteers swung into action and were able to pick up those six people. We also have to help ourselves little bit.

It is nice to see that in the community of Perth and the regions there are people who will swing into action, volunteer their time and put themselves at risk. Their employers and a number of other associations assist so that we can feel safer for it. I am a little concerned, as is Hon Dr Steve Thomas, that volunteers seem to be of an ageing nature. That will create its own problems because they are getting to an age at which the activities they participate in are becoming more difficult. As much as we can, we need to put that ethos into the younger generation so they can carry on providing those services. I also note that Hon Kyle McGinn said that if we had to pay for all the services currently provided on a voluntary basis, it would create a massive burden on the state. I think everybody in this chamber would join me and the mover of the motion in congratulating volunteers and career emergency service personnel. Often, the only thing they get at the end of their service or at special events during their service is a medal or some sort of recognition. It is the least we can do; it is great that they receive some recognition.

I will very quickly jump on a small hobbyhorse of mine. I think a lot of different industries form the front line of providing society with protection and I believe that nurses are part of that front line and it is a pity that they do not receive service medals or recognition. I do not think that is too much for them to expect for the sort of service that they provide. It is nice to see that all emergency service personnel do, including the sea rescue heroes, who have now been added to the list of those who can apply for recognition through national medals. I thank Hon Laurie Graham for bringing on this motion and I thank the emergency service personnel and other volunteers in the state for their assistance.

HON COLIN de GRUSSA (Agricultural) [12.18 pm]: I, too, rise to make a few remarks on this important motion. I extend my thanks to Hon Laurie Graham for bringing it to us today. It is very important that we recognise the work that all emergency service personnel do, be they career or volunteer, right across the state to keep all of us safe. The work they do is indeed something we do not know we need until we need it, but the scale of it in the community often goes unrecognised. I personally extend my thanks and gratitude to all those emergency service workers, career, volunteer or otherwise, throughout our communities. The work they do is incredibly important, and we could not have such a wonderful place to live in without the efforts they provide. That effort is significant. Statistics straight out of the Department of Fire and Emergency Services annual report show that there are 12 million calls received, 2 815 road crash rescues, 4 909 bushfires, 629 hazardous situations and a total of 8 900 fires. The numbers are huge. That is the work of our emergency services people right across the state; it is extraordinary, unforgiving and never-ending. In 2017–18, St John Ambulance staff contributed four million hours to keep us safe and help people across the state in their most desperate hours of need. Again, I extend my thanks and gratitude to all those people for the work they do to keep us safe.

I want to talk a little about the recent fires in Esperance that saw a massive commitment from volunteers from that region and all over the place to help in what was a really, really big fire that covered country that was pretty inaccessible. It was very difficult to get in there to do the work and the weather conditions made it more difficult. Trying to put out the fires, which destroyed 400 000 hectares, was a never-ending feat. Over 300 firefighters and support personnel were involved for more than six weeks. It was an extraordinary effort by the many volunteers and career people involved for that long, but that is what they do to keep our community safe.

The commitment of volunteers goes beyond the work that they do at the time of an emergency. They commit to being involved in local fire brigades, the SES and volunteer fire and rescue services. They continue to be involved all year long even if there is no emergency. The community-building aspect of those groups needs to be recognised because they are an integral part of small regional communities, as well as metropolitan communities. The camaraderie that those groups provide people in the community should also be recognised. Of course, they are always looking for ways to make their job a bit easier so that they are not necessarily needed all the time. After the 2015 Esperance bushfires, which were devastating, particularly the Cascade–Scaddan fire, the volunteers knew that things could have been better, so they put their hands in their pockets and commissioned the “Cascade Scaddan Fire Review”, which is absolutely fabulous and details the lengths the group went to to identify the things that need to change so that the same devastating result is not experienced the next time around. I hope that many of the recommendations from that and many other reports will be taken on board by governments of today and tomorrow. It is incredibly important that we understand the implications of what happened and how we can make changes so that a bushfire does not happen again. The expertise of our volunteers is a massive resource to tap into. They know most of the country wherever they are, and they can certainly offer advice about how things can be better managed so that the same issues do not reoccur.

Hon Jim Chown: Do you have any idea what the community put forward to produce that report?

Hon COLIN de GRUSSA: Financially?

Hon Jim Chown: Yes.

Hon COLIN de GRUSSA: Many hundreds of thousands of dollars was contributed by volunteers and members of the community to prepare the report. It is no insignificant feat that the volunteers raised that money, especially after the tragedy that occurred.

I will talk about some of the other issues that are raised with me about bushfires. In fact, the people I met in Esperance during the course of the recent fire made it very clear that although they are obviously very happy to volunteer to do whatever they can to put out fires, there needs to be an understanding that perhaps the resourcing required to work on those fires would have been less in some areas had there been more focus on mitigation. They used the word “mitigation” regularly and vehemently in their discussions. Had decent firebreaks been put in place and back-burns done prior to the 2015 fire and the latest fire, the resultant requirement for volunteer man-hours, heavy machinery, aircraft and all that sort of thing would have been significantly less because there would have been more protections in place for landowners. When our emergency service people say, “Hey guys; there’s a problem here and we need to look at it”, we must listen very carefully. We must hear them and make the necessary changes to make their job easier.

A number of members talked about the significant contribution that employers make by allowing employees who are volunteers to attend fires and other emergencies when necessary. I thank those employers. I also acknowledge self-employed volunteers, particularly the farmers who jump on a firetruck whenever they are needed. Whatever job they are doing on the farm has to wait because they have to attend the emergency while it is happening. I acknowledge their contribution because it is significant, both financially and managerially. Thanks to them. Again, I thank all the volunteers who have attended various emergencies around the state over many years. As a community we must make sure that we do all that we can to attract and retain volunteers, particularly young volunteers. It is increasingly difficult for people to find the time to volunteer in not only the emergency services, but also any capacity, and that is a very big challenge facing society, one for which we need good strategies. I am sure that no matter what side of the chamber members sit, they would acknowledge that that is something we need to work on.

I thank the volunteers and career emergency services people for the work they do; we very much appreciate it. I thank Hon Laurie Graham for bringing this excellent motion forward.

HON ADELE FARINA (South West) [12.26 pm]: I also thank Hon Laurie Graham for bringing this motion forward and giving us an opportunity to acknowledge and recognise the amazing contribution that our emergency services volunteers make in keeping our community safe. Western Australian regional communities understand better than most the need for and importance of community and the need to come together and help each other in times of need—and they do it very well. Emergency services volunteers are frequently our first line of defence and without them we would be lost, so it is appropriate that we acknowledge their enormous contribution. Incidents happen any time of the day or night and we call on our volunteers to drop everything, attend the emergency and put themselves in harm’s way to protect our communities. That is a very big ask and we should acknowledge that. Our volunteers never let us down. They respond, and they respond very quickly, whenever they get the call. We are truly grateful to them.

People often forget that many volunteers are self-employed. This means that they are not only putting themselves in harm’s way, but also taking a financial hit every time they respond to an emergency. Others are employed by local businesses that enable volunteers to take time off work to respond to emergencies. These businesses need to manage with reduced staff and they continue to pay the wages of the volunteer who no longer works while they are attending an emergency. Sometimes these businesses are required to call in other workers to fill the gap, which is a financial hit. The impact on the operations of businesses and self-employed volunteers can be significant, especially when the emergency event runs for days or weeks, as we saw with the Yarloop bushfires. It can be a significant contribution. Self-employed volunteers often need to close their businesses, delay the jobs they have on the books and employ other staff to carry on the work while they are out fighting their emergency obligations. We need to recognise that this is an enormous contribution that goes well beyond just putting themselves in harm’s way. They also need time out to attend training sessions and community events to promote safety in the community. Again, this is another obligation that we put on our volunteers and a heavy impost that they carry. In addition, regional employers often donate their time, expertise and equipment to fighting bushfires. They sponsor their local volunteer services, brigades and units, and they often offer administrative support to those groups. The effort in regional Western Australia is enormous.

I was pleased last year to attend the Volunteer Employer Recognition Awards. For the very first time, a regional award ceremony was held in Busselton. I was able to meet a lot of self-employed volunteers, and employers who allow their employee volunteers to leave work to respond to emergencies in our community. I would like to acknowledge the efforts by all of them. I will actually name the winners of the 2018 VERA awards to remind all of us that we need to promote these businesses and the self-employed people who are volunteers so that others in our community know that we should support them because they take a financial hit whenever they are out responding to an emergency. It was interesting that just the other day I learnt that there are only two jurisdictions in Australia that require employers to cover the cost of volunteers’ wages when they are out responding to an emergency. In other jurisdictions, that cost is covered by the state. We cannot underplay the significant contribution that they make.

At the 2018 Volunteer Employer Recognition Awards held in Busselton, the recipients were: Bannister Downs Dairy Farm, Northcliffe; Bridgetown High School; Burger Baby, Margaret River; Cape Naturaliste Computers, Quindalup; Cape Wools Pty Ltd, Busselton; Coles, Margaret River; the Department of Biodiversity, Conservation and Attractions, Warren region, Manjimup; Diane Holland Bookkeeping and Administrative Services, Witchcliffe; Drift Cafe, Margaret River; Dunsborough Electrical Services Pty Ltd; First National Real Estate, Margaret River; M and E Walker Fencing, Balingup; the Shire of Augusta–Margaret River; the Shire of Bridgetown–Greenbushes; the Shire of Donnybrook–Balingup; The Sugar Chef Patisserie, Broadwater; Supercheap Auto, West Busselton; Woolworths, Collie; and Woolworths, Bunbury Forum. They are just some of the employers in the south west who were recognised at last year’s VERA awards for the enormous contribution that they make. Members will note that a number of those were self-employed or very small businesses that are making an enormous but disproportionate contribution to this effort in our community.

I also want to acknowledge that at the time of emergencies, we often have evacuation centres. Another group of volunteers work at those evacuation centres to keep them running and we need to acknowledge them as well. Local government plays an enormous role every time there is an emergency. Various not-for-profit groups, including the Australian Red Cross, also make sure that those evacuation centres keep running. They supply food as well as other equipment, such as toiletries, that people who have had to evacuate their homes need during days at an evacuation centre. The Department of Communities plays a critical role, as does WA police and staff from the Department of Biodiversity, Conservation and Attractions and the Forest Products Commission. Volunteers make an enormous contribution during emergencies. It is great to see the whole community coming together in these difficult times.

I also want to comment on an issue raised by some of the previous speakers about the importance of mitigation—one cannot say enough about it. Mitigation is absolutely critical, particularly in relation to bushfire emergencies. I want to acknowledge the huge amount of effort that is now going into mitigation.

Motion lapsed, pursuant to standing orders.

SUITORS’ FUND AMENDMENT BILL 2017
SUITORS’ FUND AMENDMENT (LEVY) BILL 2017

Second Reading — Cognate Debate

Resumed from 19 March.

HON NICK GOIRAN (South Metropolitan) [12.35 pm]: It is wonderful to be here this afternoon. Could the Deputy Leader of the House clarify for me whether he is handling this bill?

Hon Stephen Dawson: Yes.

Hon NICK GOIRAN: I appreciate the Deputy Leader of the House being here this afternoon. For members’ benefit, when these bills last came before the house, I indicated to members that the suitors’ fund is being accessed by individuals in Western Australia, in particular those who may later be found to be guilty of criminal offences, yet victims of crime are excluded from being able to apply to the suitors’ fund. Prior to the adjournment of the debate, I was looking in particular at the Puterangi decision of the District Court that was delivered on 22 December 2017 by District Court Judge Davis. For the benefit of *Hansard*, the citation is [2017] WADC 168. I would like to indicate to members the background of that case. I will quote from paragraphs 1 to 6 of the judgement. It states —

This appeal concerns the dismissal of part of Mr Puterangi’s criminal injuries compensation application arising from alleged offences which occurred on 25 May 2012.

On that day Mr Puterangi had attended a local tavern with a friend. Two offences are alleged to have occurred while he was at the tavern. The first occurred near the bottle shop at the front of the tavern where Mr Puterangi assisted a crowd controller (bouncer) who worked at the tavern who was being attacked. Mr Puterangi was punched in the jaw by the alleged offender (the first incident). The second occurred about 15 minutes later when the alleged offender from the first incident subsequently attacked Mr Puterangi in the carpark at the rear of the tavern (the second incident). While police identified the alleged offender, to whom I will refer as ACW, as a suspect in relation to both alleged offences, no charges were brought against him.

On 10 January 2017 the Chief Assessor of Criminal Injuries Compensation (‘the assessor’) awarded Mr Puterangi criminal injuries compensation for the first incident in the sum of \$3,000. The assessor refused to make an award in relation to the second incident. The assessor’s reasons for doing so were contained in correspondence to Mr Puterangi’s solicitors dated 20 December 2016 and 10 January 2017 and were, in summary, that:

- (a) the second incident in the carpark occurred as a result of a separate offence on the part of Mr Puterangi towards the alleged offender and he was thus precluded from compensation pursuant to s 39 of the *Criminal Injuries Compensation Act 2003* (the Act);

- (b) the assessor was not satisfied that Mr Puterangi had been injured as a consequence of the commission of an alleged offence in the carpark pursuant to s 17 of the Act; and
- (c) the assessor was not satisfied that Mr Puterangi had been assaulted without provocation in the carpark.

...

There is no issue as to the assessor's findings and award the subject of the first incident.

This appeal concerns only the second incident, although the first incident may well inform what findings should be made about the second incident.

The grounds of the appeal are that the assessor erred, in respect of the second incident, in concluding that:

1. there was insufficient evidence to establish the claimed injury or loss occurred as a result of an alleged offence under s 17 of the Act;
2. there was sufficient evidence to raise the defences of self-defence or provocation; and
3. there was sufficient evidence for her to refuse the application.

That is the background of that particular case. Members may be interested in the outcome of the case. I encourage them to have a look at the decision. Regrettably, because I have such limited time this afternoon, I will cut to the chase and draw to members' attention the outcome of that case and, in particular, as it can be found at paragraphs 74 to 77 of the decision, where the learned judge says —

I am satisfied that Mr Puterangi suffered an injury in the second incident injury as a consequence of the commission of the alleged offence of unlawfully doing grievous bodily harm.

I am satisfied that Mr Puterangi did not commit a 'separate offence' so as to preclude him from an award of compensation pursuant to s 39 of the Act.

I am satisfied that there was no behaviour, condition, attitude or disposition of Mr Puterangi that contributed, directly or indirectly, to his injury which warrants the exercise of my discretion to refuse or reduce the award in favour of Mr Puterangi, pursuant to s 41 of the Act.

Mr Puterangi's appeal against the assessor's refusal to make a compensation award for the second incident should be allowed and he is entitled to compensation.

The assessor did not consider the issue of compensation for the second incident, which was more serious than the first incident.

How much compensation does the judge award in this matter? This can be found at paragraphs 150 to 152 of the judgement, which reads —

In summary, I assess Mr Puterangi's compensation award as follows:

Non-pecuniary loss	\$70,000.00
Past Economic Loss	\$161,382.00
Future Economic Loss	\$50,000.00
Report Expenses	\$4,367.00
TOTAL:	\$285,749.00

There should also be an allowance for future medical expenses (in an amount to be determined).

As my assessment exceeds the statutory limit of \$147,000, that sum should be awarded. Accordingly, I would allow the appeal, set aside the decision of the assessor, and award compensation pursuant to the Act in the amount of \$147,000.

In this situation, a victim of crime is awarded nothing from the assessor, is obliged to incur legal costs and the trouble of appealing to the District Court, and is then awarded \$147 000—demonstrating how bad the original assessor's decision was—and has no option to recover costs and no ability to go to the suitors' fund to seek costs in those circumstances. As I discussed on the last occasion I spoke on these bills, when I outlined the cases *State of Western Australia v Quartermaine* and *State of Western Australia v AJC [No 2]*, individuals who have been charged with criminal offences and have made their way through the criminal justice system are entitled to go to the suitors' fund and obtain some relief for their wasted legal costs; however, a victim of crime gets nothing. I do not for a moment suggest that the individuals going through the criminal justice scheme should not be able to access the scheme. If, for example, the prosecution fails to disclose all of the evidence in a timely manner and there needs to be a retrial and so on, they should be able to access the suitors' fund scheme. Why should victims of crime miss out when they have done nothing wrong? It is not their fault that the assessor has made such a poor decision. They have to then incur the costs of going to the District Court, which then remedies the situation, but massive costs are incurred by the innocent victim in those circumstances. It makes me wonder whether there is fairness in this matter.

Members may be aware that I have a proposed amendment on the supplementary notice paper in the form of a review of the act. In particular, I draw to members' attention a Law Reform Commission of Western Australia report from 2002 titled "30th Anniversary Reform Implementation Report". It covers a range of previous reports by the Law Reform Commission. The report states in the first paragraph on page 141 —

In 1973 the Commission was asked to inquire into the operation of the *Suitors' Fund Act 1964* ... for the purpose of determining whether the purposes for which the Act was introduced were being fulfilled, and if not, for the purpose of rendering the Act more effective.

I might add, that review by the Law Reform Commission was done before I was even born.

Hon Michael Mischin: In 2002?

Hon NICK GOIRAN: No; this particular report covers from 1973 to 2002. In 1973, the commission was asked to inquire. The report I am quoting from was published in 2002. The report goes on to outline the outcome in that situation. Page 142 states —

The Commission was of the view that the Act had a number of anomalies and deficiencies, principally concerning the limits of compensation, the method of financing the Fund, the types of proceedings covered and the classes of litigants who can qualify for benefits.

The Commission issued a working paper in March 1975 —

I pause to note that I was still not born at that time!

—that had regard to salient features of legislation of a similar type in other Australian jurisdictions.

Further on, the report states —

The Commission delivered two separate reports on the subject: *Part A Civil Proceedings* in March 1976, and *Part B Criminal Proceedings* in May 1977.

We are getting close, but I am still not born at that point. My question to the government is: which of the 20 key recommendations in Part A of the report have yet to be addressed—as far back as 1976 and 1977? In particular, I draw to the government's attention page 142 of the 2002 report, which states in the fifth paragraph that there are indeed 20 key recommendations. They are summarised as follows —

- The limits of compensation, where they apply should be raised and the controller of the Fund should be able to insure the Fund against certain claims.

Has that been done? It continues —

- The contribution to the Fund should be by way of a levy on civil court fees.
- Costs of successful appeals on fact should be covered by the Fund.
- The Family Court and the Full Court of the Family Court of Australia and the District Court should be included in the list of appellate bodies to which the Act applies.
- In the case of a series of appeals, each appeal should be dealt with separately, as far as concerns the issuing of an indemnity or costs certificate.
- An indemnity certificate or costs certificate once granted, should not be revocable.
- A respondent should be able to claim reimbursement of his own costs notwithstanding that he or she was not ordered to pay the appellant's costs.
- In the case of appeals, relief should be granted if the applicant had acted reasonably at the trial of the hearing.
- All companies, the Crown and legally aided litigants should be eligible for relief under the Act.
- The Appeals Costs Board should be abolished and its functions given to a Master of the Supreme Court.

The report continues at page 143 —

The Commission identified a number of benefits, in the nature of fairness to litigants and administrative improvements, that would accrue upon implementation of its recommendations. In respect of civil proceedings such benefits included the widening of types of proceedings covered by the Fund, the increase in maximum levels of compensation for litigants and a more clearly defined basis for the exercise of the discretion to grant relief from the Fund.

We can see that as far back as 1976, it was identified that there would be a number of benefits if we were to widen the types of proceedings covered by the fund. My question to the government is: are we going to widen the types of proceedings covered by the fund to include the types of cases that I have referred to, in particular those victims of crime who, through no fault of their own, find themselves obliged to have to appeal to the District Court? Other mechanisms would be available to the government to achieve that objective, but I would like to know what the government has to say about that, given that these matters have been around for more than 40 years.

There are two bills before the house, one of which is a taxing bill. In that respect, I draw to the attention of members the explanatory memorandum for the second bill. The explanatory memorandum for the Suitors' Fund Amendment (Levy) Bill 2017 indicates in the third paragraph that the levy imposed by the bill amounts to a tax. I look forward to the government explaining—I am pleased to see the Leader of the House has returned from urgent parliamentary business —

Hon Sue Ellery: Did you miss me?

Hon NICK GOIRAN: Absolutely!

Hon Sue Ellery: Because guess what? I didn't miss you!

Hon NICK GOIRAN: No, I am not surprised. But I did miss the Leader of the House!

Several members interjected.

The ACTING PRESIDENT: Order, members!

Hon NICK GOIRAN: I regret that the Leader of the House has to leave on urgent parliamentary business, because I was looking forward to someone from government letting us know when this government told the people of Western Australia prior to the election that it would introduce this tax. The government seems to love 21 February. The date of 21 February every year seems to be the date when big lies are told. The date of 21 February is the day of big lies. I remember that on 21 February 2017 it was suggested—in fact, it was committed to—by Hon Mark McGowan, who at the time was the opposition leader, that if he was elected, there would be no new taxes and no increases in taxes and he would reveal all his revenue-raising initiatives prior to the election. At what point prior to the election did he let us and the people of Western Australia know that his government would implement this tax? On what date did that happen? I look forward to the government releasing that information during this debate.

I note that on 21 March this year, there was further deceit and trickery by the government on the matter that we have discussed at length over the past eight sitting days. The date of 21 February seems to be the date when the government loves to deceive people. I look forward to government clarifying precisely when it was that Mr McGowan let us know that this increased tax would be implemented.

I conclude by noting that this bill again demonstrates that Premier McGowan cannot be trusted. He said that there would be no new or increased taxes, yet we have this bill presently before the house. Nevertheless, as has already been outlined by my learned friend the shadow Attorney General, despite the despicable, systemic dishonesty of this government, we will not oppose this otherwise sensible measure. However, in my view, the government should commit to a proper review of the Suitors' Fund Act, in particular to consider all the remaining unaddressed Law Reform Commission recommendations, especially who qualifies for access to the fund and whether victims of crime should be added.

With those words, I indicate that although I will not oppose the bill that seeks to bring in an increased tax that was not disclosed prior to the election despite the commitment from Premier McGowan, I see this as an opportunity for the government to commit to more meaningful and substantial reform, rather than simply grabbing the low-hanging fruit that was left over by the previous administration.

HON AARON STONEHOUSE (South Metropolitan) [12.55 pm]: I rise today to make a contribution to the cognate debate on the Suitors' Fund Amendment Bill 2017 and the Suitors' Fund Amendment (Levy) Bill 2017. The Suitors' Fund Act 1964 established the suitors' fund as a way to assist in the payment of costs to litigants in certain circumstances when decisions are upset on appeal or proceedings are rendered abortive through no fault of their own. We have heard that that might include circumstances in which a judge is ill for an extended period or passes away unexpectedly. Central to the operation of this fund is the ability to levy fees from writs and such to add to the fund so that people can draw down on that fund when those circumstances arise. When I looked at the bills, the first question that came to mind was: is this levy a tax? The answer is pretty clear; as we have a separate bill specifically for the levy, it quite clearly is a tax.

We have had debates in this place recently about user-pays systems for services and whether they constitute taxes. During the debate on water licence fees a few weeks ago, I made the argument that when there is a water licensing system, it makes sense that the recipients of those licences should pay the fee for administering that system rather than off-loading the cost to taxpayers at large. Can that same logic be applied in this instance? Perhaps it can be, but I think there are two competing ideals here—two competing principles. One is a user-pays system for services provided by government and the other is access to justice. Access to justice is a key tenet of the rule of law to ensure that all people have access to a fair trial, to due process and to legal representation. Although the proposed levy is rather small—I think it has been proposed that it might go up to about \$5 for some kinds of actions in court—it still creates in my mind a further barrier to justice, albeit a very small one.

In lieu of the suitors' fund being funded adequately through the levy, it is regularly topped up by Treasury through consolidated revenue. The act allows for the provision of advances from Treasury when there are insufficient funds in the suitors' fund. The fund has the capacity to continue operating, despite the levy being inadequate. The

government's argument is that we should increase the levy to adequately service the fund. Given that it can currently be serviced through Treasury, I think that rather than creating a new barrier to justice, it may be preferable that the fund continue to be funded through consolidated revenue, at least to not erect new barriers to justice unnecessarily. Justice is one area in which government subsidy is called for and is necessary. I believe in a rather laissez-faire, free-market approach to most problems in society, but I make an exception with justice. Therefore, I look forward to debating some of the amendments in the bill. On the basis that it is a tax increase and it will erect a new barrier to justice, albeit a very small one, I do not think I can support the increase in the levy. This is consistent with my view on tax increases and on not voting for tax increases. This is also consistent with certain promises the Premier made during the election campaign that he would impose no new taxes on Western Australians. I will not support the bills, but I look forward to debating the amendments.

Sitting suspended from 1.00 to 2.00 pm

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [2.01 pm] — in reply: I was not sure whether Hon Aaron Stonehouse had finished his contribution. On behalf of the Leader of the House representing the Attorney General, can I thank all those members who have made a contribution to this bill: Hon Michael Mischin, Hon Alison Xamon, Hon Rick Mazza, Hon Nick Goiran, and, indeed, Hon Aaron Stonehouse, who has indicated that he will be voting against the bill. I will try to give as much detail as possible in my response now, but given that there are some amendments on the supplementary notice paper, we will obviously be going into Committee of the Whole.

The members who contributed to the debate have correctly summarised the financial constraints under which the suitors' fund has been operating for many years now. The current levy of 20¢ has been in place since being prescribed in 1980—that is four decades without an increase. In order to bring the house up to date with the financial position, I confirm that in the 2017–18 financial year, the total sum paid out from the fund was \$81 525.29, and the total income was \$45 948.37. It is evident that the deficit continues.

Hon Michael Mischin and Hon Rick Mazza asked for an indication of the intended levy to be charged on initiating processes. The regulations could provide different levies for different processes or classes of process. By way of example, the government has stated that possible appropriate levy amounts could be in the region of \$5 and \$10 for Magistrates Court and superior court processes respectively, but proposed levies will be subject to analysis and consultation after the bill is passed. The levy will need to take into account factors such as a reasonable repayment of the Treasurer's advance, the effect on the users of the courts, and must ensure that the fund remains on a good financial footing into the future.

Hon Alison Xamon asked a number of questions relating to the setting of the levy. She was concerned about unreasonable amounts being levied and the possible lack of safeguards. The honourable member was correct when she pointed out that the 20¢ cap is not being amended but is being removed altogether. She also noted that there are no specific criteria for setting the levy. The quantum of the levy may not be limited under the current proposed amendments; however, the moneys raised by the levy under the Suitors' Fund Act can only ever go into the suitors' fund for the purposes prescribed in that act. In addition, any sum to be prescribed in the regulations would be subject to disallowance by Parliament, as the member would know. The former Solicitor-General indicated that the form of the proposed amendments was appropriate. This led to another question by Hon Michael Mischin, who asked whether the fees would be reviewed to ensure that they remain appropriate, especially once the debt to Treasury has been repaid. I am advised that the answer is that they will be reviewed. It is also important to note that the intention is to place the fund on a sound financial footing for the long term. This means that there needs to be an appreciation for future potentially sizeable claims, even if there are few claims in a particular year. This will be considered to ensure that there is no unnecessary build-up of surplus funds.

Hon Alison Xamon asked whether the WA Law Reform Commission's proposal to link the suitors' fund levy to a percentage of court fees had been considered. Hon Nick Goiran also mentioned this in his contribution. Consideration was given to linking the levy increases to court fees, or other ways in which increases could be automated. The approach to provide for increases through regulation was taken as it was considered to be clearer for court costs and more flexible to adjust according to the actual requirements of the fund. In particular, a link to court fees which have different considerations relating to their increases could have led to undesirable increases. Hon Michael Mischin asked whether there would be different levies for different courts and/or types of matters. In doing so, he made reference to differences between the former government's bill and the bill before us today. I am not aware of the contents of the previous bill; indeed, the government is unaware of the contents of any previous bill that the honourable member referred to. No such bill was introduced into Parliament.

On the question of different levies for different courts, I can advise the house that the government will consider having different levies for the Magistrates Court versus the District Court or Supreme Court. Of course, this is subject to appropriate consultation. The reference to classes of process allows for the regulations to prescribe different levies for different categories of process, even within the same type of process, as long as the class can be distinctively combined. For example, the process could be any commencement process for Magistrates Court civil proceedings, with the class of process being any such commencement process when the plaintiff is a concession cardholder.

A number of questions were asked relating to the need for further amendments to the Suitors' Fund Act. Hon Nick Goiran dealt with appeals to the District Court arising out of the criminal injuries compensation legislation and made some suggestions about that. Hon Michael Mischin referred to the fact that Family Court matters fall outside of the scope of the act, and Hon Alison Xamon asked whether amendments could address the current under-utilisation of the fund due to the costs of applying outweighing the benefits. The government acknowledges that the Suitors' Fund Act requires updating. At this stage, the government intends to pass these two bills and give the fund time to recover before introducing further reforms. In the interim, further reforms will be considered in consultation with the Appeal Costs Board.

Hon Rick Mazza asked why these amendments had not been made earlier. Further, Hon Nick Goiran asked why it has taken the government so long to progress this legislation since its introduction. I cannot comment on delays in implementing important changes by the previous government, but certainly we are treating this as a priority. We have a heavy legislative workload at the moment—a busy reform agenda. This is before us now, but we are dealing with a number of bills at the moment.

Hon Nick Goiran asked whether the government revealed this tax—his words—prior to the elections.

Hon Nick Goiran: Will the member take an interjection?

Hon STEPHEN DAWSON: No, it can be dealt with in committee. It is important to note that this is not a new levy—the member would agree with that—but one that has been charged to users of the courts, albeit these bills anticipate an increase in the amount. This increase is necessary to make the fund self-sufficient so that the fund can operate effectively as intended by the Suitors' Fund Act. It has been articulated by a number of members that the shortfall in the fund is being covered through consolidated revenue and the WA community as a whole. The ability to increase this existing levy ensures that the suitors' fund scheme is supported by the users of the court only, who are ultimately the ones who can benefit from the fund under the circumstances set out in the legislation. It is also noteworthy that the levy is and will continue to be a relatively small component of the court user's total costs.

Both Hon Nick Goiran and I have put amendments on the supplementary notice paper, which are in the same vein, and we will discuss those when we move into committee.

As I said earlier, Hon Aaron Stonehouse indicated that he would oppose the bill as it allows for an increase in the levy but that he would support the fund being funded by all Western Australian taxpayers. He is concerned about the effect of an increased levy on access to justice. The government is of the view that the fund is best supported by court users and it will be at a level that is modest in comparison with current court fees. The bill also includes an ability to set a different levy for different classes of process, which could be used to consider a lower levy in certain circumstances. This issue will be considered during consultations on the appropriate levy amount. With those comments, I commend the bills to the house.

Questions put and passed.

Bills read a second time.

SUITORS' FUND AMENDMENT BILL 2017

Committee

The Deputy Chair of Committees (Hon Robin Chapple) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 1: Short title —

Hon MICHAEL MISCHIN: Unfortunately, I was absent on urgent parliamentary business when Hon Aaron Stonehouse made some remarks on the bill during his second reading contribution. I note that the minister said that the levy that is proposed to be imposed in lieu of the current 20¢ fee will be modest in comparison with current court fees. I understand that the amount of the levy is yet to be set. I have a few questions about that. Can the minister give us an idea of the current fees for process in the various jurisdictions—currently, 20¢ is levied on that process—so that we can get an idea of what those seeking access to the courts are required to pay by way of filing fees to commence actions. Then we can gauge a little better what proportion a \$5 to \$10 levy might be relative to those fees. I am simply concerned about the ones that are currently the subject of a 20¢ levy.

Hon STEPHEN DAWSON: I can certainly give the honourable member some information on the existing fees. In the Supreme Court of Western Australia, the general division fee for individuals or small businesses for filing originating process or commencing proceedings is \$1 318, while for corporates, it is \$2 568. The fee for filing an appellant case or filing a respondent's case for individuals or small businesses is \$3 313, while for corporates, it is \$8 609. Eligible individuals can get a reduced fee by application on account of being concession cardholders or pensioners, or if they are experiencing financial hardship. At the moment, that fee is \$100 for both those categories—that is, filing originating process or commencing proceedings and filing an appellant case or a filing a respondent's case.

In the District Court of Western Australia, for civil matters the fee for individuals and small businesses for filing originating process or commencing proceedings is \$877, while the fee for corporates is \$1 711. The fee for filing an appellant case or filing a respondent's case is \$877 for individuals and small businesses, while for corporates, it is \$1 711. That reduced fee on application of \$100 is also available and can be applied for in those categories that I previously mentioned.

In the Magistrates Court of Western Australia, for civil matters the filing fee for minor claims not exceeding \$10 000 for an individual is \$129, while for corporates, it is \$250 and for eligible individuals, it is \$38.60. For general claims over \$10 000 but not exceeding \$50 000, the fee for individuals is \$327, while for corporates, it is \$639 and for eligible individuals, the fee is \$98.50. For claims exceeding \$50 000, the filing fee for individuals is \$521, while for corporates, the fee is \$1 014 and for eligible individuals, it is \$100. In the Magistrates Court of Western Australia, for criminal matters, the fee for a prosecution notice for individuals is \$107.50, while for corporates, it is \$107.50 and for those eligible individuals, it is \$32.10. Hopefully, that gives the member enough detail.

Hon MICHAEL MISCHIN: By way of comment, less than one per cent of the current filing fees will be claimed to go towards what is effectively an insurance fund. With respect to the filing fee for criminal prosecution notices, to what extent will agencies such as the Western Australia Police Force, which would be doing the bulk of the prosecution work for the state, have this levy imposed on prosecution notices? Has that been budgeted for in the police budget? Currently, if it is paying those fees, it costs 20¢ for a prosecution notice. What effect will it have on the police budget if it increases to something between \$5 and \$10?

Hon STEPHEN DAWSON: I can say a couple of things in response to the honourable member's questions. In criminal prosecutions, it is only when the Western Australia Police Force recovers the fees from the accused that it pays the suitors' fund. That is the process. Obviously, the Minister for Police would have been consulted about budget implications during the cabinet process, but the figure of \$5 to \$10 that I mentioned earlier has not been landed on yet. It is an indicative figure. The police will have an opportunity to engage in the consultation process to determine the final figure, and following that, we will know the budget implications.

Hon MICHAEL MISCHIN: So that we can get a better idea of the potential financial impact, is the minister able to say for the last full financial year how much WA police had paid or was liable to pay by way of its 20¢ levy? Then we can have an idea of the implications of any degree of increase.

Hon STEPHEN DAWSON: I am sorry, member; we do not have that information available.

Hon MICHAEL MISCHIN: I understand why it may not be readily available, but is it possible to find out?

Hon STEPHEN DAWSON: Yes, it is possible to find out.

Hon MICHAEL MISCHIN: I am not asking the minister to do so immediately, but if he could come back to us at some point, I would be interested to know. It does not have to be during the course of the consideration of this bill; I am not going to hold it up for that reason. I think it would be useful for members to have some idea, and certainly it would be a comfort to Hon Aaron Stonehouse about financial implications —

Hon Stephen Dawson: I am happy to seek that information and provide it at a later stage. I will provide it at the first opportunity, but I appreciate the member's comment that he does not intend to hold up the bill while he waits for that information. I give the chamber the undertaking that that information will be provided at the first opportunity.

Hon MICHAEL MISCHIN: I am obliged to the minister for that. The minister mentioned that it is only when the fees are recovered from the accused that the police pay the levy. Could we find out what percentage of the liability to which the police are ordinarily subject is recovered? I would have thought that in the majority of prosecutions when costs are awarded against an accused, those costs would not be recovered, but perhaps the minister can give us an idea of that as well. It might give us some inkling about why the suitors' fund is not able to meet its commitments every year if the agency that ought to be paying it, like everyone else, is not paying it subject to being able to recover it, which would not be the case for any other suitor initiating actions in any of the courts. If the minister could find out that information, I would appreciate it. Normally, the process is taken out of court and action is initiated, a litigant needs to pay the fee up-front—it is not subject to recovery from someone in due course—so how do the police not pay that fee up-front? Is it an accounting exercise somehow or some special exemption that the police has received; and, if so, how has it managed to secure that?

Hon STEPHEN DAWSON: In response to the member's first question, I am very happy to seek that extra information and provide it, as I will provide the first bit of information that he asked for.

Hon Michael Mischin: I thank the minister.

Hon STEPHEN DAWSON: I am advised that the practice has been in place for a number of years. This is how the police have participated, if I can use that word, in the suitors' fund. I am told that the money comes across as a single payment approximately four times a year. We do not have any further information at hand on the mechanism, but it has been the standard practice for a number of years. That is probably all I can tell the member about that.

Hon MICHAEL MISCHIN: I thank the minister for that. A bit more information about that in due course would also be helpful, because it may very well work as a simple tallying up of the number of prosecution notices that

are taken out by the police and coming to a global figure, and that is fine as an accounting exercise, and the police paying it out four times a year. The question is the element of the police getting an exemption, or rather being relieved of having to transfer that full sum, unless they actually recover some funds from the relevant accused. That may go part way towards explaining why the fund never manages to achieve a sufficient balance to be able to satisfy the demands being made upon it. If the minister can provide some information about that in due course, I would appreciate it.

Hon STEPHEN DAWSON: Sure; we are happy to arrange that. It is certainly not in this act, but we are not sure whether it appears in another piece of legislation or regulations, so we will have to go away and look into that. The information I gave to the member that the payments are made four times a year is correct, but that extra information the member sought will have to be provided in due course.

Hon Michael Mischin: Is it an administrative measure of some form?

Hon STEPHEN DAWSON: Who knows? The honourable member's guess would be as good as mine. We will certainly investigate that matter.

Hon NICK GOIRAN: Minister, I have a number of questions to ask about this matter, following on from the second reading debate. However, before I do so, I notice that we have just been provided with supplementary notice paper 50, issue 2. A couple of amendments are listed on the supplementary notice paper in the minister's name. Curiously, they are listed as "Minister for Environment on behalf of the Leader of the House representing the Attorney General". Can the minister explain why he is moving those amendments on behalf of the Leader of the House, who is present in the chamber?

Hon STEPHEN DAWSON: Member, when we originally started to deal with this bill, the Leader of the House was away from the chamber on urgent parliamentary business, so I commenced dealing with the process, and I am continuing to deal with the legislation before the chamber. The advice, obviously from the Clerk, was that rather than it going in my name as Deputy Leader of the House, or, indeed, Minister for Environment representing the Attorney General, it should be written in this way, because normally the Leader of the House would represent the Attorney General in the chamber on matters related to the Attorney General's portfolio. It was the Clerk's advice that it needed to be written in that way. We are obviously lawmakers, not lawbreakers, so we listen to the advice of the Clerk and take that on board. There is no kind of conspiracy. That was just the advice I was given.

Hon NICK GOIRAN: In which case, Mr Deputy Chair, I might just seek your ruling so that you can clarify for the chamber whether this is indeed possible. I note that on at least one occasion, it has been suggested that a member is not able to ask a question on behalf of another member if that member is in the chamber. I wonder whether the same principle applies with respect to the minister, or whether he is able to move an amendment on behalf of another minister who is indeed present in the chamber. Mr Deputy Chair, if it will assist in any way, I am happy to continue with a range of other questions that I have at the present time while you seek advice, because I do not think that ruling is urgent, as we are not even up to that amendment. I am just foreshadowing that I want some explanation about that curious set of events.

The DEPUTY CHAIR (Hon Robin Chapple): I can give you that explanation now.

Hon Nick Goiran: Thank you.

The DEPUTY CHAIR: The explanation is that the matter you are referring to refers to another process. The process here is that when a member is acting on behalf of another member, they can proceed to continue acting on behalf of that other member when the other member has returned to the chamber.

Hon Stephen Dawson: Just by way of interjection, I have not actually moved any amendment.

Hon NICK GOIRAN: I thank the Deputy Chair, and also the minister, for that helpful clarification. Minister, the act that we are seeking to amend applies to both criminal and civil proceedings. Are the circumstances in which costs are payable in those two types of proceedings identical?

Hon STEPHEN DAWSON: I am advised that the processes are not identical.

Hon NICK GOIRAN: How are they different?

Hon STEPHEN DAWSON: Sorry, member, I think we might have misunderstood the question, but perhaps not, so let me just clarify. In relation to the collection of the levy, the process is the same regardless of the court. That is dealt with in section 5 of the Suitors' Fund Act 1964. In relation to applicants making a claim against the fund, there are different eligibility criteria, depending on the court, and also depending on the process; there are certain types of appeals et cetera. Everyone is paid in the same way—that process is the same regardless. The process of making a claim against the fund differs depending on the court.

Hon NICK GOIRAN: I understand that. My question was about how it is different. My original question was: are the circumstances in which costs are payable to applicants under the suitors' fund the same in both criminal and civil proceedings? The minister's original response was no, they are not the same, and I agree; they are not the same. I then asked: in what way are they different in the way they are paid out to those individuals?

Hon STEPHEN DAWSON: The member would not be shocked to know that it is a complex system. Various sections in the Suitors' Fund Act set out the circumstances under which an application can be made against the fund. I will give an example of a civil case. Under section 14A of the act —

... a guardian *ad litem* is appointed pursuant to that Act to represent the interests of an infant in any proceedings and the court orders that the costs of such representation, or any portion of such costs, shall be charged to the Suitors' Fund ...

There is a cap on that amount. In relation to criminal proceedings, section 14(1)(d) of the act states —

a criminal proceeding in any court is adjourned by or on behalf of the prosecution and the presiding judge, magistrate or justice grants a certificate ... if he is satisfied that by reason of the adjournment the accused has necessarily incurred expense, to the accused stating the reason why the proceedings were adjourned and that the reason was not attributable in any way to the act, neglect or default of the accused or his counsel or solicitor,

Those a couple of examples of criminal and civil procedures.

Hon NICK GOIRAN: Would a criminal injuries compensation appeal be considered a criminal or a civil proceeding?

Hon STEPHEN DAWSON: The member is asking some doozies this afternoon. Again, it is a complex matter.

Hon Nick Goiran: We could get the Leader of the House to come back in.

Hon STEPHEN DAWSON: I am not sure that the Leader of the House will have the answers, given the advisers do not really have the answer to the member's question.

The question is whether a criminal injuries compensation matter would be a criminal or, indeed, a civil matter. The advisers do not believe that is covered by the legislation before us. Section 10(2) of the Suitors' Fund Act 1964 refers to the granting of indemnity certificates in successful appeals on questions of law. The section states —

Whenever an appeal against the decision of a court in any proceedings to The District Court of Western Australia on a question of law succeeds, The District Court of Western Australia may, upon application made to it in that behalf by any party to the proceedings, grant to the respondent to the appeal or to all or any of several respondents to the appeal an indemnity certificate in respect of that appeal.

As a criminal injuries compensation matter would not come from a court, the advisers do not believe the member's question would be captured by the legislation.

Hon NICK GOIRAN: I agree that a criminal injuries compensation appeal is not considered a criminal proceeding. The question then becomes: is it a civil proceeding that might be captured by the legislation we are dealing with? Of course, as the minister just indicated, the advice he has presently is that it is not covered as either a criminal proceeding or a civil proceeding.

I want to draw the minister's attention to the 2002 report from the Law Reform Commission of Western Australia titled "30th Anniversary Reform Implementation Report" that I referred to earlier during my remarks in the second reading debate. The fourth paragraph on page 141 usefully sets out five circumstances, or types of criminal proceeding, for which the fund is available. Unless the minister has advice to the contrary, I do not think it has changed since then. The report states —

In respect of civil proceedings the Fund is available to assist in the payment of costs incurred by:

- An unsuccessful respondent in an appeal that succeeds on questions of law.
- An unsuccessful respondent in an appeal or motion for a new trial relating to the quantum of damages.
- A successful appellant in an appeal on a question of law where, because of some Act or rule of law, the court did not order the respondent to pay the costs of the appeal.
- Parties to proceedings rendered abortive by the death or protracted illness of the presiding judicial officer, or the disagreement of a jury.
- Parties to proceedings where the hearing was discontinued through no fault of any of the parties and a new trial ordered.

When I read those criteria, I see that plainly the fourth and the fifth criterion cannot possibly apply to criminal injuries compensation appeals. Would the third circumstance be applicable to criminal injuries compensation matters; that is —

- A successful appellant in an appeal on a question of law where, because of some Act or rule of law, the court did not order the respondent to pay the costs of the appeal.

Before the minister answers the question, I indicate to him in advance that the Criminal Injuries Compensation Act does not allow for the payment of—I will refrain from saying that. I will see what advice the minister has on that matter, because it seems to me that this would turn on whether, firstly, a criminal injuries compensation appeal is an appeal on a question of law, and, secondly, whether the Criminal Injuries Compensation Act allows any costs to be paid on the appeal.

Hon STEPHEN DAWSON: My advisers believe that it is not covered.

Hon NICK GOIRAN: That being the case, let us assume that that is correct for the purposes of this exercise. I indicate that that is also my understanding. Will the government commit to reviewing the criteria of those who qualify to make such an application? The minister will have heard me indicate in my second reading remarks that I think it is unfair that victims of crime in these types of situations cannot access the suitors' fund—there appears to be consistency between my understanding and the minister's advice—whereas others can. Will the government commit to reviewing these criteria?

Hon STEPHEN DAWSON: As the member would be aware, I have amendments about a review on the supplementary notice paper, and we are happy as part of that review to look into the issue that the member has raised.

Hon NICK GOIRAN: The minister referred me to an amendment that he has on the supplementary notice paper; he has two. It is self-evident that the minister is referring to the second of the amendments in his name, on behalf of the Leader of the House. Where, in that amendment, is there a commitment for the government to review the criteria for those who would qualify to make an application?

Hon STEPHEN DAWSON: I was referring to the fact that a review of the act is mentioned in the amendment on the supplementary notice paper. I have given the member an undertaking that, as part of a review, the issue that he has raised in this chamber just now and, indeed, in his contribution to the second reading debate will be addressed. That is the undertaking. There is no need to put that in an amendment. I am giving the member and, indeed, the chamber an undertaking that that work will happen as part of the broader review that needs to take place.

Hon NICK GOIRAN: I have to say this is excellent, and I thank the minister for that. This is the kind of useful response that will facilitate the passage of legislation. I do wonder whether we could make it a permanent arrangement that the Minister for Environment act on behalf of the Leader of the House in all such future legislation. I thank the minister for that helpful response. I take that to mean that the review outlined in the minister's amendment, which, as foreshadowed, will be moved in the fullness of time, must address any other matters that appear to the minister to be relevant to the operation and effectiveness of the act, and that it is the position of the government that that matter would fall under that category. I thank the government and this minister for that excellent outcome.

I think the minister mentioned earlier to the shadow Attorney General that there are caps on the amounts that can be applied for. Can the minister indicate to the chamber what those caps are?

Hon STEPHEN DAWSON: I will bring the member's attention to three sections of the act. Section 14A, which I mentioned earlier, states —

... a guardian *ad litem* is appointed pursuant to that Act to represent the interests of an infant in any proceedings ...

I will not read it in again, but I just mention it because I read it in previously. The cap for that issue is \$1 000. Section 14B is for a person under a disability, which includes an infant or a person who has an administration order under the Guardianship and Administration Act 1990 for a range of things. The cap for that is \$5 000. Section 15 says —

Where ... a new trial is ordered in an action on the ground that the damages awarded in the action were excessive or inadequate, the respondent to the appeal or motion for the new trial is entitled to be paid from moneys standing to the credit of the Fund —

(a) an amount equal to the costs of the appellant ... ordered to be paid and actually paid by the respondent ...

...

(b) an amount equal to the respondent's costs ... as taxed or agreed upon by the Board and the respondent or the respondent's solicitor and not ordered to be paid by any other party; ...

The cap is \$1 000. I am advised that a \$2 000 cap is in place for sections 10 and 11 of the act.

Hon NICK GOIRAN: By my count, there are four or five caps, depending on how we want to categorise sections 10 and 11. Perhaps we can separate them, because they are two different sections, and let us say that there are five caps. Two of the caps are \$1 000, two of the caps are \$2 000 and one of the caps is \$5 000. When were the caps last changed?

Hon STEPHEN DAWSON: I am advised that it has been a very long time. The cap for section 11 has been there since 1970. It is a long time ago.

Hon NICK GOIRAN: Would it be fair to say that the other caps have been in place for broadly the same time?

Hon STEPHEN DAWSON: Probably longer, honourable member. But I can advise that that will certainly be part of the review, and the intention is to look at those caps.

Hon NICK GOIRAN: This excellent minister has already foreshadowed my next question, which was to ask whether the government would commit to reviewing these caps. The minister indicated that is the intention. Would the minister go so far as to give an undertaking, as he did earlier, that it will definitely be included in the review that he will move later?

Hon STEPHEN DAWSON: I am happy to give that undertaking, honourable member. There may well be some other areas that do not have caps at the moment and they will also be considered as part of the review.

Hon NICK GOIRAN: Mr Deputy Chair, we are making magnificent progress this afternoon. The government has now committed to two additional aspects in the review of the Suitors' Fund Act, including certain provisions that have existed for longer than I have been alive. I thank the government and this minister for these excellent commitments, which have my support. On what basis can we be confident that the mechanism created by the government in this bill will be sufficient to finance the suitors' fund?

Hon STEPHEN DAWSON: It is our intention that the levy will take into account factors such as the reasonable repayment of the Treasurer's advance and the effect on users, and it must ensure that the fund remains on a good financial footing into the future. In my second reading reply, I outlined that it was our intention to deal with those factors as part of a consultative process to work out where we land for the quantum of the proposed levy. Should these bills pass, we will be able to ensure that those things can happen once we have consulted with appropriate agencies and organisations.

Hon NICK GOIRAN: Has some modelling already been undertaken?

Hon STEPHEN DAWSON: I am advised that some rough modelling was undertaken during the term of the previous government. I am told that it was rough modelling and that it is probably now dated. The intention is to start afresh. It can be used as the basis of work, but because it is dated, we will consult on the \$5 to \$10 levy and take into consideration all the variables at play before we land on the final figure.

Hon NICK GOIRAN: I will leave it to the shadow Attorney General to determine whether the opposition would want that rough modelling to be tabled, given that it was a matter from the previous government. The minister said the only modelling the government has at the moment is the rough modelling done by the previous government, so I am curious to know why no modelling has been done in the last two years. The Suitors' Fund Amendment Bill 2017, which the chamber is presently dealing with, has been around for two years, and the government has been around for two years. It seems a little odd that no work has been done other than the rough modelling that was done more than two years ago. Is there any explanation for that?

Hon STEPHEN DAWSON: Member, there is not. I am also further advised that the previous modelling may well be cabinet-in-confidence because it formed the basis of some work done by the previous government. No new modelling has been done, but should the legislation before us pass, some modelling will be done quickly. I have outlined previously that we will consult on the \$5 to \$10 levy, depending on where we land for whichever court.

Hon NICK GOIRAN: Have government members seen the rough modelling that was referred to, or do they just know it exists but have not seen the modelling?

Hon STEPHEN DAWSON: Members of the present government have not seen the modelling.

Hon NICK GOIRAN: I will then go back to my original question: on what basis can we be confident that this mechanism the government is asking us to agree to will be sufficient to finance the fund?

Hon STEPHEN DAWSON: The advisers have advised me that provided we undertake the process we have committed to undertake, including consultation, and provided we address the things I have mentioned previously in my contribution and during the second reading speech, we have a level of confidence that what we are asking the chamber to pass will allow the suitors' fund to do the things that need to be done in the future.

Hon MICHAEL MISCHIN: I do not blame the minister for this because he is simply representing the Attorney General, or representing the Leader of the House representing the Attorney General, but I confess some astonishment. The Attorney General brags about how he is a great reformer, and his colleagues in the other place shower plaudits upon him as to what a great reformer he is. He has so far introduced, as part of his raft of reforms, a vast number of legacy pieces of legislation that the previous government could not get to, although the work had been done, amid cries of enthusiasm about how the last government did not do anything; however, it seems to have prepared the foundations for the Attorney General's reform projects. We are now told that this bill, introduced by the great reformer, is based on modelling that was done by the last government and that the modelling has not been updated. The government has not even seen the modelling. A draft bill was prepared under the framework of the last government. We have now been told by the great reformer in the other place—the last government apparently having done nothing, except do the work and some modelling to explore this—that this bill is simply a variation on that bill and the government has done no work on it at all.

Based on figures from 2015, when we were in government, we were told something to the effect that an increase from 20¢ to 75¢ or \$1 would meet the annual average outgoings from the suitors' fund, but that an increase of \$2 to \$3, based on the 2015 figures, would enable the Treasurer's advance to be repaid within about five to eight years. We have now been told that the government is looking at between \$5 and \$10 and no updated modelling has been done since that which was done under the last government, even though this bill has been sitting around for over a year. The great reformer, through the minister here, cannot tell us anything about what will be

a sustainable amount to maintain and even pay the annual average outgoings from the fund, let alone pay off the Treasurer's advance. I find that astonishing. Has no work been done beyond what was done by the last government to bring this bill up to date and give us some idea, given that we are now looking at various amounts to be set for different types of process, of what is going to be imposed on litigants? There must be some idea based on, say, the amount of litigation going through the Supreme Court, the amount of litigation going through the District Court or the volume of litigation going through the Magistrates Court to proportionately try to make this system sustainable. Can we get some broad idea about what these levies are going to be at different levels to at least cover the costs over a financial year? Can the minister give us any idea about that? I find this remarkable.

Hon STEPHEN DAWSON: No, I cannot. I thank the member for giving us his figures from 2015. That has been enlightening, and I shall bring those to the attention of my colleagues. But we are not voting today on the amount. That indicative figure of \$5 to \$10 is a potential figure. I commit that the government will consult to make sure that the figures that we land upon are appropriate to do the things that I have outlined previously.

Hon MICHAEL MISCHIN: That is comforting, I have to say. As I said, the figures are ones that I recall from back then and are not based on any great gradation between the types of process involved. We have now been told that we are looking at between \$5 and \$10. I would love to know how that figure was arrived at, given that it is two to three times more than the previous government was looking at as an amount that would pay off the Treasurer's advance in a few years. How did it get to \$5 to \$10? It was obviously not on modelling. What guesswork was involved as the foundation for that?

Hon STEPHEN DAWSON: I am advised that the Attorney General was pushed to come up with a figure. The advisers spoke to him about some of the possible costs and this is the figure that he landed on. This may not be where we land at the end of the day and we are not voting on that figure today. I have committed to the government consulting on any figure. I make a further point that these will be done through regulations, which will be disallowable in this place. The member can make his political point, and he has, but I cannot give him any more information than I have already.

Hon MICHAEL MISCHIN: It is rather more than a political point. I do not blame the Minister for Environment. He is simply the agent for the minister who has put this forward. But it is important in this respect—we support the legislation because it will cure a mischief. This fund is unsustainable in its current form and has been for quite some time. Of course we support this insurance fund being sustained into the future through an appropriate premium being paid by those who may potentially take advantage of it. It was also done on the basis, from my understanding, that a relatively modest amount would be imposed. We have ascertained that even a \$5 to \$10 level is less than one per cent of what a litigant would pay to take advantage of our courts and be covered by this insurance. When the figure of between \$5 and \$10 was floated, I was prepared to accept that as being a not unreasonable amount based on my experience of modelling that had been done in the past, but also on the assumption that the government had given some consideration to it and done some modelling based on current considerations of what levy would be imposed. I now find that it was really no better than guesswork—picking a previous figure and apparently doubling it. It may be something more sophisticated than that, but I do not know and we cannot be told. I make the observation that this is surprising and disappointing, given the amount of time that this Attorney General has had to consider this and that he claims that he is a great reformer. He seems to have rushed into this as a quick fix without doing any of the real thinking that is needed behind it. But it cannot be justified. We will be looking at these increases in levies very carefully in the future to ensure that this government does not try to use this levy for, shall we say, “budget repair”, or any of the other pretexts that it uses for increasing fees and charges. This is framed, and has been presented, as making the suitors' fund viable and to repay the amount that is currently a charge on the fund by way of Treasurer's advances over the years. We entirely support that, but if figures that cannot be supported by any sound modelling are just going to be imposed as levies and it turns out to be a tax, we will move to disallow the fees. That needs to be understood. As I say, I do not hold this minister to account for that because he is not responsible for this. But the information that has been presented—that there is no framework or model and that nothing has been done to determine even a rough figure, except for the work that was done as a preliminary some years ago under the last government—surprises and disappoints me. The moment these regulations come in, if only because of Hon Aaron Stonehouse's comments and concerns, I think we need to look at how the figures are structured very carefully.

Hon STEPHEN DAWSON: I thank the member. I will certainly ensure that the government and the Attorney General are aware of the member's views on this matter. I restate that the moneys raised by the levy under the legislation can only ever go into the suitors' fund for the purposes prescribed. I understand that the opposition will scrutinise the fee when it appears in the regulations, and I will make sure that the government understands that there will be that level of scrutiny.

Hon NICK GOIRAN: The shadow Attorney General's remarks were excellent and I would like to associate myself entirely with them. I thank him for making them. Now that we know it has really been a case of guesswork and a little bit of pin the tail on the donkey—that is how I will describe it—and the figure of \$5 to \$10 has come up as the levy, would there be anything to stop the government from making the levy \$100?

Hon STEPHEN DAWSON: What would stop the government from doing that is that such a figure would not be allowed to pass through this place or would be disallowed in the regulations. The intention is to have a ballpark figure of around \$5 for one court and \$10 potentially for the other, but, as I have said, the commitment is to consult. Work will be undertaken on where we think we need to land on the levy amount and consultation will happen. I give the member the undertaking that the government does not intend to have a \$100 fee. We will charge what we need to charge to do the things we need to do and to stop needing to require funding from consolidated revenue.

Hon NICK GOIRAN: I hope the members of the Joint Standing Committee on Delegated Legislation have been following this and will give that regulation when it arrives the deepest scrutiny. If it is the view of committee members—as I suspect it most probably will be—that the regulation is within power, and neither they nor their committee look to move any motions in this place, I would remind them that there is nothing stopping them in their capacity as private members from drawing those types of regulations to the attention of the rest of the house. It would be most troubling if this were some kind of shifty way for the government to impose a heavy tax upon litigants in the courts.

The minister indicated that it is the government's intention to recoup a reasonable payment—I think that was the minister's phrase—for past deficits. What is the current amount of the past deficit?

Hon STEPHEN DAWSON: I am advised that it is \$2.5 million, honourable member.

The DEPUTY CHAIR (Hon Adele Farina): Members, the question is that clause 1 stand as printed. May I remind members that clause 1 is a narrow debate. The policy of the bill has already been debated in the second reading debate, and there are further clauses within which the regulations are dealt with.

Hon NICK GOIRAN: It will please the minister that I have just one further question on the issue of past deficits, and then I have a question with regard to the Law Reform Commission's recommendations, which are touched upon in one of the foreshadowed amendments. I have no other questions on clause 1, so it may be convenient to deal with them now.

In respect of the past deficit of \$2.5 million, on what standard of fairness should new plaintiffs have to pay for the shortfall of old plaintiffs?

Hon STEPHEN DAWSON: The Suitors' Fund Act as it stands provides under section 4(7)(a) that the fund must repay consolidated revenue. There is already an obligation that once there is money in the fund, the amount that is owed to consolidated revenue must be paid. That is already there. Once the money is in there, the repayment process will begin.

Hon NICK GOIRAN: I just make the point that I really find it distasteful that new litigants trying to access our courts for justice are, in effect, being required to pay the debt of old litigants. If it has been the case for years and years that old litigants paid the suitors' fund 20¢, as I understand it, and there is a deficit, so be it; but now we have new plaintiffs who, through no fault of their own, are lumbered with the baggage of the old plaintiffs and are having to pay a fee that we are told will be somewhere between \$5 and \$10. Do not get me wrong; I have no difficulty with the government seeking to ensure that the fund is sustainable and capable of financing itself. I think that is an appropriate response, but I find it a little distasteful to burden the new plaintiffs with the debt of old plaintiffs. Nevertheless, that is what will be happening, to the tune of \$2.5 million. I look forward in due course to the government determining what the levy will eventually be so we can determine what proportion of the levy is utilised to pay off that \$2.5 million and what proportion of the fee is used to fund the suitors' fund in its current form.

I move to my final question on clause 1, or rather my final theme, because who knows what response might provoke further questions? With regard to the amendment I have foreshadowed, it seems that there has been a meeting of minds between me and the minister, on behalf of the Leader of the House representing the Attorney General, in that we both agree it would be useful for the review that we have foreshadowed and plan to implement to look into the recommendations contained in past reports of the Law Reform Commission. Which past Law Reform Commission recommendations presently remain unaddressed?

Hon STEPHEN DAWSON: We do not know specifically, but we will find that out as part of the review.

Hon NICK GOIRAN: Will it be possible for the government to ascertain that information in the near future and commit to tabling it in the Parliament?

Hon STEPHEN DAWSON: Member, I like to try to be helpful in this place. Some of those recommendations date back to 1975 and will have been superseded by newer reports. It would actually be a significant amount of work to have to go through that process, so I am not going to promise the member that. Should this legislation pass, I would rather that the review take place, looking to the future and the matters that the member thinks it should look into, such as the criminal injuries compensation matter, so that people are focused on future work, rather than taking them away from that to spend time looking at reports that have been around since before the two of us were born. Hopefully, the member appreciates that answer.

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: Why is it necessary to leave these amendments to commence via proclamation?

Hon STEPHEN DAWSON: Regulation 15 of the Suitors' Fund Regulations 1965 prescribes the amount as 20¢. This regulation is made pursuant to the power under section 5(1) of the Suitors' Fund Act. Should the bill commence immediately, the power under which that levy is prescribed would be altered. Although confident that regulation 15(1) with its 20¢ levy would continue to operate after the amendment to section 5 of the Suitors' Fund Act 1964 came into operation, the Parliamentary Counsel's Office is of the view that it is best to remove any doubt and to provide for the amendment to commence on proclamation. The regulations will be made at the same time as the commencement proclamation and the 20¢ levy can continue to be collected in the meantime. The commencement of section 4 of the Suitors' Fund Amendment (Levy) Bill 2017 has been tied to the commencement of section 4 of the Suitors' Fund Amendment Bill 2017 in case any logistical difficulties arise in proclaiming both bills to commence on the same day.

Hon NICK GOIRAN: I understand that. The minister indicated that the government is also preparing regulations. I think he indicated that consultation would be undertaken prior to those regulations being prepared or is that different? I understood his comments earlier to mean that the government does not have any modelling. There was some rough modelling, but the government is not really sure, so it will have to do some work on that. It will consult on that and once that has been done, a regulation could be disallowed by Parliament. How long will it be before the regulations are before the house?

Hon STEPHEN DAWSON: I am advised that a maximum of six months will be needed to consult on the regulations as they relate to the levy.

Hon NICK GOIRAN: Could any of that maximum six months' worth of work that would need to be done to consult and prepare those regulation have been done over the past two years?

Hon STEPHEN DAWSON: Not knowing how this house might treat the bills before us, it could well have been a wasted exercise had some of this work commenced previously. We have brought the legislation to the house. We are hopeful of getting it passed. Based on what passes this place, we will start working on the regulations to ensure that they do not fall foul of where we land.

Hon NICK GOIRAN: I wish to ask a question before we deal with the amendments to clause 2 that are on the supplementary notice paper, there being one listed in my name and one listed in the minister's name. On the basis of the wording in clause 2(b) of the bill, will it be possible for different sections to be proclaimed on different dates or will they all have to be proclaimed on the same date?

Hon STEPHEN DAWSON: I am advised that they would be proclaimed on one day.

Hon NICK GOIRAN: I thank the minister for that clarification.

I move to the amendments on the supplementary notice paper. I have just been provided with supplementary notice paper 50, issue 3. I know that was not caused by me because I have not asked for anything to be changed. The only other name on this document is that of the good minister. I take it that the minister must have asked for something to be done, which is quite impressive, given that we have both been involved in this debate. Before we move to these amendments, perhaps the minister could clarify for the house the distinction between issue 2 and 3.

Hon STEPHEN DAWSON: I am a bit concerned that issue 3 of the supplementary notice paper has been circulated, given that my signature was not on that document. Perhaps the advisers and the Clerk could take that matter up. It certainly has been brought to our attention in the last little while by the Parliamentary Counsel's Office that we should tweak and change the amendment standing in my name. I ask the member to look at the amendment to new clause 6 and the insertion of section 18, "Review of Act". Initially, it stated —

The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 2nd anniversary of the day on which this section comes into operation.

Parliamentary Counsel has come back to us and said that it should not read "this section comes into operation"; it should read —

the *Suitors' Fund Amendment Act 2017* section 6 comes into operation.

We are saying exactly what needs to come into operation.

Hon NICK GOIRAN: I thank the minister for that clarification. I agree with what the minister said; in fact, I think that superior drafting that he just referred to mirrors the amendment standing in my name, so I will certainly not object to the difference between issues 2 and 3. Maybe one day when I retire, I can take up a job with Parliamentary Counsel.

The DEPUTY CHAIR (Hon Adele Farina): By way of clarification, because I appreciate that this supplementary notice paper has been given to members very late in the piece, there is a distinction between the member's proposed

amendment and the minister's proposed amendment. There is a difference in the wording of the member's amendment to new clause 6. In proposed subsection (1), the member's amendment refers to "section 3", whereas the minister's amendment refers to "section 6", just by way of clarification.

Hon NICK GOIRAN: I totally agree and hope that members understand that my earlier remarks related to the style rather than necessarily each detail in the content. I agree with what has been said 100 per cent. I notice that the minister has an amendment to clause 2 on the supplementary notice paper. It is similar to mine. We are both seeking section 3 to come into effect on the date on which the act receives royal assent, so I take it that the only difference between my amendment and the minister's amendment is that the minister is also seeking to add section 6. Apart from that, I think the amendments are the same. Is that right?

Hon STEPHEN DAWSON: They are essentially the same. Some other words are changed as well. Perhaps it might be worthwhile me talking to my amendments now before moving them, just to outline why we intend to move these, so members can be aware of that. I am also happy to give the chamber staff a signed copy of issue 3 of the supplementary notice paper so that we have a signed document for the purposes of the Parliament.

Hon Nick Goiran has proposed amendments to the bill, which were circulated yesterday. The overnight break gave the government the opportunity to consider the proposal, in discussions with the Department of Justice and the Appeal Costs Board, which have indicated that a review of the entire act was already part of their forward planning. I am grateful that the member provided that amendment yesterday because it gave us the opportunity to consider it. I thank him for that. As such, the government is supportive of the proposal but has received advice on some improvements that can be made to the amendment in order that it better meets its purpose and is more clearly worded. For this reason, I will move the amendment standing in my name. For the benefit of members, I want to briefly set out some of the differences between the two proposals. Hon Nick Goiran's amendment provides for the commencement of clause 3 of the bill on royal assent in addition to clauses 1 and 2 of the current bill. The reason for that change is the commencement of his proposed two-year review period is the day when clause 3 comes into operation. The anomaly is that the actual review clause itself, proposed section 18, only comes into operation on proclamation. In order to ensure certainty in this regard, the government's proposed amendment provides for commencement of the review clause on royal assent.

The government has also made a number of changes to tighten the language used in relation to the specific matters that must be addressed in the review. These differ to those proposed by Hon Nick Goiran, but the intent of what is to be covered by the review remains the same. The reference to "fee" has been removed. The government's proposed amendment to section 18(2)(a) only refers to "levy", which will align with the terminology used in the Suitors' Fund Act. Reference to the Law Reform Commission is confirmed to be that of Western Australia. I think that is probably what the member intended, but I am making that clear. The review is to consider recommendations from reports of the Law Reform Commission of Western Australia relating to the operation of the Suitors' Fund Act that have not been implemented. This ensures that it is only the unimplemented recommendations that need to be considered. There is also a minor change to the wording in proposed section 18(2)(c) to link up to the purpose of the review under proposed section 18(1). I think that outlines the differences.

Hon NICK GOIRAN: I indicate to the minister and the chamber that given the excellent amendment that the minister has foreshadowed, I see no need to move my amendment. I note that it would be possible for me to move my amendment and then for the minister to amend my amendment by inserting the words "and 6", and we would be exactly in line. However, I think that would not be the most expeditious route, and since I am keen to make progress, I indicate that at this stage I do not propose to move my amendment on the understanding that the minister will be moving his amendment. I will leave it to the shadow Attorney General to indicate what the opposition's position is in respect to the proposal of the government.

Hon MICHAEL MISCHIN: I indicate that the opposition is supportive in principle with what has been suggested and foreshadowed. We appreciate the minister and the Attorney General considering the proposals advanced by Hon Nick Goiran and accommodating those concerns. It illustrates what can be achieved in the spirit of cooperation. When the policy of the bill is not harmed and there are no disadvantages to the government or derogation from the policy of the bill, we can satisfactorily accommodate concerns from other members of this place.

I have a couple of questions regarding the proposed amendment at 3/2 on the supplementary notice paper, and perhaps the minister can help. It may be more a matter of style than substance. Clause 2 of the bill provides —

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

What will come into effect on the day on which the act receives royal assent is section 1, which is the short title, and section 2, which is the commencement provision that I have just read out. What is being proposed is that paragraph (a) be amended by inserting the words "to 3 and 6", so that it will read —

This Act comes into operation as follows —

- (a) sections 1 to 3 and 6 —

That is the short title, the commencement, and the identification of the act amended, being the Suitors' Fund Act 1964, then jumping through to new clause 6, which is the review clause. I wonder why it is necessary that that review clause come into operation at the same time as proposed sections 1, 2 and 3, given that it may still be six months or so before the balance of the act is proclaimed and comes into effect, particularly given that new clause 6 of this amending bill will insert section 18 into the principal act, which is a review. Amongst other things, a review must address "the effect of the levy payable under section 5 on access by litigants to the courts". I do not have a problem with it, if that is the way the government thinks it can be made effective. However, it may very well be that we are looking at a review two years from tomorrow, for example, but part of that time is occupied with the creation of regulations prescribing various fees. The review may not be able to deal with the effect of the levy payable under proposed section 5—which has not yet come into effect, and will not for several months—and so negate part of the force behind the review. Also, it may be premature for the government to look at those sorts of things, because it is running against the clock, and it may not be ready to implement those fees.

I wonder whether a more effective way to deal with it is for new clause 6 to come into operation at the same time as the rest of the act, under proposed section 2(b). I just raise that as a consideration. The act will not be reviewed, but then the government may decide against the imposition of these levies. Admittedly, two years may pass with no comprehensive review of the act—I can understand that—but that may be preferable to having work half done, as it were. I raise that as a consideration. I would appreciate it if the minister could assist us with that. I have no objection with what the minister proposes, but I wonder whether it is the best way of going about it.

Hon STEPHEN DAWSON: Thank you, honourable member. What the member suggested was considered. We tried to land at a place that matched the spirit of what we thought Hon Nick Goiran was trying to do in his amendments. There were a couple of ways that we could go. We are keen to get this legislation through Parliament, so we thought we would try to be in spirit with Hon Nick Goiran's amendments.

Hon MICHAEL MISCHIN: Thank you. As I have said, we are not going to cavil with that. I appreciate the spirit in which it is being done. As long as there are no undesirable consequences of that, I have no objection to it; indeed, we will support it. I simply felt it proper to raise the consideration for some advice.

Hon STEPHEN DAWSON: I thank the honourable member. I appreciate his contribution. I move —

Page 2, line 5 — To delete "and 2 —" and substitute —
to 3 and 6 —

It is customary practice to speak to the amendment. However, I have previously outlined the reasons that we are moving these amendments, so I do not propose to speak to them again. I think we have put on the record those reasons, so I will leave my comments there.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Clause 4: Section 5 amended —

Hon MICHAEL MISCHIN: Again, perhaps I am being overcautious with this. Let me posit a possibility that, hopefully, will not occur. We are told that clauses 1, 2 and 3 and new clause 6, when we get to it, will come into effect on the day the bill receives royal assent and time starts ticking forward for the review of the act's second anniversary; the rest of the act to be fixed by proclamation. Clause 4 is the operative part, which allows the government to set a levy in place of the current 20¢ levy. Let us say that the balance of the act is then proclaimed, and that section comes into effect. The sum of 10¢ or up to 20¢ goes and, instead, there is a levy of an amount to be prescribed by the regulations. Let us also say that because of the concerns that I have voiced and Hon Aaron Stonehouse has been concerned about, regulations are passed prescribing a levy that is considered by this house to be unacceptably high and unreasonably based, given that no modelling has taken place for the last several years. This house then disallows the regulations prescribing that levy. What happens then? Are we left with a suitors' fund not being funded by anything?

Hon STEPHEN DAWSON: It is a very good question. The member is correct.

Hon NICK GOIRAN: In light of this significant revelation, might it be appropriate for the government to consider whether any transitional provisions are necessary?

Hon STEPHEN DAWSON: As I indicated previously, it is our intention to do broad and proper consultation before we land on an amount. The Joint Standing Committee on Delegated Legislation obviously has the power to engage with the department if it is not happy about an amount proposed in the regulations. We believe that there will be broad agreement that that amount is appropriate, so we will have done modelling by that stage. We will engage the standing committee. My advisers tell me that they have a level of confidence that the standing committee and indeed members in this place should be happy with where we end up after consultation. If required, we will amend the regulations before they are disallowed.

Hon MICHAEL MISCHIN: It is a little clumsy, so I suggest this as another possibility. If we proclaim all elements of the act as quickly as possible, with the initial regulations setting the fees as they stand—no-one can argue with that—then we can be guaranteed, as much as one can be, that those will not be disallowed. It will simply reflect the status quo and then we can do our consultation and our modelling for as long as we like, but at least some money is coming into the fund. If the subsequent regulations are disallowed, at least the ones that preserve the status quo can be in effect. It is not the most elegant solution, but it may solve that potential problem.

Hon STEPHEN DAWSON: I am advised that we will take that under advisement. At this stage, it is not necessary but if we need to rethink that one, we will come back to that in the future.

Hon NICK GOIRAN: Minister, I think it is necessary, because it has already been expressed by at least one member of the house that they do not support the bill that is before the chamber. Members of this place will have strong opinions that this levy is a tax and that the then McGowan opposition said, prior to the 2017 election, that Labor would not increase any taxes. There will be strong opinions by members in this place. We identified earlier that the only safeguard to protect against a manifestly excessive levy being prescribed is a disallowance motion. As has just been revealed, if that happens, suddenly the fund has no money coming in and, once again, we will further burden new plaintiffs because of the debts of old plaintiffs and, in this case, we will burden them because of the incompetence of the government in not putting a transitional provision in this bill. I say with all sincerity, minister, noting that this bill has been before Parliament for approximately two years and today is 11 April and we are about to have a three-week recess, that that short adjournment is sufficient for the government to go away, quickly draw up the transitional provisions and bring the bill back into the house in May. It could all be dealt with in an extremely speedy fashion and that would be superior to the current dilemma.

The minister has indicated already that this process is likely to take up to six months in any event, so I do not see how the three-week adjournment would cause any problems. It would be a far more satisfactory process than the situation here. I do not think anything would be lost. In fact, I give the minister the commitment that I would be the first to congratulate him and the government for taking this course of action.

Hon STEPHEN DAWSON: I am advised that we are happy to do 20¢ as a stopgap regulation if members are happy with that, if Hon Michael Mischin —

Hon Michael Mischin: I do not have a preference one way or the other. I am suggesting a way to solve the problem.

Hon STEPHEN DAWSON: Sure. We would be happy to do that, and hopefully that addresses the concerns raised by members.

Hon NICK GOIRAN: Minister, I think that is an improvement on the earlier position, which was that the proposal by the shadow Attorney General was not necessary. If the government has incrementally progressed to that being at least an option that it will be pursuing, that is better than nothing. However, I should indicate to the minister that the agreement of the shadow Attorney General, and even of myself, is insufficient to guarantee that this mechanism would work. It will require consultation with all 35, if not 36, members of this place to ascertain their views. It would be only with the unanimous agreement of members that they would not be looking to move a disallowance motion on the 20¢ levy that we could have any confidence that this mechanism would work.

Hon Stephen Dawson: Can I make the suggestion that we also cannot have confidence that a member will not stand at some stage and move a disallowance motion.

Hon NICK GOIRAN: That is right. Therefore, the superior option would be to implement the transitional provisions. Is that something that the minister might propose to the Attorney General and see what his view is?

Hon STEPHEN DAWSON: It is not my intention to do that at this stage.

Hon NICK GOIRAN: I now move to some questions about clause 4 of the bill that is presently before the chamber, the Sutors' Fund Amendment Bill 2017. Can the minister indicate to the chamber the different processes that are referred to in this clause?

Hon STEPHEN DAWSON: I am advised that the types of processes that are mentioned are listed in section 5(1)(a), (b) and (c) of the Sutors' Fund Act 1964.

Hon NICK GOIRAN: Earlier when we discussed clause 1, the minister indicated that the process for collection of the fee is the same. Does this suggest that different processes are set out in the Sutors' Fund Act, and, at the moment, those processes are subject to the same fee, but this clause will allow a different levy to be applied to those different processes?

Hon STEPHEN DAWSON: The honourable member is correct.

Hon NICK GOIRAN: Proposed new section 5(3) refers to "classes of process". What are "classes of process"?

Hon STEPHEN DAWSON: I am advised that "classes" is essentially any way in which we can categorise types of court users. For example, if a particular levy would create hardship for certain types of people, we could charge

those people a reduced levy based on their hardship. Earlier we talked about the different fees in place across the courts and the fact that a person who has a concession card would pay a reduced fee. This would essentially allow the same thing to happen with a levy.

Hon NICK GOIRAN: Proposed new section 5(3) also refers to the term “different processes”. The term “different processes” is intended to be interpreted in the same way as the term “different processes” as referred to in the act; however, the term “classes of process” is undefined.

Hon STEPHEN DAWSON: That honourable member is correct.

Hon NICK GOIRAN: Does the government have in its possession a list of what those “classes of process” will be?

Hon STEPHEN DAWSON: I am advised that we do not.

Hon NICK GOIRAN: If the minister does not have a list of the different classes of process, there is no point my asking the minister what are the different amounts for the different classes of process, because we need to work out what the different classes of process are before we can possibly allocate a levy to them. The minister does have in his possession a list of the different processes, because he has referred me to the relevant section in the act. Does the minister have a list of the intended levies for each of those different processes?

Hon STEPHEN DAWSON: No, we do not, because that has not been worked out yet. That would be done as part of the consultation that we intend to undertake.

Clause put and passed.

Clause 5: Section 6 amended —

Hon MICHAEL MISCHIN: As a matter of terminology, I notice that this clause seeks to amend section 6(1) to delete “fee” and substitute “levy”. Can the minister please explain why we have turned from prescribing fees to prescribing levies, and also why we now have the Suitors’ Fund Amendment (Levy) Bill, when, up until now, we have been content to have just the Suitors’ Fund Act and the prescription of a fee? Is there a technical reason for that proposed amendment, or it is just a difference in style? I have an apprehension that there is a technical reason for it.

Hon STEPHEN DAWSON: I am advised that parliamentary counsel is now using the word “fee” in one case and “levy” in another case. I do not have the information in front of me on the rationale behind that, but it resulted from a suggestion from parliamentary counsel and its guidance. We will see this in other legislation. It is about parliamentary counsel’s advice to us.

Hon MICHAEL MISCHIN: I do not want to take advantage of the minister’s willingness to cooperate too much, but it would be handy to know the rationale—again, it is not something the minister needs to provide today—as a matter for further reference into the future. It may be something to do with fees implicitly covering costs and the like; whereas the levy in this legislation will not only cover the costs of the maintaining the fund, but also repay the Treasurer’s advance. It may have something to do with it being, arguably, a tax. I do not know the answer; I am just positing the possibilities. But it would be of assistance to us to know, because if a similar situation arises in the future legislation, we will have an idea of the reasoning behind it.

Hon Stephen Dawson: By interjection, honourable member, I am happy to request that information and provide it to you, as I will the other information I have previously agreed to provide.

The DEPUTY CHAIR (Hon Adele Farina): I might just ask members to speak up when they are speaking across the chamber so we can all hear what is being said.

Hon NICK GOIRAN: Clause 5 provides an excellent example of how the explanatory memorandum is deficient. It serves no particular purpose to members when a tabled document to support the government’s bill simply states the obvious. In this case, on clause 5, the explanatory memorandum states —

Clause 5(1) deletes the word “fee” in section 6(1) and inserts the word “levy”.

That information is self-evident from reading the bill so the explanatory memorandum explains nothing. Rather, if the explanatory memorandum had provided the information asked for by the shadow Attorney General, we would not be in this pickle.

One of the members of the Joint Standing Committee on Delegated Legislation may be able to provide the house with some pertinent information, but I seem to recall that that committee looks only at whether a regulation is within power and whether the fees are at what is often referred to as cost recovery. If either of those things are infringed upon, it enlivens the joint standing committee to be engaged with those regulations. I have a recollection of that, but I must confess, Madam Deputy Chair, coming up to nearly 10 years in this honourable place, I have never served on that illustrious committee, so I defer to other members’ greater experience on this issue. But I seem to recall that that might be the case. It seems to me that the insertion of the word “levy” could in this instance allow the government to go above and beyond cost recovery, including to encumber new plaintiffs with the debt of old plaintiffs. Is that the government’s understanding?

Hon STEPHEN DAWSON: My advisers are of the view that the committee can look into this matter. This is not just about cost recovery, because we obviously have money outstanding in relation to the account. Certainly, my advisers tell me that it is their understanding that the committee can still look into the levy that will be required if this bill passes this place.

Hon NICK GOIRAN: I have one final question on this clause.

The DEPUTY CHAIR: Hon Nick Goiran, I might take the opportunity while you are catching your breath to leave the chair until the ringing of the bells.

Committee interrupted, pursuant to standing orders.

[Continued on page 2523.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

FINI GROUP — MEDIHOTEL

371. Hon PETER COLLIER to the minister representing the Minister for Lands:

I refer to the minister's response to question without notice 73 answered on Tuesday, 20 March 2018, regarding the construction of a medihotel in Murdoch, in which he stated that the Fini Group will purchase the land in stage 1A in freehold title.

- (1) Why does the contract of sale summary referred to in tabled paper 2044 name Aegis Health Pty Ltd ATF Aegis Health Unit Trust as the contracting party, and not Fini Group?
- (2) Why is there a discrepancy between the lot size in the minister's answer and the contract of sale summary?
- (3) What is Fini Group's role in this project?
- (4) Will the minister table the complete contract, given the inconsistencies in the information provided by the government; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question.

- (1) The contract of sale summary in tabled paper 2044 refers to the specific land on which the medihotel will be built, being lot 2 Fiona Wood Road, Murdoch. Aegis Health Pty Ltd ATF Aegis Health Unit Trust is the contracting party for this lot.
- (2) Question without notice 73 answered on Tuesday, 20 March 2018, refers to stage 1A. Stage 1A consists of three individual lots: lot 1 is sized 3 059 square metres, lot 2 is sized 5 911 square metres and lot 3 is sized 3 009 square metres. The total lot size of stage 1A is 11 979 square metres.
- (3) Fini Group is the master developer for all three lots within stage 1A and will deliver an integrated development.
- (4) The lot size discrepancy has been clarified.

I have not seen this, as I have been at the table, so if I have somehow misled the chamber in giving an answer from the other day, I apologise to the house and I will clarify that next week.

METRONET TASKFORCE — MINUTES

372. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to question without notice 167 asked in the Legislative Council on 14 March 2019 and question without notice 233 asked on 20 March 2019.

- (1) Has the minister received any advice, either preliminary or final, from the Department of Transport, the Public Transport Authority or the State Solicitor's Office about the tabling of the minutes?
- (2) If yes to (1), on what date was the advice received?
- (3) Will the minister table the minutes; and, if not, why not?
- (4) If no to (1), when does the minister expect to get the advice?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Transport.

- (1)–(4) The minister will release the minutes at the appropriate time. Further advice is being sought as to the appropriate and standardised guidelines and practices that apply or should apply to the types of information that can be released on the project and when it can be publicly released.

POLICE — FEDERAL ELECTION

373. Hon MICHAEL MISCHIN to the minister representing the Minister for Police:

I refer to the minister's response to question on notice 4830 asked in the Legislative Assembly.

- (1) Does the number of hours worked on any given day by a commissioned officer also include a provision or allowance for an officer to take time off to campaign as a candidate in the upcoming federal election?
- (2) Has any police officer taken time off between 1 January and 1 March 2019 to campaign as a Labor candidate in the upcoming federal election; and, if so, on which dates?

Hon STEPHEN DAWSON replied:

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

I have noticed an error in this answer, so I will not provide it to the member today. I will seek guidance from the minister and come back at a later stage to give the member a proper answer.

WAGGRAKINE PRIMARY SCHOOL — FENCING

374. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to Waggrakine Primary School in Geraldton.

- (1) Is the minister aware of the school community's significant concern over the inadequate fencing around the school's perimeter that is impacting on student safety, particularly the section that borders Chapman Valley Road?
- (2) If yes to (1), will the government provide the necessary funding to ensure an appropriate perimeter fence is installed as a matter of priority to ensure the safety of all students?
- (3) If yes to (2), can the minister provide an anticipated installation time frame?

Hon SUE ELLERY replied:

I thank the honourable member for this question. She and I have had a number of discussions about this.

- (1)–(3) Yes, I am aware. The director general visited the site probably about a month ago. I am advised that two weeks ago the Department of Education requested that Building Management and Works proceed with the installation of a perimeter fence around the school. That is now in process and involves surveying the site and may require discussions with the local council and the community. The estimated completion of all that and the actual installation of the fence is three months, but I have asked the Department of Education to provide advice on whether we can have that done sooner.

JUVENILE OFFENDERS — MONITORING

375. Hon NICK GOIRAN to the Minister for Education and Training:

I refer to the answer to my question without notice 263, in which the Minister for Police reported —

... 35 reportable offenders under the age of 18 are attending high school. This figure may vary because there is no reporting obligation to advise police when they cease attending ...

- (1) Given the "Multi-Agency Protocols for Education Options for Young People Charged with Harmful Sexual Behaviours" lists "Agreement on attendance at support programs and release of information for sharing between all professionals" as an ongoing management consideration, why is the Department of Education failing to advise police when reportable offenders cease attending school?
- (2) What steps will the minister take to rectify this untenable situation?

Hon SUE ELLERY replied:

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

- (1) The protocols were established to ensure the safety and wellbeing of students in schools. Information is shared when students move from one public school to another.
- (2) The protocols were put in place by this government to manage safety arrangements for school students when a young person at that school is charged with harmful sexual behaviours. Prior to this protocol, the previous Liberal–National government had no such arrangements in place.

PILBARA — FEDERAL ELECTION

376. Hon JACQUI BOYDELL to the Leader of the House representing the Premier:

I refer to comments by WA Labor's candidate for Durack, Sharyn Morrow, on ABC North West WA radio on 22 March, when she claimed that cuts to education and health funding in the Pilbara are impacting upon the quality of life.

- (1) What health funding has been cut in the Pilbara?
- (2) What education funding has been cut in the Pilbara?

Hon SUE ELLERY replied:

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

As per Legislative Assembly standing order 75(1), the Premier is not able to answer the question as it does not relate to actions or decisions as a sworn minister of the Crown. I suggest the member direct her questions to either Ms Morrow or WA Labor.

AGRICULTURE — DOPPLER RADAR

377. Hon RICK MAZZA to the Minister for Agriculture and Food:

I refer to the state government's investment of \$23 million in Doppler radar technology to provide much needed radar coverage with more precise weather information for farm businesses and rural communities across the Agricultural Region.

- (1) Has the entire \$23 million been spent?
- (2) If no to (1), what is the balance and how will the remaining funds be spent?
- (3) Are future Doppler radar expansions planned for locations other than Newdegate, South Doodlakine and Watheroo?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1)–(3) There is a potential underspend over that \$23 million, of which \$100 000 will be reallocated in line with standard budget processes. The good news is that there is another \$5 million funding for the upgrade of three coastal weather radars that are owned by the Bureau of Meteorology. These are at Geraldton, Albany and Esperance.

If the member is a BOM follower like me, he might have noticed that there has been some difficulty in getting on to the Albany one for some time as the upgrade is undertaken. I also make the comment that an increasing number of states are becoming concerned that they have to pick up the cost of providing what is very much a federal government responsibility.

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

378. Hon CHARLES SMITH to the Leader of the House representing the Minister for Local Government:

I refer to the Western Australian Local Government Association, commonly known as WALGA, which was established under the Local Government Act with powers constituted by the WA state government in 2001. Which government body undertakes a financial and/or disclosure audit of WALGA, particularly with regard to the alleged not-for-profit insurance arm, the Local Government Insurance Scheme?

Hon SUE ELLERY replied:

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

The Western Australian Local Government Association, commonly known as WALGA, is constituted as a body corporate under section 9.58 of the Local Government Act 1995. Although the act provided for the establishment of WALGA, it was established as a body corporate, not a government department or agency. As such, no government body has responsibility to undertake financial or disclosure audits of the association or its business units. WALGA must comply with its constitution and is accountable to its member local governments.

WESTERN POWER — SURGES

379. Hon TIM CLIFFORD to the minister representing the Minister for Energy:

I refer to Western Power's "Make a Claim" page on its website where customers can make a claim if they believe their appliances have been damaged due to power surges.

- (1) How many claims have been made for the years 2014–15, 2015–16, 2017–18 and 2018–19?
- (2) Please table the causes that led to those claims?
- (3) Please table the causes of power surges and spikes, and what Western Power does to prevent them?
- (4) What were the lowest and highest recorded voltages recorded on the south west interconnected system for the years 2016–17, 2017–18 and 2018–19?

Hon STEPHEN DAWSON replied:

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

- (1) The answer to question (1) is in tabular form. It lists the year, the number of claims received each calendar year and the total number of claims. I seek leave to have the response incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Year	No of claims received per calendar year
2014 – 2015	4225
2015 – 2016	2682
2016 – 2017	2416
2017 – 2018	2356
2018 – 2019	1765
Total	13,444

- (2) Claims arise from a number of events, including, but not limited to, trees or overgrown vegetation clashing with powerlines; interference by wildlife, for example birds, animals and termites; motor vehicles colliding with power poles or assets; bushfires; vandalism; lightning storms; winds or windborne debris; events caused by pollution; power interruptions for planned work; emergency action by police, fire or emergency services; any third party interference to the electricity system; and asset failures including surges.
- (3)–(4) It is not possible to provide the requested information in the time available. I therefore request that the honourable member place these questions on notice.

“MODERNISING WESTERN AUSTRALIA’S PLANNING SYSTEM”

380. Hon ALISON XAMON to the minister representing the Minister for Planning:

I refer to the Evan Jones green paper “Modernising Western Australia’s Planning System”.

- (1) How many submissions were received on this green paper?
- (2) Is the review and analysis of responses complete?
- (3) If yes to (2), will the minister please table the review and analysis?
- (4) If no to (2), when will this be complete?
- (5) Could the minister please advise the time frame for the production of the corresponding white paper for this planning reform initiative?

Hon STEPHEN DAWSON replied:

- (1) A total of 254 submissions were received.
- (2)–(5) The Department of Planning, Lands and Heritage is currently finalising a government response to the green paper, which will include a summary of submissions. The government response will be released following consideration by the government and will enable timely implementation of key planning reform initiatives.

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

381. Hon Dr STEVE THOMAS to the minister representing the Minister for Transport:

I refer to my questions on PFAS-contaminated soil excavated from the Forrestfield–Airport Link project, in particular question without notice 164 asked on 13 March 2019, question without notice 178 asked on 14 March 2019 and question without notice 359 asked yesterday, 10 April 2019.

- (1) Has the Minister for Transport informed the director general of the Department of the Premier and Cabinet, Mr Darren Foster, that she discussed the disposal of PFAS-contaminated soil excavated from the Forrestfield–Airport Link project with Mr Greg Poland in April 2018, as evidenced in the answers to questions without notice 164 and 178?
- (2) If yes to (1), on what date?
- (3) Has the Minister for Transport informed the director general of the Department of the Premier and Cabinet that Mr Greg Poland and Ms Corina Johnson had met with the Peel Development Commission to discuss the potential disposal of PFAS-contaminated soil excavated from the Forrestfield–Airport Link project in the Peel region, as evidenced by the minister’s answers?
- (4) If yes to (3), on what date?
- (5) Given that on 12 October 2017 the minister’s answer to question without notice 702 confirms her knowledge of PFAS contamination of this soil, and the minister’s answers to questions without notice 164 and 178 confirmed the minister’s knowledge in July 2018 of discussions about the potential disposal of this soil in the Peel region, exactly what communication did the minister have with Mr Poland or Ms Johnson on this issue and when?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided by the Minister for Transport. The minister notes that the issue of PFAS was well known to the previous government and was recognised when it entered into a contract for the construction of the Forrestfield–Airport Link, yet chose not to disclose it.

- (1)–(5) As the minister has stated previously, the topic of Forrestfield–Airport Link spoil was raised by Mr Poland in his capacity as deputy chair of the Peel Development Commission in April 2018 in a meeting regarding Hillarys Boat Harbour. On 13 July 2018, the Peel Development Commission followed up with a meeting request, which the minister declined and forwarded to the Public Transport Authority for a direct response. Meetings between the Peel Development Commission, Ms Johnson and Mr Poland are a matter for the Peel Development Commission.

HOMELESSNESS

382. Hon JIM CHOWN to the Leader of the House representing the Premier:

What direct action is Premier McGowan prepared to undertake to ensure that 17 homeless people found in or near his electorate are relocated into safe and affordable housing?

Hon SUE ELLERY replied:

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

The McGowan government is committed to breaking the cycle of homelessness and is working closely with our community sector partners to deliver a range of services to those in need. The Department of Communities works with a number of community organisations to provide a range of specialist homelessness services including accommodation services, meals and day centres that provide people who are homeless with crisis and transitional accommodation and/or meals, access to shower and laundry facilities, and the opportunity to connect with support services.

SANDALWOOD HARVEST

383. Hon COLIN HOLT to the minister representing the Minister for Forestry:

I refer to my question without notice 265 asked on 2 April 2019.

- (1) As stated, contracts were awarded to Dutjahn Sandalwood Oils Pty Ltd for 100 tonnes of sandalwood per annum and Mount Romance Australia Pty Ltd for 400 tonnes of sandalwood per annum. How much did these contractors agree to pay for the sandalwood at the time of the contract?
- (2) As stated, the contract with Mount Romance Australia Pty Ltd was terminated by mutual agreement in May 2018.
- (a) Was the 400 tonnes of wood re-tendered?
- (b) If no to (1), why not?
- (c) Was a new contractor appointed for the 400 tonnes of wood?
- (d) If yes to (3), who is the contractor?
- (e) What is the price paid by the contractor?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Forestry has provided the following information.

- (1) I am seeking further advice on this matter and it is not possible to provide an answer in the time available. I therefore ask the honourable member to place this question on notice.
- (2) (a) Yes. The Forest Products Commission established a panel of sandalwood buyers through a public tender process. The wood available to the panel includes the resources previously allocated to Mount Romance. The FPC releases parcels of sandalwood periodically to panel members to bid on.
- (b) Not applicable.
- (c) Currently, there are nine panel members and all have equal opportunity to make offers for sandalwood.
- (d) The current panel members are Dutjahn Sandalwood Oils Pty Ltd, Mount Romance Australia Pty Ltd, Wescorp Sandalwood Pty Ltd, Raintree Pearls & Perfumes Pty Ltd, K Farmer Dutjahn Foundation Ltd, Paperbark Essential Oils or Paperbark Co Pty Ltd, WA Sandalwood Plantations Pty Ltd, Alpha Santanol Pty Ltd, and Sandalwood Growers Co-op Ltd.
- (e) I am seeking further advice on this matter and it is not possible to provide an answer in the time available. I therefore ask the honourable member to place this part of the question on notice.

ON-DEMAND TRANSPORT INDUSTRY

384. Hon ROBIN SCOTT to the minister representing the Minister for Transport:

- (1) In discussions with representatives of the taxi industry or in correspondence with representatives of the taxi industry, has the minister or the minister's department made reference to a possible cap on the number of new taxi licences?
- (2) Is there presently any plan for a cap on new licences; and, if so, what is the detail of such a plan?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) On 17 March 2018, the minister announced that following further consultation there would be a removal of the cap on the number of taxi vehicles authorised to operate. This decision was made to give all on-demand transport providers the freedom to expand and diversify the services offered to customers.

VIEWING PLATFORM — BURRUP PENINSULA

385. Hon ROBIN CHAPPLE to the minister representing the Minister for Aboriginal Affairs:

I refer to the development of a viewing platform and walkway in Deep Gorge on Murujuga—Burrup Peninsula—which is included in the Burrup Peninsula national heritage place.

- (1) Has a section 18 consent been applied for the work; and, if so, has it been granted?
- (2) Has a detailed archaeological survey, other than the July 2009 investigation report, been provided to the previous Department of Indigenous Affairs by Jo McDonald?
- (3) Has the recommendation to carry out an archaeological subsurface excavation of the footing sites prior to the construction of these facilities been concluded?
- (4) If no to (3), why not?
- (5) Given the known instability of the slope to be viewed from the walkway, what precautionary measures have been or will be taken to ensure that vibrations from the construction work will not further dislodge petroglyphs disturbed by the construction of the North West and Pluto LNG facilities?
- (6) If yes to (1), who is or are the heritage professional or professionals that provided the department with expert advice to enable issuing a section 18 notice?
- (7) If no to (6), why was no professional expert advice considered?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) Yes.
- (3) This question should be directed to the proponent and the traditional owners.
- (4) Not applicable.
- (5) The section 18 consent was issued with conditions relating to the monitoring of the works by the traditional owners and an archaeologist. Measures have been put in place by the proponent in consultation with the traditional owners. Further queries should be directed to those parties.
- (6) Applied Archaeology Australia Pty Ltd provided the department with advice.
- (7) Not applicable.

MINISTER FOR HEALTH — PORTFOLIOS — STAFF LEAVE BALANCES

386. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Health:

I again refer to the minister's answers to parliamentary questions on notice 1539 and 1931, concerning annual leave liability balances across the health services as at 30 June 2018 and 31 December 2018, respectively.

- (1) Why has the number of staff with excessive accumulated annual leave balances of eight weeks and above—the equivalent of two years of outstanding annual leave—increased by a sum total of 948 people and at a cost of \$35 million across the North, South and East Metropolitan Health Services and the Western Australian Country Health Service and the Child and Adolescent Health Service, over a six-month period?
- (2) Can the minister guarantee that this extraordinary increase in excessive accumulated annual leave balances does not pose risks to staff welfare and to the standards of clinical care provided to the public?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. Because of the nature of the question, the answer is necessarily long and complex. Mindful of standing order 106—that the reply needs to be concise—I seek leave to have the answer incorporated into *Hansard*, with the agreement of the questioner.

Leave granted.

The following material was incorporated —

I thank the Honourable Member for some notice of the question.

Child and Adolescent Health Service (CAHS)

- (1) CAHS has focused its attention on employees with excessive leave balances to ensure that they have a leave management plan. There was a slight increase in annual leave accrued for 3 months after the initial move to Perth Children's Hospital. The CAHS Board is considering reduction controls.
- (2) CAHS is cognisant of the issue of fatigue on employees. A monthly report is provided to Executive of employees who have not taken leave in the last 12 months and do not have a leave management plan.

East Metropolitan Health Service (EMHS)

- (1) The increase for EMHS represents 227 staff at a cost of \$7.9 million. This increase has occurred despite efforts to clear excess leave while continuing to provide appropriate staffing levels. The data provided for 31 December 2018 would not include leave taken over the 2018–19 Christmas and school holiday period when there is a significant utilisation of leave taken.
- (2) Increases in excess leave should have no impact on the provision of clinical care to the public or on the welfare of staff. This is a legacy issue of accrued leave that EMHS is seeking to manage.

North Metropolitan Health Service (NMHS)

- (1) The headcount of staff with up to six weeks of annual leave outstanding has decreased over the six month period, with only a marginal increase in the associated total dollar value. This outlines good leave management practices for current annual leave allocations at NMHS. The increase in accumulated leave liability above six weeks (i.e. non-current leave) is reflective of FTE management strategies implemented by the NMHS. In implementing these FTE management strategies, NMHS acknowledged that a resulting impact would be an increase in annual leave liability, due to reduced opportunities to backfill staff, and therefore the rate at which staff are able to take leave would reduce.
- (2) There is no risk to staff welfare and to standards of clinical care provided to the public, as NMHS actively manages staffing welfare, and clinical safety through a variety of strategies, and to address this accumulated leave issue has developed a Fatigue Prevention and Management Policy.

South Metropolitan Health Service (SMHS)

- (1) In SMHS this can be attributed to the change in an industrial policy with respect to the treatment of time-off-in-lieu (TOIL) in the medical officers' cohort that was changed to an annual leave liability in the period between July 2018 and December 2018.
- (2) Strategies are in place to reduce excess leave but the benefits of such strategies are not realised immediately as it is dependent on when staff take the leave. In SMHS although there has been an increase in employees with excess annual leave in Quarter 3 2018/19, there has been a reduction in the number of employees with excess long service leave. The management of excess leave needs to be carefully balanced to ensure there is no impact on patient care, managers utilise employee leave management plans to ensure sufficient coverage. Improved reporting has increased the managers ability to monitor and plan for leave.

WA Country Health Service (WACHS)

- (1) A point in time comparison between June and December is not representative of broader leave balance trends. Based on historical trends over a calendar year it is ordinary for leave balances to increase between June and December before employees take their leave over the Christmas holidays and the longer school break. While the WACHS staff headcount with annual leave balances of more than 8 weeks increased by 13% between June and December 2018, a comparison between June 2018 and January 2019 only demonstrated a 3% increase, noting total WACHS headcount also increased during this period.
- (2) This observation is a regular trend in leave usage patterns and does not pose risks to staff welfare and to standards of clinical care. WACHS continues to actively monitor and manage Excess Leave.

ANIMAL ACTIVISM — INVESTIGATION UNIT

387. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to comments made by Western Australian Farmers Federation chief executive Trevor Whittington in *The West Australian* of Tuesday, 9 April, seeking the formation of an intelligence unit between the Department of Primary Industries and Regional Development and the Western Australia Police Force to investigate illegal behaviour by animal activists.

- (1) Will the minister support the establishment of such a unit?
- (2) If not, will the minister outline an alternative strategy to support WA farmers, businesses and communities who are under siege from these extreme activist organisations?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

I just want to comment first. As we know, the last incursion by animal activists in Western Australia was a couple of months ago, and we rapidly apprehended those individuals. They were then charged and, I am pleased to say,

convicted and given significant financial penalties. I think it is particularly pleasing to note that then, on the national day of action called by Aussie Farms, we had no incursions here in Western Australia. I think it is really important to understand that context. Obviously what we are doing is working.

- (1)–(2) The Department of Primary Industries and Regional Development is collaborating very closely with WA Police to support farmers. Both agencies met with industry peak body groups on 1 March 2019, and a follow-up meeting is planned for 17 April 2019. The Commissioner of Police has appointed four rural investigators in addition to the police stationed in the regions who are ready to support farmers who experience illegal acts of trespass, theft, damage, harassment, destruction or invasion of privacy. Last month's conviction of two animal activists for trespass, and the significant fines imposed, serve as a warning that the police and courts will take rapid and strong action against those who break the law. The state government is currently working on reforms to further support farmers, including allowing courts to impose restraining orders on activists, and stronger laws around trespassing on farms and abattoirs.

ANIMAL ACTIVISM — ANTI-PROTEST LEGISLATION

388. Hon COLIN TINCKNELL to the Leader of the House representing the Attorney General:

I refer to anti-protest legislation. The previous government proposed introducing anti-protest laws that the then Leader of the Opposition said were too broad. Is the government considering introducing anti-protest legislation, in any form, in an effort to stop extreme and unlawful protest actions by militant activists; and, if so, when; and, if not, why not?

Hon SUE ELLERY replied:

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

The Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 sought to criminalise otherwise lawful protests. The government continues to recognise the right of people to peaceful protest, as long as they respect the law. When a protest is associated with criminal acts such as trespass, then the protest is unlawful. The government is currently considering potential reforms to the Restraining Orders Act 1997 and the Criminal Code to enhance protection for farmers against persons engaged in criminal activity. The proposed reforms are not intended to abrogate the right to engage in lawful protest.

LITHIUM RAIL SUPPLY CHAIN

389. Hon DIANE EVERS to the minister representing the Minister for Transport:

I refer to the south west lithium rail supply chain pre-feasibility report.

- (1) Has the Department of Transport verified the figures and modelling in the report; and, if yes, will the minister please table the report; and, if not, why not?
- (2) Was the option of backhaul of tailings from the Kemerton lithium refinery considered in the report; and, if yes, what were the findings?
- (3) Has the report been considered by the minister; and, if yes, will the minister please provide an update on the likelihood of rail being used for transport from the mine to the refinery, and from the refinery to a waste storage or disposal site; and, if not, when will the minister consider it?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) The proponents of the south west lithium rail supply chain proposal recently shared the pre-feasibility study with the Department of Transport and the Public Transport Authority for consideration. The Department of Transport has conducted a high-level review of the report and ongoing consultation will occur with the proponents as they undertake additional work.
- (3) As only pre-feasibility work has been undertaken, detailed work will be required to fully assess the viability of the proposal.

HUAWEI — CYBER SECURITY COOPERATIVE RESEARCH CENTRE

390. Hon PETER COLLIER to the Leader of the House representing the Premier:

I refer to the answer to question without notice 81, asked on Thursday, 14 February 2019.

- (1) Did the Cyber Security Cooperative Research Centre raise concerns with the awarding of the contract to Huawei?
- (2) If yes to (1), what concerns did the CRC raise?
- (3) Who from the CRC was consulted?
- (4) On what dates was the CRC consulted?

Hon SUE ELLERY replied:

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

- (1)–(4) The Cyber Security Cooperative Research Centre did not provide any formal advice raising concerns in relation to the awarding of the contract to Huawei. Consultation on this matter occurred between the former Office of the Government Chief Information Officer and the Edith Cowan University lead for the CRC. A search of records does not indicate the date on which this consultation occurred. Relevant national security agencies were consulted on this matter and were the primary source of advice to the state. Members of the opposition have previously sighted this advice at a confidential briefing at Parliament House on 5 July 2018.

SCHOOLS — PLASTER GLASS CEILINGS

391. Hon DONNA FARAGHER to the Minister for Education and Training:

We have had this question for some time but it was recently updated.

I refer to the minister's response to question without notice 1210 asked on 22 November 2018 regarding the upgrading of original plaster glass ceilings at schools built before 1970.

- (1) Have remediation or replacement works been completed at all 99 school sites; and, if not, why not?
 (2) If not, which schools are still waiting for these works to occur and will the minister advise the time frame for these remaining schools to have the necessary improvements undertaken?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. This answer is current as of 21 March.

- (1) No.
 (2) The Western Australian College of Agriculture Cunderdin will be completed by the end of term 1. The Department of Education is undertaking a remediation program at Ongerup Primary School, involving the stabilising of a subsiding building. Ceiling replacements will occur as part of this larger project and will be completed by June 2019. The department has scheduled a large ceiling replacement program at Norseman District High School, including an air conditioning replacement. This large program of works will be completed by June 2019. Temporary works have been completed at both of these sites to make the ceilings safe in the interim.

ANIMAL ACTIVISM — TRESPASS

392. Hon COLIN TINCKNELL to the minister representing the Minister for Police:

- (1) Can the minister please elaborate on her answer in the affirmative to question without notice 357 from yesterday and please list all the laws on which she has sought advice in an effort to better protect farmers and from whom this advice has been sought?
 (2) Has the minister received the said advice; and, if so, can she please table that advice now; and, if not, when is this advice expected and will she table it once it has been received?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) The minister has had discussions with the Commissioner of Police and the Attorney General primarily on the Criminal Code. The minister is working with the Attorney General on the preparation of a cabinet submission and the Attorney General will bring a bill before the Parliament. The minister is confident that a full briefing will be provided on the bill.

PRISON HEALTH SERVICES

393. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:

I refer to my question without notice 185 of 14 March 2019 and to the proposal to transfer the delivery of prison health services to the Department of Health.

- (1) Will the minister please table the report of the review undertaken in August 2017?
 (2) Why were the outcomes not accepted by the minister?
 (3) Would the minister please advise —
 (a) who is currently on the justice planning and reform committee;
 (b) how often the committee meets; and
 (c) when the committee last met?

Hon STEPHEN DAWSON replied:

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

- (1) A copy of the review will be provided in due course.
- (2) Medical care provided to prisoners is adequate and commensurate with public expectations.
- (3) As this committee falls within the responsibility of the Department of the Premier and Cabinet, please refer this question to the Premier.

SCHOOL VIOLENCE

394. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the minister's statement on school violence released in December 2018. Will the minister table a copy of all circulars and correspondence relevant to the implementation of the minister's statement sent under the name of the director general, including the former acting director general, or her delegate to schools following the statement's release; and, if not, why not?

Hon SUE ELLERY replied:

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

Yes. I table the requested documents.

[See paper 2622.]

QUESTIONS ON NOTICE 1836, 1845, 1980, 1983 AND 1985

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Minister for Education and Training)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

HOUSING — NEWMAN

Question without Notice 366 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.03 pm]: I would like to provide an answer to Hon Colin Holt's question without notice 366 asked yesterday. I seek leave to have it incorporated in *Hansard*.

Leave granted.

The following material was incorporated —

I thank the Member for some notice of this question.

- (1) As at 31 March 2019, the Department of Communities owns 169 properties in Newman, consisting of;
 - (i) 69 properties allocated to public housing;
 - (ii) 85 properties allocated to Government Regional Officer Housing, (commonly known as GROH); and,
 - (iii) One property allocated to community housing providers.
 - (iv) 10 service worker properties; and
 - (v) Four non-government organisation properties.
- (2) There are currently 30 properties vacant of which:

Five of these are allocated to public housing:

Two have been vacant for 30 days or less;

Two have been vacant for one to three months; and

One has been vacant for three to six months.

Twenty-two are allocated to GROH:

one has been vacant for 30 days or less;

one has been vacant for one to three months;

two have been vacant for three to six months;

one has been vacant for six to 12 months; and

17 have been vacant for more than 12 months.

Three are allocated to non-government organisations, all of which have been vacant for more than 12 months.
- (3) There are currently 36 clients listed for public housing assistance, six of which are priority listed.
- (4) Properties constructed:

2017:	0
2018:	0
2019 to date:	0

(5)	Properties sold:	
	2017:	8
	2018:	26
	2019 to date:	2
	Properties demolished:	
	2016–17:	2

POLICE — ABORIGINAL CULTURAL TRAINING

Question on Notice 1977 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1977 asked by Hon Alison Xamon on 13 March 2019 to me as Minister for Environment representing the Minister for Police will be provided on 7 May 2019.

MENTAL HEALTH — ADDICTION SPECIALISTS

Question on Notice 1966 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1966 asked by Hon Alison Xamon on 13 March 2019 to me as parliamentary secretary representing the Minister for Health will be provided on 7 May 2019.

SUITORS' FUND AMENDMENT BILL 2017

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 5: Section 6 amended —

Committee was interrupted after the clause had been partly considered.

Clause put and passed.

New clause 6 —

Hon NICK GOIRAN: Members will be aware that two amendments are listed on the supplementary notice paper relating to proposed new clause 6. For the reasons that we discussed earlier, it is not my intention to move the amendments standing in my name because of the work that has been undertaken by the Minister for Environment in preparing a substantially similar amendment, which has my support. Given that the minister will be moving his amendment, there is no need for me to move mine.

Hon STEPHEN DAWSON: I thank Hon Nick Goiran for his contribution. I move —

Page 3, after line 12 — To insert —

6 Section 18 inserted

After section 17 insert —

18. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 2nd anniversary of the day on which the *Suitors' Fund Amendment Act 2017* section 6 comes into operation.
- (2) The review must address the following —
 - (a) the effect of the levy payable under section 5 on access by litigants to the courts;
 - (b) the extent to which recommendations from reports of the Law Reform Commission of Western Australia relating to the operation of this Act have not been implemented; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 2nd anniversary.

I outlined to the house earlier the reasons for moving this amendment, so I will not say anything further at this stage. I commend the amendment to the chamber.

New clause put and passed.

Title put and passed.

SUITORS' FUND AMENDMENT (LEVY) BILL 2017*Committee*

The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

Clause 1: Short title —

Hon NICK GOIRAN: Minister, is the levy imposed by this bill a tax?

Hon STEPHEN DAWSON: Honourable member, I am advised that the nature of the payment that is before us in this bill is exactly the same as is currently in place. The Parliamentary Counsel's Office has advised that the levy could be regarded as a tax, so we proceeded on that basis by having a separate bill. Obviously, during the drafting, the advice received was that a second bill was required for this legislation in accordance with section 46(7) of the Constitution Acts Amendment Act 1899.

Hon NICK GOIRAN: On what date did the minister first reveal to the people of Western Australia that this tax would be imposed?

Hon STEPHEN DAWSON: The point I am making is that this levy is in place and has been in place for a number of years.

Hon MICHAEL MISCHIN: Yes, it has been, but, of course, it was limited to 20¢ on a piece of process and has been like that for the last 50 years, as opposed to a now unascertainable figure. I think the minister said that it can be considered a tax. I have had occasion to look at the explanatory memorandum and it tells us that the levy imposed by the bill amounts to a tax, and that is the whole rationale behind it, so it is plainly contemplated that it be regarded as a tax rather than a mere recovery of costs and the like. It highlights the importance that we receive advice and the analysis of any levy imposed by regulations at the earliest opportunity, so that we can be satisfied that no over-recovery will be occurring.

Hon STEPHEN DAWSON: I apologise, can the member repeat that last bit?

Hon MICHAEL MISCHIN: I think it is important that when the regulations are gazetted, we receive an analysis of how the figures are arrived at for the levy, in order to be satisfied that there is no over-recovery involved. It is intended and calculated to sustain the suitors' fund and to repay the Treasurer's advances, and, ultimately, one hopes that the amount being charged would drop.

Hon STEPHEN DAWSON: Certainly it is our intention to do that work, honourable member. I cannot promise that the fee will drop, but it is our intention to ensure that proper analysis is undertaken, so that we can have confidence in the levy amount.

Hon MICHAEL MISCHIN: Logically, it should drop over time, because once the Treasurer's advances have been repaid and the amount being recovered is to sustain the fund, one would expect that the levy would be revised accordingly. After all, the government is trying to clear a backlog of funds that are in deficit.

Hon STEPHEN DAWSON: Honourable member, I am told that it will not necessarily come down. We need to keep some money in the fund so that the fund is flush, particularly if we change the cap amount in the future. I am not saying it definitely will not come down, but it might not. Certainly, as we undertake the review and look into the issue of caps, that extra money in the account may well be needed to deal with that issue.

Hon NICK GOIRAN: Minister, will the government apologise to the people of Western Australia for not informing them of this tax prior to the March 2017 election, as had been promised by their leader?

Hon STEPHEN DAWSON: Honourable member, the only thing I am sorry about is that we are still talking about this bill at quarter past five on a Thursday! This bill, as we have spoken about already during this debate, is long overdue. We have committed to reviewing the legislation, and, hopefully, as a result, it will be able to help more and more Western Australians into the future.

Clause put and passed.

Clauses 2 to 4 put and passed.

Title put and passed.

SUITORS' FUND AMENDMENT BILL 2017
SUITORS' FUND AMENDMENT (LEVY) BILL 2017

Report

Bill (Suitors' Fund Amendment Bill 2017) reported, with amendments.

Bill (Suitors' Fund Amendment (Levy) Bill 2017) reported, without amendment.

By leave, reports of committees adopted.

ENERGY SUPPLY

Statement

HON ROBIN SCOTT (Mining and Pastoral) [5.20 pm]: I would like to talk about securing power for Western Australia. I personally believe that we have a window of between only five and eight years before we come into real strife from a lack of power. I would first like to explain exactly what “nameplate capacity” means. A two-megawatt generator powered by coal, gas or diesel will produce 100 per cent of its capacity, 24 hours a day, seven days a week if it is required. On the other hand, a two-megawatt wind turbine is a very unreliable source. As the wind diminishes, so does the power output. It can go from two megawatts right down to one megawatt in the snap of a finger. Solar farms and wind farms will not solve the imminent power shortage for which we are headed. We must consider that we are now looking at thousands of new electric cars coming onto our roads, plus the expanding population.

Hon Alannah MacTiernan: What about hydrogen? That’s going to help.

Hon ROBIN SCOTT: It could do, but it is very, very expensive. If someone told me in the 1970s that in 2019 I would be told that I can water my lawn only on a Sunday and a Thursday for half an hour, I would have just laughed at them, but I assure members that once the coal-fired power stations finish in Collie, we will not be able to recharge our electric vehicle whenever we want. People will be told when they can plug it in to recharge it. That is how the power situation will be because of unreliable renewable sources of energy. The present day renewables are only at the same level today as black and white televisions. I am still hoping that some 16-year-old student comes up with a solution and discovers perpetual motion. Renewables today are very unreliable power, and I will give members a perfect example. On 1 February at four o’clock, I was flying back from Kalgoorlie, and as I flew over the Collgar wind farm, I noticed that none of the windmills were turning. To prove that they were not, I did a circuit around the wind farm and I could see that not one windmill was turning. That is \$750 million of taxpayers’ money sitting in the middle of the bush doing nothing. When I left Kalgoorlie, it was 42 degrees. When I was heading to Perth it was 38 degrees and not one single bit of electricity was being produced, not even enough to power the light in your fridge.

Every new home should have solar panels and batteries. Domestic installation is the only thing that will help at the moment, with panels on the roof and batteries in the backyard. They should be built right now to a maximum installation quality so that we can take some of the load off the power grid. We need a new coal-fired power station in Collie. This will maintain not only jobs in the mining industry in Collie, but also the jobs that the service industries in Collie rely on. The sheltered honourable members of the Greens Party do not understand that modern coal-fired power stations are very clean. If I were the boss, I would start building WA’s first nuclear power station now. They are safe, very reliable and have very little pollution, and we have the raw fuel. We have uranium. WA needs safe, cheap and reliable power so that we can continue to be competitive in this modern world.

MENTAL HEALTH — FLY IN, FLY OUT CODE

Statement

HON ALISON XAMON (North Metropolitan) [5.23 pm]: I rise to make some comments about the code of practice titled “Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors”, which was brought down last week. I feel inspired to make some comments in response to some of the very disappointing comments that I heard in this place about this code. I want to say from the outset that I completely support the work that has been done here. I am really, really happy that it has been done. One criticism is that I think a lot of the recommendations in the code need to be prescribed by regulation. That is probably my biggest concern. What has been produced in this body of work is so important that we need to ensure it can be enshrined in law and enforced effectively. The reality is that we need modern solutions for modern problems. It is nice to always hear stories about the olden days, but I am particularly interested in making sure that we are addressing what is happening for FIFO workers right now.

FIFO can be incredibly important for a lot of families and can be very, very good for a lot of individual workers. For many people, the capacity to work FIFO is an opportunity to lift themselves out of dire financial situations or give themselves a leg-up in the world. It is not without its problems, and we need to recognise that. Being away from family, particularly spouses and children, can really take its toll. Making sure that FIFO workers have liveable rosters is an important way to make sure that life is better. As well as ensuring that conditions on the site are genuinely amenable to good positive mental health, we need to make sure that people have access to alcohol and other drug services. We need to recognise that when people are away, it can be very difficult to access appropriate mental health services.

FIFO work is an important part of the employment landscape within this state. It is really important that we protect the mental health of our FIFO workers. I really want to reflect on the devastating impact of suicide on the families of those people who have taken their lives and on the workers who are left behind. For that reason, we need to be treating it with absolute seriousness. Members here may not be aware—of course, my colleague Hon Tim Clifford

is aware—that outside my political work, I deliver training and I am recognised as, I dare say, a bit of an expert on children bereaved by suicide. I talk about the long-term impact and I deliver training to mental health professionals and others around what happens in the lifetime journey of children who are bereaved. It is a very, very serious matter and one that we should never, ever take lightly.

It is never, ever okay for anyone to presume that because they are okay in a situation, everyone around them should be as well. I am afraid that is the first step towards ensuring that people are not able to access the help that they need if they are experiencing suicidality. When we are talking about issues as important as suicide, I beg people always to recognise that even if they have been okay in a particular situation, it does not mean that it is okay to silence the voices and the experiences of people who are perhaps not okay. The one thing we always demand is that people are able to call out for help if they are experiencing mental health distress. I am extraordinarily disappointed if that is ever the response.

Before I came back into this place for the fortieth Parliament, I was, of course, the president of the Western Australian Association for Mental Health. In that capacity, I sat on the committee that was responsible for helping to formulate the government response to the recommendations of the parliamentary inquiry into FIFO. That was a very important opportunity and it was also heavily influenced by the fact that I had a background working in the unions and representing members who had been working FIFO as well. I am very familiar with the line that came from the Chamber of Minerals and Energy, which stated that it was not an issue of mental health and suicide on the sites because, by and large, the population group that was more than likely to undertake FIFO was also, coincidentally, the demographic that was more likely to be at risk of taking their lives.

I want to say two things about that. Firstly, if we have identified that a particular population group is automatically at higher risk of feeling suicidal and taking their own lives, we need to keep an eye on what is happening with that population group and provide targeted services. It is never okay to say, “They’re going to be naturally at risk anyway, so we’ll wash our hands of this.” No. It means we must ensure that we put in place targeted approaches to assist that population group.

It is also important to note, secondly, that that particular line from the Chamber of Minerals and Energy is wrong. I note that Hon Kyle McGinn in his contribution made brief reference to a particular report. I will give members a bit more detail about that report. The report, which was commissioned by the Mental Health Commission and undertaken by the Centre for Transformative Work Design, is entitled “Impact of FIFO work arrangements on the mental health and wellbeing of FIFO workers”. That report found that even when we take into account associated risk factors such as age and education, there is still a greater risk of mental ill-health among workers who operate under FIFO work arrangements. Members need to remember this. The old myth that it is not a particular issue for FIFO workers, because they happen to belong to a demographic that is more likely to take their own lives, has been proved not to be the case. The reality is that the peculiarities of FIFO work lend themselves to a higher incidence of mental health issues and suicidality if appropriate mechanisms are not put in place to address those issues and ensure that people are able to access the right services. Therefore, it is important that we pay close attention to this issue and treat it with the utmost seriousness.

As I have said, if someone takes their own life, it is devastating. It can destroy the lives of the people who are left behind. It also has a terrible, terrible impact on the other workers on the work site. I am glad that we have made some inroads into acknowledging the unique needs of FIFO workers and the issue of mental health and suicide prevention and are, hopefully, making some progress on this issue. I hope that will translate directly into saving lives.

Finally, I want to acknowledge the MVD Memorial Ride crew, who are currently riding over 2 200 kilometres from Perth to Telfer in honour of Mick, their friend, brother and workmate, who took his life in October last year on a mine site. They aim to raise awareness of mental health issues and have already raised a bucketload of money for Beyond Blue. They left last Thursday, 4 April, and expect to take 11 days to complete the ride. I know one of the co-workers of this man, and it has been devastating for him and his colleagues. I wish them well. I hope they raise a lot of money. Importantly, everyone in this place needs to remember that any moves we can make to ensure that people are less likely to take their own lives should be welcomed and encouraged.

ANZAC DAY COMMEMORATIONS

Statement

HON TJORN SIBMA (North Metropolitan) [5.33 pm]: I wish to commence my brief member’s statement by wishing all members of this chamber a happy and safe Easter break. I say that as a prelude to another day of recognition and commemoration that will take place during the brief adjournment of this house, and that is of course Anzac Day. That is one of the few occasions of secular solemnity and reflection that exists in our national calendar, and long may it remain so.

I want to recognise the encouraging surge in attendance at Anzac Day services in recent years, certainly within Western Australia and across the country more broadly. I find particular comfort in the gratitude shown by many

of our community's younger members. Correspondingly, it is with some sense of disappointment that discordant and disrespectful notes are sounded in anticipation of that day or on that very day itself. I am sure that again there will be a motivated few who, for their own reasons, seek to demean the reputation of our service people and act to erode any sense of national cohesion and fellowship. This is the first occasion I have had to briefly reflect on remarks attributed to an academic at Murdoch University, Dr Dean Aszkielowicz. He has made three claims in lectures that I want to address very quickly because this is my first opportunity to do so in recognition of my responsibility as shadow Minister for Veterans Issues. The first claim made by the doctor is that our service people are killers. He is reported as stating —

“If you go and you kill people, whether it's in a foreign campaign or not, then you've killed people and you're a killer.

That quite clearly attempts to criminalise and dishonour the reputation of service people historically. Quite clearly, killing and murdering are reprehensible moral acts, but that claim is an intellectually hollow and ignorant one to make. Centuries of philosophical contemplation are devoted to what is colloquially referred to as the “just war theory”. Millennia have been devoted to those contemplations. Any charge of moral capability levelled against people who can no longer speak in their own defence, must, if it is to be an honest academic contribution, at least give due recognition to that theoretical framework. If charges are to be levelled, they must be made with some cognisance of universal conventions and laws of armed conflict. The doctor's remarks, as they are attributed to him, certainly did not do that.

The second objectionable claim that the good doctor has made is that Anzac Day is a cliché that will diminish in popularity. The facts speak for themselves. It is particularly galling to me that this gentleman seems to lack any self-awareness of or gratitude for the academic freedom that he has the right and responsibility to act upon that is formulated or buttressed by the endeavours, principles and sacrifice of people who have gone before him—blood shed by predominantly men who, for historical reasons, did not share his good luck and privilege. It is also a disgrace, frankly, that those who commemorate this day, whether it be in Australia or overseas, have been referred to as drunks. That is a disgraceful slur that requires a rebuttal.

The third issue, which is my second to last point, is the diminishment of the Australian War Memorial by the doctor. This stands in complete contrast to the facts. The quote attributed to the doctor and which he has not rebutted—he has had a number of weeks to rebut these charges—states —

“very few things that the Australian War Memorial claims ... about Anzac Day are true”.

I have visited that memorial more than a dozen times; it is truly a national treasure and its extensive collection repudiates all of this academic's claims. But it does not take the entire collection to repudiate those claims, they can be demolished by one record that lies in the memorial's extensive archives—that is, the military service record of Private Kenneth Norman McNamee, which I came upon at random. I will read in the description of that gentleman's service —

Private Kenneth Norman McNamee (4258, 14th Battalion) was born in Ballarat, Victoria. He was working as a printer with “The Sporting World” and not yet 16 years old when he enlisted in July 1915. Kenneth was awarded a Military Medal for his “daring and coolness” while running messages and maintaining communication between Company and Battalion headquarters during the battle of Mouquet Farm in August 1916. Kenneth was wounded on 11 April 1917 —

This example was chosen at random, but that battle was 102 years ago today —

during the battle of Bullecourt and was last seen being bandaged by two German Red Cross men. This was reported after the war by a fellow prisoner of war, who said that Kenneth had been badly wounded by a bullet just above his heart and was unlikely to live long. Kenneth is commemorated on the Villers-Bretonneux Memorial ... France. He was 17 years 9 months of age.

That brief service history of one individual who died 102 years ago speaks for itself and utterly demolishes the reprehensible claims made by this so-called academic of history at Murdoch University. I will leave it there. Lest we forget.

ALBANY WAVE ENERGY PROJECT — CARNEGIE CLEAN ENERGY — TENDER PROCESS

Statement

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.41 pm]: I wish to correct the record. There were some inaccuracies in the statement made by Hon Peter Collier this morning. I presume he was just following the inaccuracies of his leader in the other place. I want to get this on the record very clearly. Hon Peter Collier claimed that the only company the minister met with was the company that got the contract. That is completely not true. Before the tender process started, I met with three of the well-known companies. They were the three leading wave energy companies in Western Australia, including Bombora Wave Power and Protean Energy. I met with representatives of the three prominent wave energy firms in

Western Australia. Indeed, I encouraged these firms to see whether they could collaborate for the establishment of the common-user infrastructure. It certainly was not my wish that we had to pick amongst those three companies. My wish had been, because this exercise was to a significant extent about the promotion of Western Australian technology, that we would manage in some way or other to have these three companies work together. Indeed, that was the proposition that I put to those companies—that they consider establishing some sort of collaboration to do that. At the end of the day, when the tenders were opened, Bombora and Protean decided that they would not tender. Indeed, those companies wrote letters of support for the Carnegie project. Apparently, they had entered into some arrangement with Carnegie whereby they would be able to use, shall we say, the nursery facilities Carnegie had developed so their technology could move forward.

This is a very, very important matter to correct and I really hope that the member is prepared to accept that the record shows that I met with those three companies and that was the nature of the discussion I had with them.

**ANZAC DAY COMMEMORATIONS
ARTHUR STANTON — MILITARY SERVICE**

Statement

HON PIERRE YANG (South Metropolitan) [5.44 pm]: Like Hon Tjorn Sibma, I wish to wish everyone a happy Easter. Also, as this is the last sitting day before another very important day in Australia, Anzac Day, I take this opportunity to pay my respects to all Australian servicemen and women throughout history and to all those who are serving Australia now, especially those who are serving overseas. I pass on my thanks to them for their service.

This morning, along with Ministers Peter Tinley and Fran Logan, I had the honour of attending the City of Cockburn RSL Anzac youth parade and service, which was jointly organised by the City of Cockburn, the Cockburn RSL and 30 or so schools within the City of Cockburn. I witnessed up to 1 500 students proudly march along the street to participate in the service. This is a very special occasion. It is a very meaningful way to commemorate Anzac Day and to get our young people involved. Hopefully, it will instil the Anzac spirit in other youngsters. It is the only event of its kind in Western Australia. In 2002, the Cockburn Anzac youth parade took place for the first time, with 12 schools and 600 students participating in the parade. Fast forward 17 years and it has developed into a major event in the City of Cockburn and, indeed, in Western Australia. We all owe our appreciation to Mr Arthur Stanton for bringing the concept of a youth parade and service to Western Australia. He saw a similar event in Queensland in 1999 and worked tirelessly to ensure that this event developed, and it took place a couple of years after he first saw it. I was also told this morning that this is the only event of its kind in Australia. I do not have the record, but I was told that there is no longer a similar service in Queensland.

I also take this opportunity to acknowledge Mr Arthur Stanton's military service to Australia and his enormous contribution to our community.

I understand that Hon Peter Collier wishes to make a comment, so I will try to keep this as brief as I can.

Hon Peter Collier: No; keep going.

Hon PIERRE YANG: Thank you very much.

Mr Stanton was born in 1938 into a very distinguished military family. His grandfather served in World War I and four uncles served in World War II. He was a member of the Australian Regular Army between 1956 and 1965. Initially serving with the 1st Recruit Training Battalion in Kapooka, he was then posted with the Royal Australian Army Service Corps, which is the former Royal Australian Corps of Transport, and the Royal Australian Army Ordnance Corps, of which I am a proud member. He was then posted with the Jungle Warfare Training Centre in Queensland and a range of other organisations within the Army. He was later posted to the territory of Papua New Guinea, where I believe he was discharged from the Army after attaining the rank of sergeant. In 1995, he joined the RSL in Western Australia and was allocated to the Cockburn RSL, which he has served with distinction.

I will give a brief record. At the Cockburn RSL, he was sub-branch treasurer for 13 years, chief marshal for 15 years, and social organiser and media liaison officer for six years. He was on the WA state ethics committee for two years. He was also the deputy warden of the Fremantle monument for three years, the RSL chief marshal for the City of Fremantle Anzac Day service for two years, the RSL chief marshal for the Victory in the Pacific Day parade in Fremantle in August 2005, and caretaker sub-branch president in 1997 and 2009, so he stepped up when he was needed. He introduced the RSL Anzac Day youth parade and service in 2001, was a member of the state executive of RSL in 2010, and is still serving as the vice president of the Cockburn RSL. In 2011, he was awarded life membership of the RSL at the RSL State Congress and at the age of 80 he is still serving the community. This morning I said to him, "Good on you, sir, for still doing what you are doing at the age of 81." He jokingly took exception to what I said and replied, "I am not 81, I am only 80 and a bit!" I admire and love his sense of humour. I wish to say that this is only one example of this country's great military service personnel. Mr Arthur Stanton is a true Australian legend. We are privileged to have him.

MINISTER FOR REGIONAL DEVELOPMENT — ENERGY MADE CLEAN*Statement*

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [5.50 pm]: I would like to respond to what the Minister for Regional Development has said. There has been no correction of the record whatsoever. I have been quite consistent with this. There were five proponents for that tender. The minister met with one. I clarify yet again: five companies applied for that tender; the minister met with one, and that was Carnegie Clean Energy. Carnegie got the contract. There is no correction of the record. I did not get anything wrong. Five companies applied for that tender and that minister met with one. There has been no correction of the record.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: That is what I have said from day one, and I will continue to say it.

Several members interjected.

The PRESIDENT: Order!

Hon Sue Ellery: You missed the point of what she was saying.

Hon PETER COLLIER: Look, I could go through a dozen speeches on this. If you are talking about that renewable thing that you had in Albany, which, quite frankly, was a disgrace, you had half of the Western Australian public service down there. Anyway, I will not correct the record, as I keep on saying. Five companies applied for that tender, and the minister met with one.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: I did not open my mouth when the minister stood.

I would like to also comment on a comment the minister made during non-government business today, which again was nonsense. I clarify quite clearly that I did not know, and I would say that most people did not know, until a few days ago that the minister worked for Energy Made Clean. She was absolutely indignant on the radio on Tuesday and said that she has absolutely made it clear. She has not. I said, “Prove it; come into this house and show us.” She pointed to a response to Hon Jim Chown. She said that I had mentioned only half of the response. Let me read the entire response and see whether there is any ambiguity in it. This is the response that I provided. I said, in part —

It was from May 2011 and I resigned on 4 July 2013. I had some shares in Energy Made Clean that I had acquired instead of remuneration for the work that I did for the company. The shares were held in my name. Immediately after I was offered a ministerial position by Premier McGowan, I donated all my shareholdings to charity and, for the member’s information, that charity was Leprosy Mission Australia.

That certainly does not say, “I worked for Energy Made Clean”, right?

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: Let me finish!

Several members interjected.

The PRESIDENT: Order!

Hon Sue Ellery interjected.

Hon PETER COLLIER: Do you mind?

Hon Sue Ellery: No.

Hon PETER COLLIER: Well, act like a Leader of the House.

The PRESIDENT: Member, do not take any interjections; just make your speech.

Hon PETER COLLIER: Thank you.

In her contribution, the minister said that I gave only half the response. I did not give only half the response. I will tell members the part that I did miss out. I missed one sentence, and let us see whether this makes a difference at all. The sentence that I missed out, because this makes up the entirety of her response, states —

During the interregnum of my various parliamentary careers, I worked in the private sector and followed my passion for renewable energy. Yes, it is true that from 10 May —

Dang, I missed it! Did she say in there, “Yes, I worked for EMC and I got paid by EMC”? Not once. She said, “I worked in the private sector”, but how do we know it was EMC? It does not say anything about EMC at all. The minister can shake her head all she likes, but she has been caught out on this. I have thought about this. Why would she not want it known that she was employed by EMC and paid by EMC? Apparently, there is no conflict of interest,

but we have discovered over the last three days that this situation is much more serious than I have ever given it credit for. The minister was employed by a company, and the man who employed her, worked with her and paid her and the company—she was not there at that time, but she was previously there—was bought by Carnegie.

Several members interjected.

The PRESIDENT: Order! Only one person is on their feet. Other people have had an opportunity. Let us just hear him in silence.

Hon PETER COLLIER: The same man who employed her and paid her was a director of Carnegie. Carnegie got that job. If members opposite do not think that is a perceived conflict of interest, where are their standards? A former director of EMC has stated that he cannot believe it. He said that the situation was untenable and unacceptable. He said it—not me! The standards of the McGowan Labor government—the great government of transparency and openness—are such that a person can be employed and paid by a company that has direct links with another company that got a government contract, and there is no perceived conflict of interest! What does it take to have a perceived conflict of interest? What does it take? That, quite frankly, is not perceived; it is direct.

Hon Alannah MacTiernan: It is not a direct conflict of interest. I had a shareholding that I surrendered.

Hon PETER COLLIER: Of course it is a direct conflict of interest, and if the minister does not think it is a direct conflict of interest, or perceived conflict of interest, that just shows where her standards are. She may as well rip up the ministerial code of conduct. They are the standards of the McGowan government, and if those are the standards that the Leader of the House wants to abide by, so be it.

Hon Alannah MacTiernan: I will not be judged by you.

Hon PETER COLLIER: I am sure the member will not. But I am telling the Leader of the House now that if I were sitting over there and she was sitting over here, I cannot imagine the indignant rage we would have to listen to. I have been saying this for two years. People are starting to cotton on. There is a perceived conflict of interest. If you guys cannot see that, all folly you. Members opposite can laugh and scoff at it, but that just makes it worse. We are not the only ones who think this. I am not the only one who thinks this. That ABC news story has got legs. If members opposite genuinely want to be a part of a government that has such low standards that it cannot see for one second that there is something in this, it will be a one-term government. Members opposite scoff at it again. It would have taken one action—I have said this all along, and I am sure that in her heart of hearts the Leader of the House would agree with me. When that contract went to cabinet, the Minister for Regional Development should have said that she had been involved with this company and that she should leave the room because she had a perceived conflict of interest. Colin Barnett would have said that absolutely—definitely.

Several members interjected.

Hon PETER COLLIER: I can assure members that he would have. As I said, if the Leader of the House is going to go down that path and thinks it appropriate, so be it.

Hon Sue Ellery: Can I ask a question?

Hon PETER COLLIER: No, you cannot. I will never accept an interjection from the Leader of the House; I have no respect for her.

The PRESIDENT: Member, spend the last 30 seconds talking to me.

Hon PETER COLLIER: Thank you, Madam President. If that is the standard that the Leader of the House wants and accepts, I am sorry, but she is taking this whole chamber down a slippery slope, and, quite frankly, she stands condemned.

LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2019

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.00 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Local Government Legislation Amendment Bill 2019. This legislation will ensure that the local government sector has the tools to face the challenges of a modern world. To do that we need effective, transparent enabling legislation.

Local government is an important tier of government and makes a significant contribution to the Western Australian way of life. Local government is a major provider of government services and infrastructure, and supports economic development, community vibrancy and inclusiveness. The Local Government Act 1995, which provides the framework within which local governments operate, is an outdated piece of legislation.

Although there have been amendments to the act since it was introduced in 1995, there has not been substantial reform to reflect the changing expectations of the community or the advances in technology. We need local governments to be responsive to the needs of their communities.

The reforms in this bill aim to deliver on the principles of governance, transparency and accountability. The bill introduces measures to ensure universal training, a mandatory code of conduct, chief executive officer employment and performance management standards, a revised gifts framework, and improved reporting to the community.

Training: The role of a council member is diverse. To ensure that council members have the necessary understanding to carry out their role, universal training for candidates and council members is being introduced. Candidates will be required to complete an online induction prior to nominating for election. This initiative is crucial to ensuring that candidates are fully aware of what is involved in being an elected member and the rules around campaigning. Following election, council members will be required to complete five modules of training within the first 12 months of being in office. The foundation units, which will all be available online, will cover a range of topics that will equip council members with the basic skills and knowledge to carry out their duties.

The final element of universal training is the requirement for councils to develop an ongoing professional development training policy. This will allow local governments to tailor training to strengthen their council members' capacity to perform their role. This will be based on the skills and knowledge of their councillors, the needs of the district, and gaps in expertise of the council as a whole.

No penalties for failure to complete the training will be set at this time. Instead, we want to encourage cultural change by developing an environment that fosters continual improvement. There will, however, be a requirement for councils to report annually on the training completed by all councillors.

Code of conduct: The introduction of a mandatory code of conduct is an amendment that is aimed at clearly outlining the expected behaviour of council members. Feedback received during the consultation phase of the review of the act highlighted that the community expects the same standards of behaviour for all council members and that council members need to be accountable for their behaviour. The mandatory code of conduct, which will also apply to candidates, will include: overarching general principles to guide the behaviour, such as the requirement to act ethically and honestly; specific requirements relating to the behaviour of council members that are to be dealt with at a local level; and rules of conduct, breaches of which will be considered by the standards panel.

Following challenges experienced by candidates in the 2017 local government elections—specifically, alleged bullying and trolling on social media—the extension of the code of conduct to candidates will go some way to improving the behaviour of candidates during the election campaign. Alleged breaches of the rules of conduct during the election campaign period will be progressed when the candidate is elected.

In an effort to improve transparency, accountability and efficiency of the minor breach system, amendments are being made to the standards panel to limit the time period for complaints to be lodged from two years to six months. The panel will also be able to request that the two parties to a complaint undertake mediation. The willingness and success of the mediation will form part of the panel's consideration on a sanction, if any, to be imposed. The panel will also have the ability to order a council member to reimburse the local government for the cost of the panel proceedings if an adverse finding has been made.

Confidentiality will also apply, not just during an election period, as is currently the case, but during the full process of consideration and finding of a breach. This will provide greater protection of reputation when no breach is found, and it should reduce the number of complaints of detriment caused through adverse publicity.

Standards for chief executive officer recruitment: The role of the CEO is an important position in local government. To provide council members with a best practice framework, the bill introduces the requirement for the adoption of minimum standards for the recruitment, selection, performance review and dismissal of a CEO. These will be developed with input from the Public Sector Commission. To provide clarity around filling a temporary CEO vacancy, local governments will also be required to develop a policy that outlines the process for this.

Gifts: A key initiative of this bill is the introduction of a revised gift framework. Council members are key decision-makers in their district and the community expects that decisions be free from improper influence. The focus of the provisions in the bill are twofold: addressing the ability of gifts to influence decision-making; and increasing transparency and accountability to members of the community. The new framework will require council members and CEOs to declare any gift over \$300 that is received in the ordinary course of their duties. All gifts must be disclosed within 10 days of receipt and published on the online gift register within 10 days. For the purposes of simplicity and clarity, the definition of "gift" has also been revised to include contributions to travel. The receipt of any gift over the threshold, including gifts received in other than an official capacity, will prohibit the elected member from voting on matters before council that concern the donor of the gift for the period of their term unless approval is given by the council, for gifts up to \$1 000, or by the minister, or the gift relates to attendance at an event as a representative of the council and is in accordance with the attendance at events policy. A similar provision relates to advice provided by the CEO.

To improve transparency with respect to councillors and CEOs attending events such as conferences, concerts and functions, local governments will be required to adopt a policy dealing with attendance at events as a representative of council. A gift of a ticket to, or a gift that otherwise relates to a person's attendance at an event that is in accordance with the policy, will be exempted from the conflict of interest provisions. The council member or CEO will still be required to publish these gifts online; however, they will not be required to disclose the interest if the donor has a matter before council and will be able to participate in the decision-making or the provision of advice for the CEO. Tickets given directly to a council member or CEO will still result in an interest.

Transparency: With significant advances in technology since the act was first introduced in 1995, the bill enables local governments to be more efficient and flexible. The reforms also ensure that the community and other stakeholders have greater access to information held by the local government. Public notices that traditionally have been required to be placed in a newspaper that circulates throughout the district and on noticeboards in the town will be replaced, with regulations prescribing the requirements for public notices. This will increase flexibility and ensure that the legislation is future-proofed to account for any changes in technology. Initially, the regulations will require that a local public notice must be published on the local government's official website, and provide other options such as in newspapers, on social media and email distribution lists and by any other means that suit its district.

To increase transparency, the bill requires local governments to publish more information on their official websites, including a map showing the district and ward boundaries, the annual budget, local laws, plans for the future, and minutes and agendas. Information that is currently required to be available only in the local government's office for inspection will be published on the local government's official website.

Red-tape reduction: Local governments administer and enforce many pieces of legislation through the appointment of authorised persons. Currently, authorised persons are appointed under different statutes in different ways, whether it be by the council or the CEO. This bill standardises the provisions for the appointment of authorised officers in other legislation, including the Dog Act, Cat Act and Caravan Parks and Camping Grounds Act. I hope that in future we will be able to expand these provisions to legislation that falls outside my local government portfolio.

Conclusion: The McGowan government made a commitment to review the legislation and introduce amendments that meet the expectations of the local government sector and the community. This bill results from the first phase of that consultation. The consultation undertaken with the community and the local government sector has been extensive. It is my view that local government plays a critical role in our communities, and it is one of the reasons why, as a government, we committed to rebuilding the relationship with the sector. This commitment to the relationship was reflected in the re-establishment of the formal partnership agreement. This bill meets the principles and conditions of that agreement, and has the support of the Western Australian Local Government Association and Local Government Professionals Australia WA. This is another important step in ensuring that the legislation governing local governments provides a framework that allows them to be the best they can be.

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.

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

[See paper 2628.]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.10 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FISHERIES — WESTERN ROCK LOBSTER FISHERY**1836. Hon Robin Scott to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:**

- (1) Will the Minister confirm that the Lobster Management page of the Department of Fisheries website displayed as at 9 January 2019 details the West Coast Rock Lobster Fishery catches for the season 2010–2011, showing Commercial Target Catch (TACC) 5,500 tonnes, Commercial Catch 5,001 tonnes, Recreational Target Catch 290 tonnes, Recreational Catch 150 tonnes (estimated)?
- (2) Will the Minister explain why the Lobster Management page of the Department of Fisheries Website fails to provide corresponding details of the West Coast Rock Lobster Fishery catches for the seasons 2011–2012, 2012–13, 2013–2014, 2014–2015, 2015–2016, 2016–2017, and 2017–2018?
- (3) Will the Minister provide those missing details plus the details for season 2018–2019 of Commercial Catch Target (TACC) and Recreational Catch Target?
- (4) Will the Minister confirm that the Department of Fisheries is about to issue or has already issued to the Western Australian Government 162,177 quota units and an associated quota of 1,385 tonnes, equating to approximately 16,000 new pots?
- (5) Will the Minister confirm that the action of the Department of Fisheries described in (4) above will have the effect of nationalising the Western Australian Rock Lobster Industry to the extent of 17.3 per cent of the industry?
- (6) Will the Minister table the scientific study or studies which have given the department confidence that the action of the Department of Fisheries described in (4) will not result in harm to rock lobster stocks and will not undermine the viability of the industry in any way?
- (7) Will the Minister table the full record of consultations conducted by the Minister and by Department of Fisheries officers with representatives of the rock lobster industry prior to announcing the action described in (4)?
- (8) According to the most recent figures available to the Minister, what is the total number of West Australians directly employed in the rock lobster industry and what is the total number of boats deployed by the industry in rock lobster fishing?
- (9) Will the Minister identify the jurisdiction or jurisdictions where a policy of partial nationalisation of the lobster industry has been implemented and will the Minister table any or all reports held by the department on the result of such partial nationalisation?
- (10) Will the Minister table all relevant correspondence which led to the department's actions described in (4), commencing with the first memo or letter or note or email or minute of meeting containing a suggestion or proposal or recommendation that quota units or a quota tonnage be issued to the Western Australian Government or any one of its instrumentalities?
- (11) Will the Minister itemise the revenue which the Western Australian Government has received from rock lobster industry participants through royalties, access fees and other sources during each of the past financial years commencing 2010–2011?
- (12) Will the Minister table the estimates of annual revenue which the Western Australian Government expects to receive henceforth from rock lobster industry participants through royalties, access fees and other sources.?
- (13) What is the total revenue which the Western Australian Government now expects to receive annually from its nationalised portion of the rock lobster industry?
- (14) What studies has the department undertaken to assess the effect of the government's plan upon the borrowing capacity of lobster fishers?

Hon Alannah MacTiernan replied:

- (1) Yes.
- (2) This information is published annually in the State of the Fisheries Report (Status Reports of the fisheries and aquatic resources of Western Australia); which are available on the Department of Primary Industries and Regional Development – Fisheries (Department) website.

- (3) This information is publically available in the State of the Fisheries Report with the 2016–17 report the most recently available. For both 2017–18 and 2018–19 the Total Allowable Commercial Catch was 6300 tonnes. The recreational catch target for the period 15 October 2017 to 14 January 2019 was 507 tonnes, which incorporates the move to a 12 month season for the recreational sector.
- (4) No.
- (5) Not applicable.
- (6) Not applicable.
- (7) The record of consultations has been released by the Western Rock Lobster Council on or around 20 December 2018. A copy is hereby tabled.
- (8) An ACIL Allen Consulting report prepared for the Western Rock Lobster Council in December 2017 entitled “Economic contribution of the Western Rock Lobster industry” estimated that in the 2016–17 financial year there were 878 direct FTE jobs, and a further 1,558 indirect FTE jobs. At present there are 233 vessels undertaking commercial fishing in the West Coast Rock Lobster Managed Fishery.
- (9) In Western Australia fisheries stocks belong to the community, this is the case in many jurisdictions around the world.
- (10) Not applicable.
- (11) [See tabled paper no 2625.]
- (12) The forward estimate for access fee revenue from the West Coast Rock Lobster licence holders for the 2019–20 financial year is \$23.3million, assuming a total allowable commercial catch of 6,300 tonnes. Estimates for the period post 2019–20 are subject to relevant commercial catch settings.
- (13) Not applicable.
- (14) Not applicable.

FISHERIES — WESTERN ROCK LOBSTER FISHERY

1845. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

What consultation was undertaken with the rock lobster industry while developing the Western Rock Lobster Industry Growth Plan, with whom did the Minister or staff meet, when did they meet and for how long did they meet?

Hon Alannah MacTiernan replied:

[See tabled paper no 2626.]

FISHERIES — WESTERN ROCK LOBSTER FISHERY

1846. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

What economic modelling was undertaken by the Minister, his office or the department, when developing the Western Rock Lobster Industry Growth Plan, and will the Minister please table that information?

Hon Alannah MacTiernan replied:

The Government negotiated and reached agreement with the Western Rock Lobster Council on the plan to grow the western rock lobster industry and deliver more local lobster to Western Australia. In developing the plan, the following were considered:

Acil Allen Consulting – “Economic Contribution of the Western Rock Lobster Industry” which is publically available.

Western Rock Lobster Council – “Australasian Institute for Spiny Lobster Research Concept Study”

Department of Primary Industries and Regional Development – “Summary of the West Coast Rock Lobster Managed Fishery Science and Modelling Review” – October 2018

FISHERIES — WESTERN ROCK LOBSTER FISHERY

1847. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

How does the Government’s Western Rock Lobster Industry Growth Plan create 500 jobs, what jobs would they be and where would these jobs be located?

Hon Alannah MacTiernan replied:

An ACIL Allen Consulting report prepared for the Western Rock Lobster Council in December 2017 entitled “Economic contribution of the Western Rock Lobster industry” modelled the impact on jobs under a high export volume scenario of 8,800 tonnes. This modelling indicated that an export volume of 8,800 tonnes could create an

additional 641 jobs. These additional jobs include those directly related to the fishery (fishing jobs and processing jobs), as well as indirect jobs (boat building, charter operations, hospitality and tourism sectors). Many of these jobs would be located in regional areas given the operation of the fishery.

The Government proposal to increase the total allowable catch to 8,000 tonnes was expected to generate 500 jobs based on this modelling.

FISHERIES — WESTERN ROCK LOBSTER FISHERY

1848. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

The Minister has stated that rock lobsters are a \$6 billion resource, how did the Government reach this value and will the Minister table the modelling used to establish this figure?

Hon Alannah MacTiernan replied:

I have stated that the western rock lobster resource is currently worth more than \$5 billion (not \$6 billion) consistent with industry valuation. For example, industry information indicates that the total capital value is estimated at \$5.2 billion.

FISHERIES — WESTERN ROCK LOBSTER FISHERY

1849. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

When did the Minister first approach the Western Rock Lobster Council to discuss the Western Rock Lobster Industry Growth Plan?

Hon Alannah MacTiernan replied:

Minister Kelly first met with the Western Rock Lobster Council (WRLC) on the 2nd of November 2018. Prior to this, the Department of Primary Industries and Regional Development had met with the WRLC to discuss the plan.

FISHERIES — WESTERN ROCK LOBSTER FISHERY

1850. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

What alternative revenue models did the Government consider when developing the Western Rock Lobster Industry Growth Plan?

Hon Alannah MacTiernan replied:

A goal of the Western Rock Lobster Industry Growth Plan was to increase the benefit the industry provides to the West Australian Community. A number of proposals to achieve this were discussed and considered by Government when negotiating the plan with the Western Rock Lobster Council.

FORESTRY — FOREST MANAGEMENT PLAN 2014–2023 — TIMBER YIELD

1900. Hon Diane Evers to the Minister for Environment:

- (1) I refer to the 2004–2013 Forest Management Plan, particularly the relationship between the timber yield from cut-over coupes versus the predicted yield, and I ask at what stage in the planning of timber harvesting operations is the timber yield by species and log grade from cut-over coupes predicted?
- (2) What procedures and methodology are employed to estimate predicted timber yield?
- (3) Does the Government keep records of the timber yield by species and log grade from cut-over coupes versus the predicted yield from those coupes?
- (4) Does the Government keep any shortfalls or under-predictions under cumulative review:
 - (a) if no to (4), why not?
- (5) If yes to (4), if the results of any cumulative review indicate a trend to over-prediction, will the Government require a review of the sustained yield contained in the Forest Management Plan:
 - (a) if no to (5), why not?

Hon Stephen Dawson replied:

I am advised that the forest management plan referred to should be the Forest Management Plan 2014–2023.

- (1) Initial estimates of timber yields by species and log grade were prepared as part of the strategic woodflow scheduling undertaken during preparation of the *Forest Management Plan 2014–2023*. These estimates may be refined as coupe boundaries are adjusted or field reconnaissance occurs as part of the preparation of harvest plans.

- (2) The procedure and methodology for predicting timber yields differs between species. Predictions are based on available data relating to a range of matters such as historic yields (for areas of similar forest and operation type), timber inventory, silvicultural history, and modelled log specifications and utilisation practices. The methodology and inventory systems are described in the Sustained Yield Information Sheet series and discussed in the *Calculating the Sustained Yield for the South-West Native Forests of Western Australia* report by the independent expert panel, which reviewed the sustained yield calculations.
- (3) Yes.
- (4)–(4)(a) A forest-wide cumulative review of timber removals against predictions is not undertaken on a continuous, coupe-by coupe basis. This is because short-term, localised operational factors and product requirements can create considerable variability and confound the more important longer-term trends over the 10-year period of a Forest Management Plan.
- A comprehensive review of predictions is performed as part of the calculation of the sustained yield estimates for each Forest Management Plan. It is undertaken in this manner because a large sample size of coupes is required to meaningfully reconcile the variability in log removals against yield estimates for the range in forest type, silvicultural history, and operation type across the forest. This approach was endorsed by the independent expert panel and means any cumulative net bias in the estimates (to over or under predict) is taken into account in calculating the sustained yields for the next plan.
- (5) Not applicable.
- (a) Refer to (4) and (4)(a).

ENVIRONMENT — MARRI FORESTS

1902. Hon Diane Evers to the Minister for Environment:

I refer to the 2013 Ferguson committee, report entitled *Calculating the sustained yield for the south-west native forests of Western Australia*, :

- (a) has recommendation 7.4, that the sustained yield for marri be calculated by means other than Woodstock been implemented:
- (i) if yes to (a), please provide details how the sustainable yield for marri has been calculated; and
- (ii) if no to (a), why not?

Hon Stephen Dawson replied:

- (a) (i)–(ii) The *Conservation and Land Management Act 1984* requires that timber production from State forests and timber reserves be managed on a sustained yield basis, however it does not require a sustained yield be calculated for each individual tree species harvested.

A sustained yield is not calculated specifically for marri, as marri occurs together with either jarrah or karri and is harvested alongside these species. That is, harvest coupes are not targeted for marri but are harvested for jarrah or karri sawlogs with other tree species taken as additional product during harvest.

I am advised therefore, that the available volume of marri is determined by considering the outcomes of Woodstock™ woodflow modelling and applying a precautionary 10 per cent margin to ensure the harvest level is sustainable.

SCHOOLS — EXCLUDED STUDENTS

1979. Hon Alison Xamon to the Minister for Education and Training:

I refer to the exclusion of students, and I ask:

- (a) how many students were recommended for exclusion, but not excluded in 2019 to date;
- (b) how many students were recommended for exclusion, but not excluded for the same period in 2018;
- (c) how many students who have been excluded this year have been diagnosed or assessed as having:
- (i) disability;
- (ii) a learning difficulty;
- (iii) a mental health issue; and
- (iv) a substance use issue;

- (d) how many students who have been recommended for exclusion, but not excluded this year, have been diagnosed or assessed as having:
 - (i) disability;
 - (ii) a learning difficulty;
 - (iii) a mental health issue; and
 - (iv) a substance use issue;
- (e) what requirements do schools have to satisfy in relation to students with disability who are:
 - (i) excluded; and
 - (ii) suspended;
- (f) for each student who has been excluded this year, please advise whether they are now accessing education through:
 - (i) another mainstream school;
 - (ii) an engagement centre;
 - (iii) the School of Isolated and Distance Education; and
 - (iv) another setting (please advise which setting);
- (g) is access to an alternative education setting a factor taken into consideration when the decision is made to exclude a student;
- (h) if no to (g), why not;
- (i) how many students who have been excluded this year live too far away to reasonably access an alternative mainstream school;
- (j) what does the department consider a reasonable distance to travel to access education;
- (k) are schools expected to enrol students who have been excluded from other schools; and
- (l) if no to (k), why not?

Hon Sue Ellery replied:

As at 29 March 2019:

- (a) One student recommended for exclusion was not excluded.
- (b) Nil.
- (c) (i) It is important to understand that the Western Australian State Government action plan relates to circumstances where a student instigates a violent assault, makes physical contact with the intention to harm another student, or where a student films such an assault with a view to sharing it on social media. In these circumstances, the school principal is required to make a judgement with regard to the student's intention and his or her developmental capacity to understand the implications of his or her actions. The capacity to exclude a child with disability is not new.
Of the 12 students excluded:
One student was diagnosed with intellectual disability at a young age but when re-tested in middle primary years was found not to have an intellectual disability.
None of the students had a diagnosed disability that met the Department's criteria for resourcing through the Individual Disability Allocation (IDA).
Five of the excluded students were assessed in the most recent data collection for the Nationally Consistent Collection of Data (NCCD) at the school level as having a disability requiring teaching and learning adjustments.
- (ii) Four of the five students identified through the NCCD were assessed at the school level as having a cognitive disability presenting as learning difficulty.
- (iii) One of the five students identified through the NCCD was assessed at the school level as having a social/emotional disability presenting as a mental health issue.
- (iv) The Department does not formally assess whether a student has a substance use issue.
- (d) (i)–(iv) Nil.

- (e) It is important to note that the Western Australian State Government action plan relates to circumstances where a student instigates a violent assault, makes physical contact with the intention to harm another student, or where a student films such an assault with a view to sharing it on social media. In these circumstances, the school principal is required to make a judgement with regard to the student's intention and his or her developmental capacity to understand the implications of his or her actions. The capacity to exclude a child with disability is not new.
- (i) A principal may recommend exclusion for a student with a diagnosed disability under section 91(a) of the *School Education Act 1999*, provided they are satisfied that the breach of school discipline is not a symptom or manifestation of the student's disability. In the case of a child with a disability who is the subject of a recommendation for exclusion on grounds under section 91(b) of the Act, where the behaviour has disrupted the educational instruction of other students, a Disability Advisory Panel is formed to examine the matter and report to the Director General.
- (ii) In determining whether a student's actions breach school discipline, the principal needs to be satisfied that the breach was not a symptom or manifestation of the student's disability.
- (f) It is important to note that the Western Australian State Government action plan relates to circumstances where a student instigates a violent assault, makes physical contact with the intention to harm another student, or where a student films such an assault with a view to sharing it on social media. In these circumstances, the school principal is required to make a judgement with regard to the student's intention and his or her developmental capacity to understand the implications of his or her actions. The capacity to exclude a child with disability is not new.

The following arrangements are in place for the 12 students excluded as at 29 March 2019:

- (i) Nil.
- (ii) Two students are attending an engagement centre and the referral process is underway for another student to attend an engagement centre.
- (iii) Nil.
- (iv) Other settings:
- One student has returned to their existing enrolled school following a temporary exclusion period.
- Three students are currently attending an Alternative Learning Setting pilot program, and Alternative Learning Setting pilot program staff are liaising with the families of another two students regarding an offer of placement.
- One student is attending a training program with an Aboriginal Corporation.
- One student has been placed with South Regional TAFE.
- One student will attend a Curriculum and Re-engagement in Education (CARE) school.
- (g) No.
- (h) A decision to exclude a student is related to the student's actions breaching section 91 of the *School Education Act 1999*. An alternative education placement is determined once the outcome of the process has been finalised, based on the individual needs of that student.
- (i) Nil.
- (j)–(k) The placement of a student is not based on distance but on the most appropriate placement as outlined in section 79 of the *School Education Act 1999*. Section 79 states that a child of compulsory school age is entitled to be enrolled at a particular public school that is not a local-intake school if there is an appropriate education program and classroom accommodation available.
- (l) Not applicable.

MINISTER FOR EDUCATION AND TRAINING — AGRICULTURAL REGION VISIT

1980. Hon Martin Aldridge to the Minister for Education and Training:

I refer to the Minister's visit to the Agricultural Region on February 26 2019, and I ask:

- (a) please provide an unredacted copy of the Ministers itinerary and travel arrangements for February 26 2019;
- (b) please provide all briefing notes and advice provided to the Minister in relation to meetings, functions and other commitments undertaken by the Minister on February 26 2019;
- (c) who accompanied the Minister during the visit and at each meeting, function or other commitments undertaken by the Minister on February 26 2019; and

- (d) on what date, at what time and by what means were the following local members of Parliament notified of the Minister's visit:
- (i) Mr Shane Love MLA;
 - (ii) Hon Martin Aldridge MLC;
 - (iii) Hon Colin de Grussa MLC;
 - (iv) Hon Laurie Graham MLC;
 - (v) Hon Jim Chown MLC;
 - (vi) Hon Rick Mazza MLC;
 - (vii) Hon Darren West MLC; and
 - (viii) Hon Ian Blayney MLA?

Hon Sue Ellery replied:

- (a) [See tabled paper no 2623.]
- (b) [See tabled paper no 2623.]
- (c) Amy McKenna, Senior Policy Adviser – Education.

Attendees to each meeting, function and commitment are listed in the tabled papers.

- (d) (i) As the Member is already aware the Member for Moore was inadvertently omitted from Member Notifications advising of my visit to Dongara District High School. As soon as my office became aware of the error my Appointment Secretary immediately emailed Mr Love to apologise, and my Chief of Staff telephoned Mr Love to explain how the error occurred. Mr Love has accepted my office's apology.
- (ii)–(iii), (v)–(vi) and (viii) Email. Monday 25 February 2019, 5:07pm
- (iv) and (vii) Mr Graham and Mr West were invited to the events as Members for the Agricultural region and were therefore aware of my visit.

HEALTH — POSTHUMOUS COLLECTION OF GAMETES

1981. Hon Nick Goiran to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to the system of annual reporting to the Executive Director, Public Health by designated officers of the authorisation of the posthumous collection of gametes, and I ask:

- (a) what are the date ranges for all of the reports ever completed;
- (b) will the Minister table these reports; and
- (c) how many nil returns were received for each of those completed reporting periods?

Hon Alanna Clohesy replied:

I am advised:

- (a) The date ranges are financial years 2014–15, 2015–16 (first report); 2016–17 (second report), 2017–18 (third report).
- (b) No.
- (c) The answer to this question has been suppressed for patient confidentiality; provision of this figure would enable a reasonable guess to be made of the actual number of positive returns when compared to previous to Legislative Council Question on Notice 4296 (g) or Legislative Council Question on Notice 444 (a).

PREMIER — PORTFOLIOS — TRAVEL BOOKINGS

1982. Hon Robin Chapple to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;

- (ii) the number of times it was used;
- (iii) for which portfolio area of responsibility;
- (iv) who the booking was made for;
- (v) and the reason for the travel; and
- (vi) the reason why CTM was not used for the booking?

Hon Sue Ellery replied:

Department of the Premier and Cabinet

- (a) Yes (3 times).
- (b)
 - (i) Airbnb; Christmas Island Tourism Association
 - (ii) Airbnb used twice; Christmas Island Tourism Association used once
 - (iii) The Department of the Premier and Cabinet (DPC) (Federal–State Relations Unit (FSRU))
 - (iv) Deputy Director General, DPC
Principal Project Officer, FSRU
Principal Project Officer, FSRU; Director, FSRU
 - (v) COAG Senior Official Meeting on 28 November 2018
Part of DPC’s role coordinating the provision of state-type services in the Indian Ocean Territories for the Commonwealth Government
Part of DPC’s role coordinating the provision of state-type services in the Indian Ocean Territories for the Commonwealth Government
 - (vi) No accommodation was available through CTM.
According to the CUA, accommodation bookings do not have to be made through CTM
According to the CUA, accommodation bookings do not have to be made through CTM

Gold Corp:

- (a) Yes
- (b) From 1 July 2018

(i) booking agency	(ii) number of times used	(iii) portfolio or area of responsibility	(iv) who the booking was made for	(v) reason for travel	(vi) reason why CTM was not used
Motive Travel	43	Gold Corporation	Senior Development Chemist Production Manager Group Manager Perth Mint Shop and Exhibition Manager Eastern Europe and Middle East Senior Depository Administration Application Solution Architect Team Lead Chief Financial Officer Manager, Shop and Exhibition General Manager, Corporate Governance & Risk Treasurer and Deputy CEO	Conferences and Fairs Client Meetings Distributor Meetings Supplier Visits Review Point of Sale system Technical Exchange Training	Accommodation bookings are made in accordance with Gold Corporation’s policy.

			Sales & Business Development Manager Contracts Administrator Senior Dealer Operations Manager Refinery Group Manager, Minted Products Deputy Treasurer / Senior Dealer Senior Depository Administrator Chief Executive Officer Operational Risk Manager Bullion Management Officer Manager, Australian Wholesale Application Solution Architect Team Lead		
--	--	--	--	--	--

Lotterywest:

(a) In the last year Lotterywest has used the services of booking platforms other than Corporate Travel Management (CTM) for the provision of booking of accommodation.

(b) (i) The name of the booking platforms used were:

- (1) Expedia
- (2) Hotels.Com
- (3) Lastminute.Com.Au

(ii) The number of times the booking platforms were used were:

Booking Platform	No #
Expedia	1
Hotels.Com	3
Lastminute.Com.Au	1

(iii) These platforms were used for Lotterywest staff undertaking the Executive, Grant and Technology portfolios.

(iv) These bookings were made for the following positions:

Position	No #
Lotterywest CEO	1
Lotterywest Grants Officers	2
Lotterywest Field Technicians	2

(v) The reason for travel was to attend regional grant presentations and undertake hardware repairs for regional retailers.

(vi) The reasons why CTM was not used for the bookings were:

- (1) The traveller did not have CTM access;
- (2) The regional location was not available through CTM; and
- (3) Price

Public Sector Commission:

- (a) Yes.
- (b)
 - (i) Booking.com.
 - (ii) Two.
 - (iii) Public Sector Management.
 - (iv) Commission employees.
 - (v) To facilitate regional training courses.
 - (vi) All suitable accommodation options provided by CTM were fully booked at the time of the bookings.

Salaries and Allowances Tribunal

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

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — PORTFOLIOS —
TRAVEL BOOKINGS

1983. Hon Robin Chapple to the minister representing the Minister for State Development, Jobs and Trade:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Alannah MacTiernan replied:

The Department of Jobs, Tourism, Science and Innovation advises:

- (a) Yes.
- (b) See below and attached list. (This is compiled from information available to JTSI Perth and is not exhaustive for overseas offices, which do not have access to the CTM booking website and make their own accommodation booking arrangements. Sourcing complete information would require extensive searches in each office.)
 - (i) [See tabled paper no 2627.]
 - (ii)
 - AirBnB – 2
 - Booking.com – 12
 - Expedia.com – 4
 - Flight Centre Business Travel – 8
 - Gulliver travel agent – 1
 - Hotels.com – 8
 - Makemytrip.com – 2
 - MyTicket Booking – 1
 - ONS Booking site – 1
 - Qantas linked to Expedia – 3
 - Shanghai Travel Agent – 1
 - Trip Advisor.com – 11
 - Wotif.com – 1

- (iii) State Development Jobs and Trade.
- (iv) [See tabled paper no 2627.]
- (v) [See tabled paper no 2627.]
- (vi) Accommodation booking is not a mandatory option in the Common Use Agreement.
- (i) [See tabled paper no 2627.]
- (ii) Agoda.com – 1
Booking.com – 8
Expedia.com – 8
Hotels.com – 2
- (iii) Tourism.
- (iv) [See tabled paper no 2627.]
- (v) [See tabled paper no 2627.]
- (vi) Accommodation booking is not a mandatory option in the Common Use Agreement.
- (i) [See tabled paper no 2627.]
- (ii) Booking.com – 2
- (iii) Defence Issues.
- (iv) [See tabled paper no 2627.]
- (v) [See tabled paper no 2627.]
- (vi) Accommodation booking is not a mandatory option in the Common Use Agreement.
- (i) Booking.com.
- (ii) 1
- (iii) Science and Innovation.
- (iv) Dr Debra Cousins.
- (v) interstate meeting with Government colleagues
- (vi) Accommodation booking is not a mandatory option in the Common Use Agreement.

MINISTER FOR HEALTH — PORTFOLIOS — TRAVEL BOOKINGS

1984. Hon Robin Chapple to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Alanna Clohesy replied:

Department of Health and health service providers advise:

- (a) Yes.
- (b) (i)–(ii) The considerable detail required by the Member would require a manual search of every booking. WA Health would have to unreasonably divert a substantial portion of resources away from core operations to undertake such an intensive search. If the Member has a question about a particular booking I would encourage him to ask a specific question and I will endeavour to answer it.
- (iii) Health.

(iv)–(v) The considerable detail required by the Member would require a manual search of every booking. WA Health would have to unreasonably divert a substantial portion of resources away from core operations to undertake such an intensive search. If the Member has a question about a particular booking I would encourage him to ask a specific question and I will endeavour to answer it.

(vi) Under CUA TMS2017, it is not mandatory to book accommodation with CTM.

Mental Health Commission advises:

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

Health & Disability Services Complaints Office advise:

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

Healthway advises:

- (a) Yes, to book accommodation.
- (b) (i) Wotif and Booking.com
- (ii)

Booking Platform	No #
Wotif	1
Booking.com	1

- (iii) Healthway.
- (iv) Healthway staff members.
- (v) Partnership (sponsorship) activation and monitoring for the Margaret River Pro Surfing event, Surfing WA and Busselton Ironman, Triathlon WA event.
- (vi) This was deemed the most efficient process at the time. The use of CTM for accommodation only is not compulsory under the CUA.

Animal Resources Authority advises:

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

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS — TRAVEL BOOKINGS

1985. Hon Robin Chappo to the Minister for Education and Training:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Sue Ellery replied:

It is not mandatory for accommodation bookings to be made using Corporate Travel Management.

Department of Education

- (a)–(b) The Department of Education does not capture this data centrally. To answer the question fully, an intensive manual process reviewing all staff travel and supporting documentation held by individual business areas would be required. I am not prepared to devote further resources to provide this amount of detail.

Department of Training and Workforce DevelopmentNorth Metropolitan TAFESouth Metropolitan TAFESouth Regional TAFECentral Regional TAFEBuilding Construction Industry Training Fund

- (a) Yes.
- (b) [See tabled paper no 2624.]

North Regional TAFE

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

MINISTER FOR ENVIRONMENT — PORTFOLIOS — TRAVEL BOOKINGS

1986. Hon Robin Chapple to the Minister for Environment; Disability Services; Electoral Affairs:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Stephen Dawson replied:

The information requested is too onerous to compile and I am not willing to dedicate valuable time and departmental resources to providing that level of detail. If the Honourable Member has a more specific question, I will endeavour to provide an answer.

MINISTER FOR COMMERCE — PORTFOLIOS — TRAVEL BOOKINGS

1992. Hon Robin Chapple to the minister representing the Minister for Commerce:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Alannah MacTiernan replied:

Please refer to Legislative Council Question on Notice 1996.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — TRAVEL BOOKINGS

1993. Hon Robin Chapple to the Leader of the House representing the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Sue Ellery replied:Sport and Recreation (WA)

Please refer to Legislative Assembly Question on Notice No 1990.

Department of Communities

Please refer to Legislative Assembly Question on Notice No 2000.

MINISTER FOR TOURISM — PORTFOLIOS — TRAVEL BOOKINGS

1995. Hon Robin Chapple to the minister representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Alannah MacTiernan replied:Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Assembly Question on Notice 1982.

Rottneest Island Authority

Please refer to Legislative Assembly Question on Notice 1986.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Assembly Question on Notice 1990.

For Racing and Wagering Western Australia, Burswood Park Board, Liquor Commission, Gaming and Wagering Commission, Racing Penalties Appeal Tribunal and Gaming Community Trust

- (a) No.
- (b) (i)–(iv) Not Applicable.

Western Australian Greyhound Racing Association

- (a) Yes.
- (b) (i) Accommodation through Booking .com and Meeting organisations (Greyhound Clubs Australia/Nationals)
- (ii) 6
- (iii) Racing
- (iv) General Manager (2), Racing Manager (3), CFO (1)
- (v) Attend Greyhound Clubs Board Meeting and Annual General Meeting
- (vi) the organisation is cost conscious and purchases the cheapest accommodation.

Small Business Portfolio

Small Business Development Corporation

- (a) No.
- (b) (i)–(iv) Not Applicable.

Defence Issues Portfolio

Please refer to Legislative Assembly Question on Notice 1982.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Assembly Question on Notice 1990.

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — TRAVEL BOOKINGS

1996. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum; Industrial Relations:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
 - (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Alannah MacTiernan replied:Department of Mines, Industry Regulation and Safety

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

Mineral Research Institute WA

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

WA Industrial Relations Commission

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

WorkCover WA

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

Construction Industry Long Service Leave Payments Board (MyLeave)

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

MINISTER FOR ENERGY — PORTFOLIOS — TRAVEL BOOKINGS

1997. Hon Robin Chapple to the minister representing the Minister for Energy:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
- (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Stephen Dawson replied:Synergy

- (a) Yes.
- (b) See below table.

(i)	(ii)	(iii)	(iv)	(v)	(vi)
AIRBNB	1	Energy	Synergy	Muja power Station site visit	Administration staff unavailable to make booking through CTM
Wotif.com	1	Energy	Synergy	Denham site visit	Cheaper rate secured through an alternate supplier
Agoda.com	1	Energy	Synergy	Denham site visit	Cheaper rate secured through an alternate supplier
Pacific Travel DMC	1	Energy	Synergy	Insurance presentations to the underwriters in London	Cheaper rate was secured through an alternate supplier than that offered by event host
Booking.com	5	Energy	Synergy	Bright Energy Investments	Cheaper rate secured through an alternate supplier
		Energy	Synergy	Wind industry forum 2019	Cheaper rate secured through an alternate supplier
		Energy	Synergy	HR Summit 2018 Conference	Cheaper rate secured through an alternate supplier
		Energy	Synergy	Site meeting	Administration staff unavailable to make booking through CTM
		Energy	Synergy	Generation Leadership Team Operations and Strategy Meeting	Staff did not have previous CTM booking access. Booking.com was used at no additional cost

Wester Power

- (a) Yes.
- (b)
 - (i) Bookaroom
 - (ii) Once
 - (iii) Energy
 - (iv) Western Power
 - (v) Site visit to Badgingarra.
 - (vi) Cheaper rate secured through alternate supplier.

Public Utilities Office

- (a)–(b) Please refer to Legislative Council Question on Notice 1994.

Horizon Power

- (a) Yes.
- (b) See below table.

(i)	(ii)	(iii)	(iv)	(v)	(vi)
FCM Travel Solutions (part of the Flight Centre Travel Group)	1,335	Energy	Horizon Power employees and contractors	Work Related – examples include site inspections and audits; meetings and work	Horizon Power is a Government Trading Entity and not bound to use Common Use Arrangements (CUA) providers, such as CTM, and engages FCM Travel to leverage their scale and corollary discounts for our corporate travel requirements.

MINISTER FOR HOUSING — PORTFOLIOS — TRAVEL BOOKINGS

1999. Hon Robin Chapple to the minister representing the Minister for Housing; Veterans Issues; Youth; Asian Engagement:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
- (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Stephen Dawson replied:Department of Communities

Please refer to Legislative Council Question On Notice 2000.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Council Question On Notice 1983.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS — TRAVEL BOOKINGS

2000. Hon Robin Chapple to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the use of booking agents, booking platforms or multinational online travel agencies by departmental staff and Ministers, and I ask:

- (a) in the last year have ministerial departments used the services of booking agents, booking platforms or multinational online travel agencies other than Corporate Travel Management (CTM) for the provision of accommodation for the Minister, ministerial staff and departmental staff; and
- (b) if yes to (a), please list the following information:
- (i) the name of the booking agency, booking platform or multinational online travel agency;
 - (ii) the number of times it was used;
 - (iii) for which portfolio area of responsibility;
 - (iv) who the booking was made for;
 - (v) and the reason for the travel; and
 - (vi) the reason why CTM was not used for the booking?

Hon Sue Ellery replied:

This answer includes the response for the Department of Communities, covering multiple Ministerial portfolios including Disability Services, Volunteering, Seniors and Ageing Housing, Youth and Veterans Issues, as well as my Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

- (a) Yes
- (b) The period of 14 March 2018 to 14 March 2019 comprised:

(i) Name of booking agency	(ii) Number of times used	(iii) Portfolio area	(iv) Who the booking was for (position only)	(v) Reason for travel
Airbnb	2	Disability Services	National Disability Insurance Scheme Regional Manager	Travel from Albany to Perth to relieve an officer on extended leave for five weeks.
Airbnb	1	Disability Services	National Disability Insurance Scheme Regional Manager	Travel to Albany for a short-term placement.
Booking.com	5	Child Protection	Senior Regional Child Protection staff (East Kimberley, Pilbara, Murchison and Goldfields).	Travel in relation to child protection services in regional areas.
Booking.com	1	Housing	Operational Training Officer	Travel for training in Broome.
Booking.com	1	Housing	Bunbury Regional Manager	Travel for a meeting in Perth.
Expedia	1	Housing	Manager, North West Housing	Travel for a meeting in Geraldton.
Expedia	1	Housing	Manager, Urban Planning	Travel for Albany housing development.
Expedia	1	Housing	Director, Intergovernmental Outcomes	Travel for a housing related conference in Darwin.
Expedia	4	Child Protection	Senior Regional Child Protection staff (East Kimberley, Pilbara, Murchison and Goldfields).	Travel in relation to child protection services in regional areas.
Hotels.com	2	Housing	Executive Director, Regulation and Quality	Travel to Albany in relation to community housing.
Hotels.com	1	Housing	Project Manager, Asset Planning	Travel to York in relation to a project.
Hotels.com	1	Housing	Project Officer, North West Aboriginal Housing Fund	Travel to Albany in relation to Spencer Park urban renewal.
Hotelsone	1	Housing	Project Delivery Manager	Travel to Karratha in relation to a remote housing project.
Wotif	20	Child Protection	Senior Regional Child Protection staff (East Kimberley, Pilbara, Murchison and Goldfields).	Travel in relation to child protection services in regional areas.
Wotif	1	Housing	Manager, Housing Policy	Travel for a conference in Melbourne.
Wotif	1	Housing	Leasing Officer	Working in Perth for 19 days.

Wotif	2	Housing	Project Delivery Manager	Travel to Karratha for a remote housing project.
Wotif	3	Housing	Goldfields Regional Manager	Travel for meetings in Perth.
Wotif	1	Housing	Project Officer, North West Aboriginal Housing Fund	Travel to Albany in relation to Spencer Park urban renewal.

- (vi) State Government accommodation bookings do not have to be made through the CUATMS2017 – Corporate Travel Management.

The Department of Communities' direct purchase decisions comply with the State Supply Commission's Value for Money Policy. Regional purchasing decisions are also aligned to the Buy Local Policy where appropriate.

DEPARTMENT OF EDUCATION — CONNECT — WEB PORTAL

2002. Hon Colin de Grussa to the Minister for Education and Training:

I refer to the Department of Education's "Connect" web portal and other web-based applications for various electronic devices, and I ask:

- (a) are any of the development, testing, installation and support functions for these systems performed by staff of the Department of Education;
- (b) if yes to (a), please provide details on the following:
 - (i) the number and level of staff and FTE from the Department of Education who are involved in providing the "Connect" system;
 - (ii) the breakdown of staff and FTE numbers for each of the functions at (a); and
 - (iii) the total cost of employment for all staff involved in the provision of the Connect System;
- (c) if yes to (a), on what date did the development of the system commence;
- (d) what alternative systems were investigated by the Department before the "Connect" system was implemented;
- (e) is the "Connect" system continuously evaluated against other systems and are parents, teachers or students asked to provide feedback on "Connect";
- (f) what are the costs of these alternative systems identified in the response to (d);
- (g) were schools and parents consulted on the requirements of the system;
- (h) how many public schools in Western Australia:
 - (i) use the "Connect" system; and
 - (ii) use the "Connect" system in conjunction with another alternative system;
- (i) are public schools or parents charged a fee for the use of the "Connect" system;
- (j) if yes to (I), what is this fee; and
- (k) if no to (a), please provide the following details:
 - (i) the name of the developer of the system;
 - (ii) the cost of the development of the system to-date; and
 - (iii) details on how the contract for development of the system was awarded and when?

Hon Sue Ellery replied:

- (a) Yes. Staff participate in User Acceptance Testing and provide support for schools concerning the implementation and use of Connect.
- (b) (i) 3.5 FTE consisting of 2.5 FTE Public Service Level 7 officers and 1.0 FTE Public Service Level 6 officer
- (ii)

PS Level	FTE	Number of Officers	Function
PS7	2.5	3	School leadership consultation, training and support. User Acceptance Testing
PS6	1.0	1	Project and school support User AcceptanceTesting

- (iii) The 2018–19 salaries and superannuation costs for 3.5FTE is \$427 206.

- (c) 2011.
- (d) None.
- (e) Connect is regularly reviewed against other systems as well as global trends in online learning environments. Consultation with staff, students and parents is ongoing.
- (f) Not applicable.
- (g) Yes.
- (h)
 - (i) During February 2019 Connect was accessed by users in 794 public schools.
 - (ii) Individual schools may determine which third-party systems they use. Schools are not currently required to report this information.
- (i) No.
- (j) Not applicable.
- (k) Not applicable.

CLIMATE CHANGE — SHARK BAY

2004. Hon Robin Chapple to the Minister for Environment:

- (1) Has the department undertaken an evaluation of the impact of climate change on the world heritage values of Shark Bay?
- (2) If yes to (1), can the department outline what those impacts are?
- (3) How is the Government responding to the threat that climate change poses to Shark Bay?
- (4) Has any additional funding been made available to specifically address climate change?
- (5) What was the expenditure on Shark Bay over the last five financial years?
- (6) What funding is available for Shark Bay over the forward estimates?

Hon Stephen Dawson replied:

- (1) The Department of Biodiversity, Conservation and Attractions (DBCA) participated in a climate change vulnerability analysis of the Shark Bay World Heritage Area in September 2018. The analysis involved a workshop convened by the Shark Bay World Heritage Advisory Committee and a report was prepared by the Commonwealth Government's National Environmental Science Program. The report is available on the Commonwealth's Department of the Environment and Energy website.
- (2) The projected impacts of climate change on Shark Bay include increased storm intensity and frequency, increased average sea temperature, increased air temperature, increased drought frequency and severity, rising sea levels and fewer but more intense tropical cyclones.
- (3) The State Government will develop a new State Climate Policy to draw together and build on climate-related initiatives already underway in the State. The Government acknowledges the need to adapt to climate impacts, and mitigate greenhouse gas emissions in Western Australia, to protect our environment, economy and community. Initiatives already underway for the Shark Bay World Heritage Area include monitoring the condition of key ecological values within the marine park and marine World Heritage area and the pressures acting upon them. This will be used to gain a better understanding of the risks and impacts from climate change to the Shark Bay World Heritage Area.
- (4) Funding arrangements for climate change will be considered as the policy is developed by Government. DBCA utilises existing funding to research climate change impacts on Western Australia's marine parks and threatened marine fauna. DBCA also undertakes broader collaboration with research institutions that focus on marine climate change related research, including investigations of potential management responses.
- (5) Expenditure is not recorded specifically for the Shark Bay World Heritage Area, however DBCA's recurrent expenditure in its Shark Bay District over the last five years has been as follows:

2013–14	\$2,635,857
2014–15	\$2,521,571
2015–16	\$2,791,832
2016–17	\$2,704,617
2017–18	\$2,927,701
- (6) The anticipated funding for the Shark Bay District for the 2019/20 financial year is \$3.1 million.

MINISTER FOR CHILD PROTECTION — MEETINGS — COMMUNICARE BREATHING SPACE

2005. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the Minister’s meeting with Communicare Breathing Space on 5 October 2017, and I ask:

- (a) did the Minister receive a briefing note in preparation for that meeting;
- (b) if yes to (a), will the Minister table that document;
- (c) did the Minister receive any other documents in preparation for that meeting;
- (d) if yes to (c), will the Minister table those documents;
- (e) did the Minister receive any documents at the meeting;
- (f) if yes (e), will the Minister table those documents;
- (g) were any documents created at or after the meeting recording notes or outcomes from the meeting;
- (h) if yes to (g), will the Minister table that document; and
- (i) if no to (b), (d), (f) or (h), will the Minister undertake to comply with section 82 of the *Financial Management Act 2006*?

Hon Sue Ellery replied:

- (a)–(i) I refer the Member to my previous response to question without notice 386 answered on 28 November 2017. I will comply with any obligations imposed upon me by section 82 of the *Financial Management Act 2006*, but I am of the view that my answers do not give rise to any obligation to give further notice under section 82 as the information requested is not “information concerning any conduct or operation of an agency” within the meaning of section 82.

HOSPITALS AND HEALTH CAMPUSES — KARRATHA HEALTH CAMPUS

2007. Hon Jacqui Boydell to the parliamentary secretary representing the Minister for Health:

I refer to the Karratha Health Campus, and I ask:

- (a) how many patients have been admitted to the general ward each month since the opening of the Karratha Health Campus;
- (b) how many patients have presented at the Emergency Department on each month since the opening of the Karratha Health Campus;
- (c) of those patients in (b), what are the waiting times for ATS 1–5 patients;
- (d) how many patients have been admitted to the Short Stay unit at Karratha Health Campus since its opening;
- (e) what is the maximum number of main bays available to accommodate patients in the Emergency Department at any one time;
- (f) how many patients have been admitted to the General Ward from the Emergency Department since the opening of the Karratha Health Campus;
- (g) how many of those patients admitted to the General Ward in (f), were discharged within 24 hours of the admission;
- (h) how many instances of “bed blocking”, where all Emergency Department and General Ward beds are occupied have occurred;
- (i) if any instances occurred in (h), where are patients who are waiting to be admitted placed; and
- (j) on how many occasions has a patient been delayed admission to the hospital due to a lack of beds on the ward?

Hon Alanna Clohesy replied:

I am advised:

- (a) Admissions to Karratha Health Campus (KHC) by month since opening September 2018:

Month	Number of Admissions
September 2018	125
October 2018	266
November 2018	304
December 2018	320
January 2019	319
February 2019	312
TOTAL	1,646

- (b) Presentations to the KHC Emergency Department by month since opening September 2018:

Month	Number of Presentations
September 2018	618
October 2018	1,594
November 2018	1,626
December 2018	1,718
January 2019	1,807
February 2019	1,590
TOTAL	8,953

- (c) Target wait times by Australasian Triage Scale (ATS) category are:

ATS 1 = immediate

ATS 2 = 10 minutes

ATS 3 = 30 minutes

ATS 4 = 60 minutes

ATS 5 = 120 minutes

Of the patients identified in question (b), 80% (7,147) are recorded as being seen within the triage target timeframe, 14% (1,266) were recorded as being seen outside the triage target timeframe, and 6% (540) records were classified as “excluded”, likely due to data integrity issues.

- (d) 11.
(e) 16.
(f) 806.
(g) 452.
(h) Nil occasions.
(i) Not applicable.
(j) Nil occasions.
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