



# Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT  
FIRST SESSION  
2018

LEGISLATIVE ASSEMBLY

Wednesday, 28 November 2018



# Legislative Assembly

Wednesday, 28 November 2018

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

## TOWN OF EAST FREMANTLE'S LOCAL PLANNING SCHEME 3 — AMENDMENT 15 — ROYAL GEORGE HOTEL SITE

### *Petition*

**MS S.F. McGURK (Fremantle — Minister for Child Protection)** [12.02 pm]: I have a petition with 520 signatures that has been certified as conforming with the standing orders of the Assembly. The petition says —

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

We, the undersigned respectfully request that the WA Planning Commission endorses and the Hon. Minister for Planning approves the Town of East Fremantle's Local Planning Scheme No.3 Amendment No. 15 in its current form (Council Meeting 6 June 2018) relating to the Royal George Hotel site at 34 Duke Street, East Fremantle.

Any variation in the proposed clauses, particularly to increase the building height and associated land use intensity, would result in a development that will have detrimental planning and amenity impacts on the character of this unique heritage area and its residents.

[See petition 123.]

## “RACING AND WAGERING WESTERN AUSTRALIA ANNUAL REPORT 2017–18”

### *Correction — Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson)**: Members, can I have a bit of quiet please. I have a Speaker's statement. I received a letter dated 21 November 2018 from the Minister for Racing and Gaming requesting that an erratum be added to “Racing and Wagering Western Australia Annual Report 2017–18”, which was tabled on 18 October 2018. The erratum addresses an error on page 3 regarding total profit, which should read “\$131.1 million” rather than “\$133 million”. Under the provisions of standing order 156, I authorise the necessary corrections to be attached as an erratum to the tabled paper.

[See paper 2086.]

## PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

## TEMPORARY ORDERS 40, 101, 146, 147 — STANDING ORDER AMENDMENTS

### *Notice of Motion*

**Mrs M.H. Roberts (Minister for Police)** gave notice, on behalf of the Leader of the House, that at the next sitting of the house she would move —

That for 2019, the following temporary orders be adopted —

- (1) Standing Order 40 be amended by inserting the following sentence at the end of the standing order: “A stranger does not include a member's baby being breastfed by that member.”
- (2) (a) The sections on “Motions” and “Other Bills” in Standing Order 101 be amended by —
  - (i) deleting “60” as the allocated time for the “Mover”, the “Premier or one member deputed” and the “Leader of the Opposition or one member deputed” and substituting “45”; and
  - (b) The section on “Third reading” under “Other Bills” in standing order 101 be amended by deleting the words of the section and substituting the following —

Third reading —

Mover .....	30 minutes
Premier or one member deputed .....	†30 minutes
Leader of the Opposition or one member deputed .....	#30 minutes

Any other member ..... 15 minutes  
 Mover in reply ..... 30 minutes

† If not a Government bill

# If not an Opposition bill

- (3) (a) Standing Order 146 be amended by —
- (i) deleting “Four” and substituting “Five”; and
  - (ii) inserting the following sentence at the end of the standing order: “The fifth grievance will alternate between government and opposition each week.”; and
- (b) Standing order 101 be amended by deleting “7” and substituting “6” in the section “Grievance debate (S.O. 146)”.
- (4) (a) Standing order 147 be amended by deleting “Once” and substituting “Twice”, by deleting “six” and substituting “five”, and by deleting “90 seconds” and substituting “two minutes”; and
- (b) Standing order 101 be amended by —
- (i) deleting “90 seconds” and substituting “2 minutes” in the section “Members’ statements (S.O. 147)”; and
  - (ii) deleting “Maximum of 6 members.” and substituting “Maximum of 5 members, twice weekly.”

## BILLS

### *Notice of Motion to Introduce*

1. Revenue Laws Amendment Bill 2018.
2. Taxation Administration Amendment Bill 2018.

Notice of motion given by **Mr B.S. Wyatt (Minister for Finance)**.

3. Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018.
4. Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018.

Notices of motion given by **Mr R.R. Whitby (Parliamentary Secretary)**.

### **“MINISTER FOR JOBS’ ANNUAL REPORT 2018”**

#### *Statement by Minister for State Development, Jobs and Trade*

**MR M. McGOWAN (Rockingham — Minister for State Development, Jobs and Trade)** [12.07 pm]: I rise to provide the house with the “Minister for Jobs’ Annual Report 2018”. This report is required by the Western Australian Jobs Act 2017 to inform Parliament on the functioning of the act and the Western Australian Industry Participation Strategy each financial year. This report covers the period 1 July 2017 to 30 June 2018, and it should be noted that WAIPS was only fully implemented from 1 October 2018 and, as such, this inaugural report is mostly qualitative.

However, in the financial year just gone we have seen hard work across government to implement the act and the accompanying participation strategy. Consultation on implementation has been extensive, from the consultation on the WAIPS itself between government agencies, industry and unions to the WA Industry Link Launch and information sessions across the state. Working groups have been established among the Department of Jobs, Tourism, Science and Innovation and 34 key agencies to guide implementation of the strategy within their procurement processes. Nine pilot projects have been selected to road test the implementation of WAIPS and participation plan procedures and identify issues before the 1 October implementation date.

Encouragingly one such pilot project, the new Museum project, stage 2, has seen the managing contractor progress subcontracts for a number of trade packages, with over 90 per cent of these contracts awarded to WA businesses. In the regions, local content advisers have been employed through each regional development commission so regional businesses are properly supported to ensure local content outcomes are maximised across the state. Feedback from agencies and industry stakeholders has been positive, and we look forward to updating the house annually as this landmark reform to procurement in Western Australia is progressed.

This government will always put WA jobs first and we are willing to do the hard work to do so.

I now table the report.

[See paper 2083.]

**STAN PERRON — TRIBUTE***Statement by Premier*

**MR M. McGOWAN (Rockingham — Premier)** [12.09 pm]: I rise to acknowledge the life of a great Western Australian, Stan Perron, who passed away last week aged 96. Mr Perron was one of Western Australia's most accomplished businessmen and philanthropists, and a self-made man. From humble beginnings in a shanty in the goldfields, Mr Perron would go from selling handkerchief boxes as a child, to having a half share in a truck, to owning milk bars and taxis, before taking on his first major venture in an earthmoving business. He would see success in that industry, with involvement in iconic Western Australian projects such as Perry Lakes Stadium and the BP oil refinery, as well as in motor vehicles, with the rights to distribute Toyota vehicles in Western Australia—a rare deal for a Japanese company overseas. However, much of his fortune would come from his \$1 000 investment with Lang Hancock and Peter Wright—a venture into iron ore that would eventually become the successful Western Australian iron ore industry.

I had the pleasure of meeting Stan once at a dinner. He told me of his time working in Darwin during the bombings in 1942. He witnessed the event and contributed to Australia's war effort. Ultimately, though, much of his legacy will not be in business. The legacy he leaves behind will be one of generosity, from his Stan Perron Charitable Foundation, established in 1978, which has donated tens of millions to charity, with a particular focus on children's health and medical science.

He was also well known for his love of his family: his wife, Jean; his children, Roy, Paul and Elizabeth; and his grandchildren and great-grandchildren. He set an example for us all, and he and his family's generosity will benefit our community for years to come.

Vale Stan Perron.

**“CRITICAL INCIDENT REVIEW INTO THE EVENTS  
AT GREENOUGH REGIONAL PRISON ON 24–25 JULY 2018”**

*Statement by Minister for Corrective Services*

**MR F.M. LOGAN (Cockburn — Minister for Corrective Services)** [12.11 pm]: I rise to brief the house on, and table, the report titled “Critical Incident Review into the events at Greenough Regional Prison on 24–25 July 2018”. As I have previously informed the house, I sought an independent review into the factors that led to the riot. I want to thank Ms Jan Shuard, former Commissioner of Corrections Victoria, for undertaking the review. Her report is fearless, precise and unequivocal on what caused the riot and the recommended actions. I want to thank those who provided submissions to Ms Shuard. I understand that those who provided information did so because it was the right thing to do and that others, who were responsible, provided information knowing that they may be uncomfortable with the outcome of the report. I also want to echo the comments made by Ms Shuard that the Greenough officers were professional and courageous during the event, characterised by sensible decision-making in a time of crisis, with the preservation of life and safety the priority.

The review identified contributing factors to the riot and has made 11 recommendations. Contributing factors include staffing issues, local management of alternative regimes, inattention to infrastructure, poor dynamic security and a failure of management to maintain standards in preparedness, response and recovery in the event of an emergency. Ms Shuard also notes that it is equally true that the responsibility for the critical incident also lies with the prisoners themselves. Those prisoners who chose to instigate or become involved in the riot, destroy property, trash units, set fires, attack staff and escape were individually responsible for their own unlawful actions and will be held to account.

The government and the department have accepted all recommendations in principle. Work is underway into addressing the recommendations, including the filling of critical substantive management positions, increasing prisoner access to prison industries, access to education, and providing meaningful engagement with Indigenous prisoners and women in line with what is expected of all prisons throughout the state. Our government is also addressing the underlying causes of staffing shortfalls and reliance on overtime, managing the use of adaptive regimes, applying a strict enforcement of emergency management compliance, and planning for prison upgrades as part of the 2019–20 budget process.

[See paper 2084.]

**MENINGOCOCCAL ACWY VACCINE***Statement by Minister for Health*

**MR R.H. COOK (Kwinana — Minister for Health)** [12.14 pm]: I would like to update the house on the McGowan government's continued efforts to combat the prevalence of meningococcal cases in Western Australia. Meningococcal disease is an uncommon but sometimes life-threatening illness. At any one time about 10 per cent of healthy people carry meningococcal bacteria harmlessly in their nose or throat and do not become ill. Rarely, however, a small proportion of people will develop serious invasive infections

of the blood and/or the membranes that line the spinal cord and brain. In 2017, WA had 46 cases of meningococcal disease, six of which were fatal. The highest attack rate occurred among children younger than five years of age.

In January this year, in an Australian first, the McGowan Labor government announced that all Western Australian children aged one to four years would have access to a free meningococcal ACWY vaccine—a vaccine that provides coverage for four strains of meningococcal—throughout 2018. This government also lobbied the federal government to add this vaccine to the national immunisation program. In July, a meningococcal ACWY vaccine for one-year-olds was added to the NIP but a catch-up program for children older than 12 months was not supported by the commonwealth. In Western Australia, 76 000 children aged one to four have received a meningococcal ACWY vaccine. This represents 55 per cent of children in this age group. More than 61 000 children remain unprotected.

Although uptake of the vaccination has been reasonably high, unfortunately the number of cases of the disease remains elevated. Of the 36 cases of invasive meningococcal disease reported this year, 17 of these cases have been in children aged four and under who had not received the ACWY vaccine. That is why the McGowan government has announced that the Department of Health will extend the meningococcal ACWY vaccination program for all children aged 13 to 59 months through to the end of 2019, and expand eligibility to include Aboriginal children aged six weeks to 12 months.

We know that children under five have the highest attack rate of this disease, and now is the time to act. Get your child vaccinated. All it takes is a simple trip to an immunisation clinic or GP and it could save their life. Symptoms of meningococcal disease include fever, headache, neck stiffness, muscle or joint pains, nausea and a rash of red–purple spots or bruises. In babies, symptoms can include fever, rapid breathing, rash, vomiting, irritability or drowsiness. Medical assistance should be sought immediately for anyone experiencing such symptoms. The Department of Health will be sending out reminders to parents whose children have not yet been vaccinated to ensure they do not miss out.

#### **“RETIREMENT VILLAGES ACT 1992—OPERATIONAL REPORT 2017–18”**

*Statement by Minister for Commerce and Industrial Relations*

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [12.17 pm]: I table the “Retirement Villages Act 1992—Operational Report 2017–18” as provided by the Commissioner for Consumer Protection. The operational report provides an overview of the regulatory work the Commissioner for Consumer Protection conducted over the 2017–18 financial year in the retirement village industry, which includes compliance activities and the conciliation of disputes between residents and retirement village operators. The McGowan government is committed to building communities where people can age safely, as we understand the need to protect vulnerable groups such as our senior citizens. Our regular reviews of retirement village legislation in Western Australia have resulted in a number of significant amendments, including changes to residence contracts as well as budget and financial reporting requirements. We will open the next public consultation period for reforming the Retirement Villages Act in early 2019. It is reviews such as these that underline our commitment to Western Australia’s seniors community. As the Minister for Commerce and Industrial Relations, I support the commissioner’s work and the ongoing efforts to provide better safeguards and improved standards of care for seniors.

[See paper 2085.]

#### **FAMILY AND DOMESTIC VIOLENCE — TWENTY-EIGHTH ANNUAL SILENT DOMESTIC VIOLENCE MEMORIAL MARCH**

*Statement by Minister for Prevention of Family and Domestic Violence*

**MS S.F. McGURK (Fremantle — Minister for Prevention of Family and Domestic Violence)** [12.18 pm]: In the 12 months since this time last year, 28 lives have been lost to domestic homicides in Western Australia. This includes women and men, and nine children aged between two and 15.

Last Friday I attended the annual silent march, hosted by the Women’s Council for Domestic and Family Violence Services (WA), to acknowledge the lives lost in the most unimaginable ways. As the CEO of the women’s council, Ms Angela Hartwig, said on the day, “One death is too many, so the killing of 28 Western Australians at the hands of loved ones is indeed shocking and unacceptable.” As the state’s first Minister for Prevention of Family and Domestic Violence, I could not agree more. It is unacceptable that Western Australia still has the second highest rate of reported physical and sexual violence perpetrated against women across the country. It is unacceptable that the Australian Bureau of Statistics’ Personal Safety Survey continues to show that fewer than 20 per cent of women who experience violence from an intimate partner reported the most recent incident to the police.

However, it is encouraging to see community leaders standing up and speaking out about family and domestic violence and violence against women—leaders like the Anglican Archbishop of Perth, Kay Goldsworthy; the Chief Commissioner of Police, Chris Dawson, APM; and the Premier of Western Australia, Hon Mark McGowan,

MLA. It is encouraging to see colleagues and members in this place agreeing that we must “stop the violence” and wearing the orange badge to mark the Government’s 16 Days in WA to Stop Violence against Women. Because we all have a role to play in changing the conversation that allows violence against women to go unchallenged.

I congratulate the Women’s Council for Domestic and Family Violence Services (WA) for the incredible effort in bringing together last Friday’s 28<sup>th</sup> Annual Silent March. I would also like to thank my parliamentary colleagues who attended this event. It is important that we as leaders in our communities continue to acknowledge and advocate for change to address this important issue.

### **WOMEN IN ICT DIVERSITY AND INCLUSION — PARLIAMENT HOUSE EVENT**

*Statement by Minister for Women’s Interests*

**MS S.F. McGURK (Fremantle — Minister for Women’s Interests)** [12.20 pm]: I rise to inform the house of the women in ICT diversity and inclusion event held last week at Parliament House. The Minister for Innovation and ICT; Science, Hon Dave Kelly, MLA, and I partnered with the Australian Computer Society for this event. We invited members of the Australian Computer Society working in ICT to join members of Parliament to talk about diversity in their industry. The invitees are champions in their field of work who are passionate about change and want to do something about improving gender equality. We wanted to spark a conversation about how to ensure that the science, technology, engineering and mathematics, or STEM, sectors are inclusive and embrace diversity. We recognise that getting more women and girls into the traditionally male-dominated fields of STEM requires a whole of community effort.

What better way to move forward with this goal than to ask those in the sector about its strengths and its weaknesses, so that is exactly what we did. We invited attendees to record a short video of themselves to tell us in 30 seconds what they love about their industry and what needs to change. Engineers, software developers, digital collaboration specialists and coders shared their insights with us. They spoke of mentors and role models, workplace flexibility and leadership, and the need to educate everyone, not just children, about the sheer diversity of opportunities that lie within these growing sectors. We heard about the conversations parents have with their children, the passionate teachers who inspire kids in school, and the role models in industry who carve a path for those who will follow. We will continue this dialogue to ask women about what is working and what is not, in developing industries and workplaces that embrace gender equality, because gender equality benefits everyone. The state government congratulates the Australian Computer Society for its commitment to diversity in the ICT sector.

### **BAIL AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2018**

*Introduction and First Reading*

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

Explanatory memorandum presented by the Attorney General.

*Second Reading*

**MR J.R. QUIGLEY (Butler — Attorney General)** [12.23 pm]: I move —

That the bill be now read a second time.

The Bail Amendment (Persons Linked to Terrorism) Bill 2018 proposes amendments to the Bail Act 1982 to implement the 2017 Council of Australian Governments—otherwise known as COAG—agreement on the presumption against bail applying to persons with links to terrorism. The amendments form part of a range of practical and legislative measures agreed by COAG to strengthen the nationally consistent approach to countering the evolving terrorist risk.

On 9 June 2017, COAG agreed to ensure there will be presumptions against the granting of bail and parole to persons who have demonstrated support for, or have links to, terrorist activity. At a 5 October 2017 special meeting on counterterrorism, COAG agreed that the 9 June 2017 decision should be underpinned by a nationally consistent approach. The Australia–New Zealand Counter-Terrorism Committee was tasked by COAG to consult with each Australian jurisdiction to develop principles to guide the implementation of these presumptions. The first principle is that the presumption against bail and parole should apply to categories of persons who have demonstrated support for, or links to, terrorist activity. The second principle is that a high legal threshold should be required to overcome the presumption against bail and parole. The third principle is that the implementation of the presumption against bail and parole should draw on and support the effectiveness of the counterterrorism team model. The fourth principle is that implementing a presumption against bail and parole should appropriately protect sensitive information. These principles acknowledge that all jurisdictions have well established and accepted practices and procedures in relation to bail and parole. Implementation of the COAG agreement in Western Australia is being undertaken in two stages. This bill is the first stage.

A second tranche of legislative proposals to implement the presumption against parole is being developed for introduction in 2019.

The bail of persons charged with certain commonwealth terrorism offences is dealt with in accordance with Western Australia's bail legislation and procedures, as read together with section 15AA of the commonwealth Crimes Act 1914. That act provides that bail must not be granted unless the person can demonstrate exceptional circumstances. The commonwealth legislation does not apply when a person is charged with an offence against a law of Western Australia.

The amendments to the Bail Act 1982 introduced by this bill will require that persons with links to terrorism are to be subject to a presumption against bail, regardless of whether these links to terrorism have any connection to the current charge for which bail is being considered. For the purposes of the bill, a person has links to terrorism if they are charged with, or have been convicted of, a terrorism offence, or are the subject of an interim control order or confirmed control order made under the commonwealth Criminal Code Act 1995, or have been the subject of a confirmed control order within the last 10 years. These criteria provide objective indicators of a person's links to terrorism and are consistent with the minimum scope identified by the Australia–New Zealand Counter-Terrorism Committee recommended that the presumption against bail should apply to a person who has been convicted of a terrorism offence or is the subject of a control order.

The bill provides that in the case of persons linked to terrorism, the power to grant bail can be exercised only by a court constituted by a judicial officer other than a justice of the peace. This restriction on who can grant bail recognises the seriousness of terrorism matters and puts into effect the policy that bail of persons with links to terrorism be subject to the scrutiny and oversight of a higher decision-making authority. The core of the presumption is in new clause 3E of part C in schedule 1 of the Bail Act 1982. It requires that a judicial officer must refuse to grant bail and remand the accused in custody, unless satisfied of two matters: firstly, that there are exceptional reasons why the accused should not be kept in custody; and, secondly, that bail may be granted having regard to the usual bail considerations. The bill provides that the exceptional reasons test is guided by special considerations. These will ensure that judicial officers retain discretion to consider the seriousness of the current charge and appropriately assess risk when deciding whether the accused has satisfied the exceptional reasons test. An example of special considerations may be whether the alleged offending is of a minor nature that does not ordinarily attract a penalty of imprisonment, or when the accused sufficiently demonstrates that they have disengaged from former terrorism links. The considerations provide an opportunity to divert young people in appropriate circumstances, but with the overriding consideration being the safety of the community. Provision is also made for a judicial officer to refuse bail and make a hospital order. The presumption against bail under new clause 3E must still be applied when a person linked to terrorism has already overcome a different exceptional reasons test in the same proceedings—for example, bail for murder, a second serious offence, or breach of a dangerous sex offender order. The bill introduces greater flexibility for the prosecution to arrest an accused to bring the person back to court to show cause why bail should not be varied or revoked. This procedure may be used when new facts have been discovered, new circumstances have arisen or the circumstances have changed since bail was granted. The increased flexibility is of general application and may be applied to any accused, including when the accused person is, or has become, a person linked to terrorism.

This bill also introduces new provisions that will require a judicial officer to take all reasonable steps to maintain the confidentiality of information that the judicial officer considers is “terrorist intelligence information”. These steps include a closed court hearing of the information in the absence of certain persons and parties to the bail proceedings, and other prohibitions on disclosure, including orders to redact the information from certain bail documents and a requirement that the information must not be referred to in any reasons for the bail decision. These new confidentiality protections are designed to facilitate the sharing of classified terrorist intelligence information by the Australian intelligence and law enforcement agencies. This information would not ordinarily be made available in open court bail proceedings due to the risks that exposing this information may compromise covert terrorism investigations and national security. It is necessary to establish appropriate procedures to share terrorist intelligence information with the court, which may be critical to an assessment of whether an accused, if not kept in custody, may endanger the safety, welfare or property of any person.

Several jurisdictions have legislated to give effect to the 2017 Council of Australian Governments agreement. Each has taken a different approach to reform having regard to their legislative frameworks, which vary considerably between jurisdictions. The proposed amendments ensure that Western Australia's bail legislation, like that in other states, addresses terrorism risk at the stage of bail. These reforms are a preventive measure, adding to the national and Western Australian legislative framework to deal with terrorism risk.

I commend the bill to the house.

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



**TICKET SCALPING BILL 2018***Introduction and First Reading*

Bill introduced, on motion by **Mr W.J. Johnston (Minister for Commerce and Industrial Relations)**, and read a first time.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [12.35 pm]:  
I move —

That the bill be now read a second time.

The Ticket Scalping Bill 2018 introduces new legislation addressing ticket scalping practices that are adversely impacting consumers in Western Australia. The legislation will sit within the portfolio of the Department of Mines, Industry Regulation and Safety, specifically within the Consumer Protection Division. The primary purpose of the bill is to provide strong mechanisms to address the consumer detriment that occurs as a result of ticket scalping for popular public entertainment events hosted in Western Australia. It delivers on longstanding commitments by the government to address serious and growing consumer concerns in this area.

Consumers can suffer detriment in a number of ways. Resale of tickets at inflated prices is making popular events increasingly unaffordable for fans. In some cases, they may be tricked into paying grossly inflated prices because they are not aware that they are dealing with a reseller when they purchase tickets from an online provider. Use of software bots by commercial resellers to buy tickets in bulk quantities immediately after release can make it difficult for consumers to access tickets. Purchasers of resold tickets may be unable to gain entry to events because the ticket is invalidated as a result of its resale. Ticket scalping also has a negative impact on artists and event organisers who carry the financial risk of preparing and hosting events, and can threaten the commercial viability of events. Revenue, including secondary revenue from activities such as sale of merchandise, is directly related to attendance levels, which may be threatened by the impact of scalping on ticket affordability.

The provisions of the bill will apply to all ticketed events hosted in Western Australia when a resale restriction is imposed by the event organiser as a condition of purchase. The provisions will prohibit the resale of tickets at a price that is higher than the original cost of the ticket, plus 10 per cent; prohibit the advertising of tickets for resale at a price that is higher than their face value, plus 10 per cent; require an advertiser to provide details of the location from which the ticket purchaser will view the event, such as rows and seat numbers; provide that any resale restriction invalidating the ticket will be void if the ticket is purchased from a reseller in accordance with the requirements of the regulations; prohibit the use of software that enables or assists a person to circumvent the security measures of a website in order to purchase tickets in contravention of the terms and conditions of the organiser; provide for maximum penalties of \$20 000 for a breach of the legislation by an individual and \$100 000 for a breach by a body corporate; and provide for education, investigation and enforcement powers for the Commissioner for Consumer Protection.

The growing need for this regulation has been demonstrated in recent times at major events held in Western Australia. At music concerts held by Ed Sheeran and Adele, and sporting fixtures such as the third Ashes test and the recent Australian Football League finals matches, tickets have been advertised by private sellers and resale platforms shortly after release for as much as ten times their face value.

I thank the Minister for Tourism for his assistance in the development of this bill, which will help to facilitate the staging of major events in Western Australia in the future.

This bill unashamedly places the fans first. It reflects a commitment by the government to provide strong protection for consumers, and delivers on an election promise. It ensures that those with unwanted tickets to events can sell those tickets without breaching conditions of purchase, while at the same time promoting openness, transparency and reasonable access to the market and ensuring that WA families have the opportunity to enjoy major events at a fair price.

I commend the bill to the house.

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

**MINING AMENDMENT (PROCEDURES AND VALIDATION) BILL 2018***Introduction and First Reading*

Bill introduced, on motion by **Mr W.J. Johnston (Minister for Mines and Petroleum)**, and read a first time.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum)** [12.40 pm]: I move —

That the bill be now read a second time.

The purpose of the Mining Amendment (Procedures and Validation) Bill 2018 is to provide security for holders of mining tenements, now and into the future, following last year's High Court decision in *Forrest & Forrest Pty Ltd v Wilson and Ors*. The McGowan government is taking this legislative action to strengthen our mining legislation and remove the uncertainty generated by the High Court's decision that impacted on the security of our mining tenure system.

Last year, the High Court found that, in order to be valid, a mining lease application must strictly comply with the technical requirements of the Mining Act. In finding this, the High Court overturned earlier decisions of Western Australia's Supreme Court and the Court of Appeal, which allowed a reasonable amount of flexibility with respect to the receipt and processing of mining tenement applications. The implications of the High Court decision are wide-reaching, as a similar level of compliance may now apply to previously granted mining tenements. This potentially exposes tenement holders to a similar legal challenge, despite their applications being lodged and assessed in good faith and in line with the previous practices and understandings of the law at the time they were granted. Providing certainty in tenure is crucial for attracting investment, and is a key principle of the legislative framework governing the mining industry in Western Australia.

The bill seeks to provide certainty by, firstly, validating mining tenements, and secondly, clarifying and streamlining the application and determination provisions of the Mining Act to provide security of tenure for future tenement applicants. The state intends to validate only those mining tenements that could be affected by the High Court decision. In seeking to validate these tenements, there is a risk that this bill could be a future act for the purposes of the commonwealth's Native Title Act, requiring compliance with the future act regime. The state has therefore requested the commonwealth make an amendment to the Native Title Act to allow the state to pass this bill without the risk of it jeopardising existing native title agreements.

The state is seeking only to restore the status quo as understood to have existed prior to the High Court decision, without causing any collateral effects, whether advantageous or disadvantageous, on native title holders or native title rights. The state is not seeking to validate any mining tenement in terms of the Native Title Act that was required to go through the Native Title Act's future act regime but did not for any reason; alter title holders' entitlements to compensation for the grant of mining tenements that may have existed if the grants would have been past acts, intermediate period acts, or future acts had they been valid from the date of grant; or alter the extent of extinguishment of native title that would have arisen if the tenements had been valid from the date of grant. The passage of this bill will be progressed with reference to the timing of the commonwealth's Native Title Act amendments. By introducing this bill, the state is providing the commonwealth, the mining industry and native title holders with certainty on the precise terms of the proposed legislation. We now call on the commonwealth to reciprocate by progressing the required amendment to the Native Title Act.

To provide security of tenure for future tenement applicants, the bill also seeks to clarify and streamline the application lodgement and processing requirements of the Mining Act. This includes amendments to separate the requirement to lodge supporting technical documents at the same time as the making of a mining lease application. Supporting documentation lodged with mining lease and exploration licence applications also will be clarified to ensure greater certainty around the validity of tenement applications at the time of lodgement. In addition, the Mining Act is being modernised with amendments to delete obsolete processes and allow more documents to be lodged online.

In essence, this bill ensures the security of the state's mining tenure system by fixing the past and looking to the future. The assumption of validity will be restored to past grants of title and future grants will benefit from more streamlined and transparent application processes. In light of the High Court decision, this bill is necessary to provide security for holders of mining tenements, now and into the future, ensuring Western Australia maintains its position as one of the world's most attractive destinations for mining investment.

I commend the bill to the house.

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

**BUSINESS OF THE HOUSE — COUNCIL MESSAGES***Standing Orders Suspension — Motion*

On motion by **Mrs M.H. Roberts (Minister for Police)**, on behalf of the Leader of the House, resolved —

That, for the remainder of 2018, so much of the standing orders be suspended as is necessary to enable messages from the Legislative Council to be taken into consideration on the day on which they are received.

**GREENOUGH REGIONAL PRISON — MINISTER FOR CORRECTIVE SERVICES***Standing Orders Suspension — Motion***MR Z.R.F. KIRKUP (Dawesville)** [12.46 pm] — without notice: I move —

That so much of the standing orders be suspended as is necessary for the motion to be considered forthwith —

That this house condemns the Minister for Corrective Services for his failure to adequately resource the Greenough Regional Prison and for allowing tensions within the prison to build to such an extent that it precipitated a riot, and calls on him to be sacked.

*Standing Orders Suspension — Amendment to Motion*

**MRS M.H. ROBERTS (Midland — Minister for Police)** [12.46 pm]: The government will accept this suspension motion by adding an amendment so that we have 15 minutes per side. I note that the opposition had the opportunity of a matter of public interest today, which it is utilising for something else. This is a bit like trying to have your cake and eat it too. If the opposition really thought it was important, it could have listed it as its MPI, rather than this, but given that we are more than happy to debate this motion, I move —

To insert after “forthwith” —

, subject to debate being limited to 15 minutes for government members and 15 minutes for non-government members

Amendment put and passed.

*Standing Orders Suspension — Motion, as Amended*

**The SPEAKER:** Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

*Motion*

**MR Z.R.F. KIRKUP (Dawesville)** [12.47 pm]: I move the motion. On 24 July this year, we saw 10 prisoners escape into the Greenough–Geraldton community, causing fear amongst the community and putting the lives and safety of the Western Australian community at risk. More than that, we saw millions of dollars of damage being done to what we consider one of the worst riots and prison escapes in our state’s recent memory. This all came about because of a bid by this government and this minister in particular to trim back the Department of Corrective Services’ operational budget, which flowed through to overtime capping, staff shortages, infrastructure not being appropriately invested in and services not being offered. The Aboriginal programs that would usually enable 70 per cent of that prison population to access culturally appropriate programs were not offered. This precipitated in a riot, which we saw occur on 24 July, and escapes, which were not resolved until some days later.

The Western Australia Police Force and WA prison officers responded to the incident and we are very lucky that that no-one was harmed. No-one was harmed within the prison and, importantly, no-one was harmed outside it. However, we should not rely on luck. We should not have had a situation in which this could have occurred in the first place. All of us accept that prisoners—who are in there for very obvious reasons; they do not understand responsibility and they are not lawful citizens—may at some point kick off into a riot. To simply blame them is not an excuse that the minister should put in defence of this motion. We have seen from this minister a tendency to blame everyone else; he will not accept responsibility.

This report came out through *The West Australian* rather than any other means, so it was about public relations spin rather than about ensuring that something as important as this issue receives very intense public interest. It was not tabled in Parliament first; it was leaked to the state’s major news outlet. Unusually, the day before this report came out, the superintendent was moved on from his job. Interestingly enough, on radio today there were two conflicting stories—one from the commissioner and one from the minister—about why the superintendent was moved aside. The superintendent has been pushed aside.

Of course, the prisoners have been appropriately blamed, but, more importantly, the minister who cares, apparently, and takes responsibility for the cuts to the budget is making no apologies for that. He refuses to apologise to the people of Western Australia for putting their lives at risk in the worst prison escape in Western Australia’s history. Shame on him for not taking any sense of responsibility for what occurred over those two days. The bid to cut about half a million dollars in the overtime budget precipitated millions of dollars of damage to Greenough Regional Prison. It is absolutely inappropriate.

It is not just us saying this. An independent review has pointed to all the issues of resourcing and rolling lockdowns. It is not good enough that the prison was in lockdown on 216 of the preceding 226 days. That is pointed out in the review as one of the reasons it occurred. Resource constraints is another issue. We are aware of the ageing

infrastructure at Greenough. The effect of the riot was compounded because the infrastructure was not hard enough to deal with it. We have already spoken about the lack of engagement and governance frameworks. They are important aspects that have been identified and need to be reformed for this to not happen again.

The opposition is concerned about the state of our state's prisons. How do other prisons compare with Greenough Regional Prison? What state are they in? More than that, we are concerned about this minister's inability to provide any sense of leadership in this important portfolio. We have seen report after report from the Corruption and Crime Commission and the Office of the Inspector of Custodial Services, and now we have this review, and they all point to a weakness in and failure of this minister to deal with this important reform. Western Australia deserves better than this minister. The Premier should move this minister away from corrective services, and one of the very talented backbench members, who, I suspect, are probably more capable than this minister, should indeed take up the position of Minister for Corrective Services. Get some fresh eyes on this and deliver the important reform that the people of Western Australia need so that their lives are no longer put at risk.

**MR D.T. REDMAN (Warren–Blackwood)** [12.52 pm]: So far this minister has been like one of those toilets on an aeroplane—nothing seems to stick! But that changes today. He has been operating from the Labor Party political textbook in how he is managing his portfolio. The first step is to blame the previous government. That has been his modus operandi until today. The second step is to roll out some sort of investment plan. The third step, which has three parts, is if all hell breaks loose, to manage the media—that has been happening in the last 24 hours—sack someone or blame the staff, and look contrite when coming back from holiday; and, if that does not work, the minister can go right back to the first step. It changes today, minister.

There are signals that the minister will have seen in the media, despite the whole pile of information that he has about his portfolio and the briefings that he has had. It has been rolled out in the media. Even blind Freddy knows what is going on in his portfolio. The headline in the *Albany Advertiser* of 16 August this year was “Prison Under Pressure: Prison rebuild needed now”. In reference to Acacia Prison, the headline in *The Sunday Times* of 16 September this year was “Prison ‘bursting at the seams’”. In reference to the Eastern Goldfields Regional Prison, the headline in the *Kalgoorlie Miner* of 13 October was “Overcrowded prison crisis: Jail overcrowding, staffing ‘danger’”. This minister was not blindsided by anything because it says so in the media. There have been more headlines about this than there were about the *Hindenburg*—I have said that before—not to mention the biggest prison break-out in Western Australia's prison history.

The thing that has changed today—that is why the minister's Teflon is rubbing off—is that it is no longer about the capital investment that he has been rolling out or about blaming the previous government. This is about here and now. This is about operational funding. This is about his decisions, which are putting pressure on the prison system and fundamentally putting the public in danger. This is about staffing. This is about programs. This is about rolling out meaningful programs for Aboriginal people, particularly at Greenough prison. This is about all those procedural things that should be in place to ensure that a prison is managed safely and properly to keep safe not only the people inside it, but also the broader public. This is about here and now. This is about the minister's decisions that have fundamentally put the public of Western Australia in danger. That is why the minister needs to stump up and step down from his portfolio to ensure that the people of Western Australia have some confidence in our prison system.

Yes, things happen in prison. I know that because I was a Minister for Corrective Services. They happen every day. I know what it is like; they happen every day. But prisoners do not break out of prison every day. The people of Western Australia need to have some confidence that they are safe from the people who are inside our prisons. They do not have that confidence. Why? This is the minister's report. He owns it. He owns the outcomes. He is responsible. If the Premier has any sort of gumption today, he will stand the minister down. We have been running arguments in this place to say that he is not competent to manage the prison system in Western Australia. He can make his comments, but the people in regional Western Australia, particularly in Greenough, are concerned about their safety. The minister is responsible. He is the Steven Bradbury of cabinet; he is the worst minister in cabinet in Western Australia. We know that only one decision can be made by this Premier. The reshuffle is coming up. If the minister's head is not on it, the people of Western Australia should be really concerned.

**DR M.D. NAHAN (Riverton — Leader of the Opposition)** [12.56 pm]: This is the Premier's call. The Premier put the minister there. The Premier gave him the task and he has flubbed it over and over again. It should not surprise the Premier. The Premier has indicated that he will have a reshuffle. The minister should be the first out the door. He never should have been in the cabinet. He has form; he was previously a cabinet minister—a crack-hot, idiotic energy minister. Let me go through it. Varanus was a good one. The minister's response to Varanus was: “Yes, it blew up.” The Synergy billing system was his baby. When he was energy minister, the then government announced in July 2008 that it would have to increase electricity prices by 100 per cent over the next decade. That is his record. Why would the Premier put someone like that back in cabinet?

The real issue is that the Premier has other people who can do this task. The member for Armadale is competent, intelligent and hardworking. He can get things done and follow through on issues. The member for Girrawheen could do it easily, but the Premier kept the minister there. We think the only reason he was there in the first place

and is there now is his union ties. That is not good enough. We are all very lucky that people did not die in the break-out. This is not just about prisoners. Prisoners are in prison for a reason. They can be dangerous. When they break out, they can hurt people and damage property. The minister's management of the system led to those significant risks.

Let me go through some of the things. In 2018 alone, the Corruption and Crime Commission has released six reports on corruption, drugs and misuse of force in the prison system. There was a report into inadequate supervision of prisoners; a report on corrupt custodial officers and the risks of contraband entering prisons and organised crime; a report on misconduct risks in WA prisons; a report on the misuse of force at the Eastern Goldfields Regional Prison; a report on the misuse of force at Hakea Prison; a report on the inadequate use of force at the eastern goldfields prison and Bunbury Regional Prison—and it goes on. Now we have Glendalough. This is a report that the minister commissioned. Glendalough had troubles before. There was a report in November 2016 that highlighted there were vacancies.

Several members interjected.

**Dr M.D. NAHAN:** Greenough.

**Ms R. Saffioti:** The train station is going very well!

**Dr M.D. NAHAN:** Yes. Vacancies in the prison needed to be filled. There was an inadequate allocation to treating prisoners, there was increasing tension in the prison and there was overcrowding in the prison. The minister was briefed when he got in that that was the case. What did he do?

**Mr F.M. Logan:** I fixed it.

**Dr M.D. NAHAN:** You fixed it! You fixed the prison! Then why did they break out? What did you fix? We know that when the member first became a minister, he went to *The West Australian* and said that the government was going to lock people out of prison. Is that what he did up there? Did he help them? Did he just let them out? The minister had a report in his hand saying that there were inadequate resources, excessive overtime and exploitation of overtime, and there was a large number of officer vacancies in the prisons. Prisoners were under tension. What did the minister do? He cut the budget for overtime, but he did not fix the use of overtime. He failed to fill the vacancies; in fact, he created more. In fact, one person was the assistant commissioner for security. The position of the person in charge of security at the prison was vacant for eight months prior to the breakout. The minister filled it on a temporary basis for only six weeks out of those eight months. The person in charge of security was not there. The minister cut the budget to them. He had warning after warning that tensions were rising. When the prisoners broke out, who did he blame? He blamed the prisoners. In his response today he blamed the prisoners. If prisoners are treated like that, if they are locked up for 216 days out of 226, they are going to cause trouble. That is what the minister did. There were 216 days of excessive locking up in cells. That is what the minister did.

**Mr F.M. Logan:** They had a right to escape, did they?

**Dr M.D. NAHAN:** No; the minister had a responsibility to treat them like human beings. The minister locked them up excessively for 216 out of 226 days. That is what he did. He was warned over and over again, even by the union, that tensions were growing and there was inadequate supervision, with an inadequate number of people overseeing things. What did the minister do? He did nothing. He took credit. A breakout happened, there was damage to property, and all the minister did was say that he knew nothing and that it was the prisoners. Does the minister know why they are in prison? They have a tendency to break laws. If people like that are locked up and treated like animals, they will act like that, and that is what the minister has done. If the minister locks them up in prison and puts them in the cooler hour after hour, that is the result he will get.

**MR M. McGOWAN (Rockingham — Premier)** [1.02 pm]: The government will not support this motion. I just want to make a few comments. Firstly, I thank all the prison officers and police officers who dealt with the riot at Greenough Regional Prison back in July. I thank them for their bravery in dealing with the difficult situation that they confronted. Their actions on the day and subsequent days were terrific and I would like to thank the staff for their work. Secondly, I just say that on any given day in any prison in Australia or, indeed, around the world, there are issues. There are problems and issues to deal with. That was the case under the former government, it is the case under this government and it will be the case under any government in the future. I appreciate that the role of the Minister for Corrective Services in his portfolio is not an easy one. He has to deal with a difficult portfolio with lots of issues occurring on any given day, as does any Minister for Corrective Services. I could take members to all the breakouts under the former government and all the losses of prisoners.

**Mr D.T. Redman** interjected.

**Mr M. McGOWAN:** Mr Acting Speaker (Mr S.J. Price), I did not interject.

There were scores of these events under the last government and any minister has to deal with these. I think this minister is to be commended for putting in place a program of reform and dealing with some legacy issues.

I want to run the house through some things that this minister is doing. Firstly, he recruited 281 additional prison officers to deal with the growth in prisoner numbers. Secondly, a 212-bed expansion is already committed to. There is a 512-bed expansion on top of that at Casuarina Prison and a 160-bed expansion at Bunbury Regional Prison. That is a total of 900 additional beds being put into the estate at minimal cost to the taxpayers. It is a relatively small cost to the taxpayers, which is what I think the public would certainly support—900 beds at a cost of \$120 million. I think that is a much more sensible way of using the existing prison estate rather than a \$1 billion-plus build of a new prison with fewer beds than that. We, and this minister in particular, have been innovative in making sure that that happens. We have a difficult financial situation, so \$120 million for 900 beds is a good way of dealing with the situation. I thank this minister for all of those reforms and for his very sensible approach to dealing with the financial issue that the government faces and making sure that we can manage the prison system within those financial constraints.

I want to now talk about the issue. I went to the prison the day after the event occurred. I did a tour of the prison with some of the officers who dealt with it and I saw exactly what occurred. We could almost see a line of destruction from the male prison to the women's prison. The women's prison is separated from the male prison by a mesh fence—the sort of thing we would see at a tennis court. That is what they are separated by. I saw the destruction from where the men went up to the women's prison. In the women's prison I could see all the destruction and the doors ripped off, and members would have heard the quite lurid stories about what occurred in the women's prison. I want to read what Neil Morgan, the Inspector of Custodial Services, said after the event. I quote —

The total failure of the previous government to invest properly in prison infrastructure for women led to the remarkable decision to put a large women's unit there.

Now that creates massive problems with management within a predominantly male facility, and that is what we saw.

And if I looked at the incident, one of my main concerns is the fact that the men were able to get into women's units and what actually occurred there.

That is what happened. If members look, they will see that. Who put the women's unit there? The former minister, the member for Warren–Blackwood, did. The former government did it. The former minister did it.

**Mr D.T. Redman** interjected.

**Mr M. McGOWAN:** Hold on; that is what happened.

Several members interjected.

**The ACTING SPEAKER (Mr S.J. Price):** This is the last warning. I am going to start calling people. I want to hear the Premier in silence. Thank you.

**Mr M. McGOWAN:** We saw the women's prison put there by the last Liberal–National government right next to the men's prison, separated by a tennis court fence, and opposition members wonder why these young men might have broken out and gone straight up there. Do members opposite want to think about it? When the former minister did that, it was grossly irresponsible.

**Dr M.D. Nahan** interjected.

**The ACTING SPEAKER:** Leader of the Opposition!

**Mr M. McGOWAN:** The report has found that and Neil Morgan said that. Then we see the excuse-making by the Leader of the Opposition for the behaviour of the prisoners. I, like 90 per cent of Western Australians, am not going to make any excuse for the behaviour of those prisoners. The Leader of the Opposition says there is an excuse for it. There is no excuse.

**Mr D.T. Redman** interjected.

**The ACTING SPEAKER:** I am going to call you for the first time, member for Warren–Blackwood.

**Mr M. McGOWAN:** There is no excuse for criminal behaviour. There is no excuse for that riotous behaviour. They are in prison because they are criminals and the government put in place an adaptive regime to deal with the situation that we face that still allows prisoners to exercise and do all those other things, but just not as much as they would have liked. Some of the prisoners complained that they did not get the opportunity to kick the football enough. Well, tough. They are in prison. I am not going to allow the Liberal Party to make excuses for this criminality and this sort of behaviour, which is exactly what it has done.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr M. McGOWAN:** The minister, to his credit—if only it had happened under the last government—has decided that the department needs to live within its budget. The former government left us with \$40 billion worth of debt and the now opposition wonders why difficult decisions need to be made. It is the former government's fault. It is the financial vandal. It put the women's prison right there next to the men's prison. Take some responsibility.

**MR B.S. WYATT (Victoria Park — Treasurer)** [1.10 pm]: When I became the Treasurer in March last year, it quickly became apparent to me that the biggest risk in the budget was the Department of Corrective Services. The biggest component of the budget was not health; it was corrective services. I wrote down that the member for Warren–Blackwood said, “This is about operational funding.” He is right. This is about operational funding. Alarm bells rang for me early on—before I had even become Treasurer—when I saw on page 11 of the *Pre-election Financial Projections Statement* that the Under Treasurer had been forced to stick in the forward estimates another \$42 million to fund the daily average prison population at its current level. At the time of the midyear review, the government was not funding the prison population. When my friend the member for Cockburn became the minister and I became the Treasurer, what did we find embedded in the forward estimates of the finances? This was embedded in the forward estimates of the finances that underwrote a projection of \$40 billion in debt and underwrote no surplus positions across the forward estimates. This is what we found: assumed savings allocated to corrective services out to 2020–21 of \$380 million—allocated to nothing. We got a budget in which Mike Nahan as the former Treasurer was saying —

*Point of Order*

**Mr Z.R.F. KIRKUP:** The Treasurer should refer to the Leader of the Opposition by his correct title.

**The ACTING SPEAKER (Mr I.C. Blayney):** Yes, and I would appreciate it if you kept the noise down, thank you.

*Debate Resumed*

**Mr B.S. WYATT:** The Leader of the Opposition as Treasurer assumed because he was trying to get the assumed debt below \$40 billion that in an environment in which the average prisoner muster was growing at about 10 per cent a year, somehow \$380 million would be cut from the budget over the four years. That works out to nearly 11 per cent of the budget by the last year. I want to give this a point of comparison.

Several members interjected.

**The ACTING SPEAKER:** Thank you, members!

**Mr B.S. WYATT:** As at 2017–18, out of all the assumed savings, corrective services—the Leader of the Liberal Party had a lot of assumed savings across every area of government—was carrying 16 per cent of those assumed savings. By way of comparison, the Department of Health was carrying 13 per cent.

**Mr D.T. Redman** interjected.

**The ACTING SPEAKER:** Member for Warren–Blackwood!

**Dr M.D. Nahan** interjected.

**The ACTING SPEAKER:** Leader of the Opposition

**Mr B.S. WYATT:** In 2017–18, despite the health budget being 10 times larger than the corrective services budget, corrective services was assumed by the Leader of the Liberal Party’s budget to carry the vast majority of savings allocated nowhere. Is it little wonder that the member for Warren–Blackwood is quite correct? It is about operational funding. That is why we have not yet managed to work out how we deliver on Mike Nahan’s \$380 million of budget cuts. I do not know how we do that.

Several members interjected.

**Mr B.S. WYATT:** But we have had to put in about \$21 million extra for operational funding, but the belligerent fiscal mess of the Leader of the Opposition just assumes that we can keep running at 10 per cent a year prisoner population and at the same time he said, “I’m cutting the budget by \$380 million.”

Several members interjected.

**The ACTING SPEAKER:** That is it. Next time we get a loud interruption, I will call the person.

**Mr B.S. WYATT:** Is there any wonder that I look at the corrective services budget and see it as the biggest risk to the budget because the Liberal Party left me an assumed budget savings of \$380 million?

**Dr M.D. Nahan** interjected.

**The ACTING SPEAKER:** Leader of the Opposition, I am calling you for the first time.

**Mr B.S. WYATT:** As I said, the single biggest assumed effort of savings was not to health—the single biggest part of the budget—it was to corrective services. In light of the menace the member for Riverton was to the finances, and the mess he left us embedded in the forward estimates with the poison pills across the forward estimates, the fact of the matter is that he booked \$380 million in savings with not the slightest idea of how to deliver upon them. This is going to be difficult, and more problems will emerge, I dare say, before things get better in corrective services. But I will not cop for one minute any critique from the fiscal vandals on the other side of the chamber about under-resourcing the corrective services system. We have had to top it up, but still I have to find \$380 million of Mike Nahan’s best-guess imaginative budget.

Several members interjected.

**The ACTING SPEAKER:** Members! A number of times now I have asked for relative silence so we can hear the speakers. I will have to keep calling people because I would rather hear the minister out. Thank you.

**MR F.M. LOGAN (Cockburn — Minister for Corrective Services)** [1.14 pm]: In talking about the fiscal irresponsibility of the previous government —

**Mr V.A. Catania** interjected.

**Mr F.M. LOGAN:** — let us just go to the actual overtime —

*Withdrawal of Remark*

**The ACTING SPEAKER:** Sorry, minister; I ask you to withdraw, please, member for North West Central.

**Mr V.A. CATANIA:** I withdraw.

*Debate Resumed*

**Mr F.M. LOGAN:** So you should.

In going to the budget that keeps being referred to about the Greenough Regional Prison, the overtime and the full-time employees there, let us make it very clear for everybody who is listening. The budget on overtime was the same as it was last year. It was not cut; there were no cuts. The superintendent in running the joint—it is in the report; none of the members opposite have read the report yet —

**Mr Z.R.F. Kirkup** interjected.

**Mr F.M. LOGAN:** The member for Dawesville has read the report. He read it before it was tabled. I do not know how he read the report as he claimed on ABC radio that he had before it was tabled in this house. I do not know how he got that copy of the report. Anyway, let us make it very clear —

Several members interjected.

*Point of Order*

**Mr D.A. TEMPLEMAN:** The minister has the call, and the constant interjections from the opposition should be ruled out of order.

**The ACTING SPEAKER:** Thank you.

*Debate Resumed*

**Mr F.M. LOGAN:** Let us make it very clear: the superintendent up there, as is set out very clearly in the report, gave back nearly \$500 000 that was allocated for overtime. He made that choice under law. Under the Prisons Act he runs the prison. At law, he makes these decisions; he applies the adaptive regimes.

Several members interjected.

**The ACTING SPEAKER:** Leader of the Opposition and member for Warren–Blackwood!

**Mr F.M. LOGAN:** I never interjected on the opposition.

**The ACTING SPEAKER:** No; that is right.

**Mr F.M. LOGAN:** At law, the superintendent runs the prison; he runs the adaptive regimes; and he ensures the right number of people are on the floor. There were no cuts to the budget. All we were asking the department to do, and what the department asked Greenough to do, was to live within its budget. That is all we asked it to do. To do that, that prison applied adaptive regimes. Adaptive regimes are used in every prison across Australia every day.

**Mr D.T. Redman** interjected.

**The ACTING SPEAKER:** I call you to order for the second time, member for Warren–Blackwood.

**Mr F.M. LOGAN:** Everyday adaptive regimes are used. There are no riots in the other jails. There are no riots when the adaptive regimes are in place across the other prisons in Western Australia. It happened to kick-off and got a lot worse in Greenough. It says in the report very clearly why. Information had been coming back to management that there was a violent young group of thugs in unit 2. They had already made it clear to some people that they were going to kick-off. That information was not acted upon. The superintendent and management of that jail, who at law —

*Point of Order*

**Mr Y. MUBARAKAI:** He keeps interjecting.

**The ACTING SPEAKER:** I heard you. I just want to say to the member for Warren–Blackwood, you are on two calls. On the third, you might be asked to leave.



*Debate Resumed*

**Mr F.M. LOGAN:** That information should have been acted upon. What was made worse about the fact that it was not acted on? When the riot kicked off, as the Premier said, those prisoners went straight to the unit that the member for Warren–Blackwood built and made it cheaper—as cheap as he possibly could—by putting a tennis court fence between the women’s prison and the male prison, and, worse, he put wooden doors in the cells.

*Division*

Question put and a division taken, the Acting Speaker (Mr I.C. Blayney) casting his vote with the ayes, with the following result —

## Ayes (18)

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

## Noes (36)

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

## Pair

Mr S.K. L’Estrange

Mr P.C. Tinley

Question thus negatived.

**NATIONAL REDRESS SCHEME FOR INSTITUTIONAL  
CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018**

*Council’s Amendments — Consideration in Detail*

The amendments made by the Council were as follows —

No 1

Clause 13, page 10, lines 16 to 19 — To delete the lines.

No 2

Clause 14, page 10, lines 20 to 26 — To delete the clause.

No 3

Clause 16, page 12, lines 6 to 8 — To delete the lines.

No 4

New Part 6, page 13, after line 6 — To insert —

**Part 6 — Tabling particular documents****18. Tabling documents relating to scheme reviews**

(1) In this section —

*intergovernmental agreement* means the Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse between the Commonwealth of Australia, the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia as in force from time to time;

*scheme review* means —

- (a) a review under the National Redress Act section 192(1) or (3); or
- (b) a review of the operation and objectives of the intergovernmental agreement carried out under clause 36 of that agreement.

- (2) Subsection (3) applies if —
- (a) a scheme review is carried out; and
  - (b) a report is prepared by the person carrying out the review; and
  - (c) the Minister receives the report.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives the report, but not later than 6 sitting days of the House after the Minister received it.
- (4) If a report to which subsection (3) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (3) by removing the sensitive, confidential or personal information from the report before causing the document to be laid before each House.

No 5

New Part 7, page 13, after line 6 — To insert —

**Part 7 — *Criminal Injuries Compensation Act 2003* amended**

**19. Act amended**

This Part amends the *Criminal Injuries Compensation Act 2003*.

**20. Section 42 amended**

- (1) In section 42(3) delete “received by way of compensation or damages, or under a contract of insurance,” and substitute —

received, whether under a contract of insurance or otherwise,

- (2) In section 42(4) delete “amount by way of compensation or damages, or under a contract of insurance,” and substitute —

amount, whether under a contract of insurance or otherwise,

No 6

Long Title, page 1, after the 2<sup>nd</sup> bullet point — To insert —

- to amend the *Criminal Injuries Compensation Act 2003*; and

**Mr J.R. QUIGLEY:** I move —

That amendment 1 made by the Council be agreed to.

**Mr P.A. KATSAMBANIS:** I seek, initially, an explanation from the Attorney General as to why these lines are being deleted and what the impact of their deletion is going to be if we pass the amendments.

**Mr J.R. QUIGLEY:** Certainly. These are government amendments, moved in the Council, member. As we are about to amend clauses 14 and 16 of the bill, I will take the member to clause 14 of the bill. We will be moving to delete clause 14 in its entirety and amend clause 16 by deleting subclause (3). The definition clauses for “redress offer” and “redress payment” will be redundant, because clause 14 and clause 16(3) are being deleted.

**Mr P.A. KATSAMBANIS:** Regardless of whether we are discussing just the current amendment that is before the chamber or the other two subsequent amendments that the Attorney General referenced, I am confused by the reference to these being “government amendments”. When we were debating the bill in this place the Attorney General made it very clear that he would not be entertaining amendments, that he had negotiated this scheme and drafted the legislation based on the negotiations between the Western Australian government and the federal government, and that he had no intention of considering any further changes to the bill we were considering at the time. That is all well and good, but as a result it stymies the opposition, especially given the numbers we have in this place. We understand how the process works; we do not want to stand accused of delaying the implementation of this bill. It is very, very important that we get it through before we rise for this year because we need it to commence on 1 January 2019, as I understand it.

That is all well and good, but then we passed the bill in this place and made the point that we considered certain areas to be inadequate, particularly the interaction between the Western Australian Criminal Injuries Compensation Act and the national redress act. The bill then goes to the other place and all of a sudden we are presented with a bunch of amendments in this place that are supposedly government amendments.

**Mr J.R. Quigley:** Well, they are.

**Mr P.A. KATSAMBANIS:** They might be, but the process leading up to these becoming government amendments is not a simple or linear process. It is a fact that members of the Legislative Council decided that they were not happy with what was happening with the inclusion of clauses 13, 14 and 16 and that they thought that the scheme was perhaps—just from reading some of the debates in the other place—the most mean-spirited of all the schemes in Australia. The government then, firstly, to save face, and, secondly, of course, with all the resources of government, looked at the amendments that were proposed by the opposition, or any other party in the other place, and said, “Look, the intent is fine, but we can fix it up. We have the resources of government. We have all the advice from people who understand these things. If you want to achieve what you want to achieve, do it this way.” That is what happened. As a result, we received a message in this place, which we are considering today, that will clearly make the original bill better. It gives victims—some of whom have suffered the most horrific and ongoing injuries as a result of the abuse that they suffered in institutions—a better chance of at least receiving fair recompense. I think we said in the debate—I do not think there was any dispute—that they can never be fully compensated for what they have suffered; this is a redress scheme primarily. However, limiting someone who receives redress from accessing the criminal injuries compensation scheme in Western Australia, or vice versa, would have been extremely mean-spirited. It was unfair and the Attorney General has recognised that. I want the Attorney General to put on the record what is the difference between the original bill and the bill that we are being presented with today through this message in relation to amended clause 13, and clauses 14 and 16?

**Mr J.R. QUIGLEY:** The commonwealth redress scheme provides that any redress payment shall not be regarded as compensation in respect of any other piece of legislation that provides for compensation. That means, of course, that anyone applying for criminal injuries compensation would not have their redress payment deducted. There was some talk in the other place of a different sort of amendment, which would have allowed for double dipping, and no-one wanted double dipping. After discussions behind the Chair with members of the other place, especially Hon Nick Goiran, he accepted that what I was putting forward was an improvement—not that he ever moved an amendment—on what he had proposed in the course of argument. He said to me, “Attorney, what you’re proposing is excellent and an improvement on what the opposition in the other place thought about proposing.” Hon Nick Goiran said, “I will let my amendment that is on the notice paper lapse; this is better.”

The reason some of the definitions were being taken out is that they were constitutionally problematic, but we had to get the legislation through. One section of the commonwealth legislation provides that any compensation payment under the redress scheme cannot be considered by any other authority when addressing compensation; that compensation cannot be considered in other legislation. Then we arrived at section 109 of the Australian Constitution. When the bill was in this place, we did not want to run into a section 109 constitutional argument. In the other place, the opposition argued that section 109 of the Constitution was an artifice and was not real. I understand the opposition’s approach to section 109 and its inability to understand it. It ran—slam!—into section 109 in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act, which was struck down.

We need to get this legislation through. The bill is being amended so that it is equal. Under what the opposition was proposing, if a person were to apply for criminal injuries compensation, they would be in a worse position than if they were to apply for redress first, because if they applied for criminal injuries compensation and were given an award, when the operator of the redress scheme came to strike a redress payment, the operator would have to deduct from that redress payment anything that they got out of criminal injuries compensation. By reason of section 148, I think it is, of the National Redress Scheme for Institutional Child Sexual Abuse Act, the reverse could not apply—that is, when we presented the bill, we were cognisant of section 109 of the Constitution and said, “We cannot provide for a deduction from criminal injuries compensation of any redress payment.” In those circumstances, some people would have got a double payment. It would depend on which way they went first. It was inequitable.

**Mr P.A. KATSAMBANIS:** I am happy to hear more from the Attorney General if no-one from his side wants to move that they hear more.

**Mr J.R. QUIGLEY:** To get the bill through, we ran the gamut to see if anyone would take on the constitutionality question of section 109. We are amending the legislation to delete clause 14 of the bill, which states —

A person is not entitled to an award of compensation under the *Criminal Injuries Compensation Act 2003* in relation to an offence if the offence is or involves abuse and the person has accepted the redress payment component of a redress offer in relation to the abuse.

That will be deleted so that there is no prohibition, but, of course, there will be a deduction of any redress payment from any criminal injuries compensation payment. That is the reason. It is not mean-spirited; it is just a question of constitutionality. We want the bill through. I do not intend to explain it any further. The chamber either accepts the amendment that has come out of the Legislative Council or it does not. If it does not accept it, the bill will fail.

**Mr P.A. KATSAMBANIS:** If these changes were so good, why were they not included in the original bill?

**Mr J.R. QUIGLEY:** I have just explained that.

**Mr P.A. KATSAMBANIS:** I understand what the Attorney General is doing. Perhaps if I were sitting in his chair—I am not sure I ever will—I would probably be doing exactly the same thing. But the fact is that we were presented with a bill in this place that prevented someone who had sought and accepted a redress payment from making a claim for compensation under the Criminal Injuries Compensation Act.

**Mr J.R. Quigley:** Which was commonwealth legislation, not ours—commonwealth legislation.

**Mr P.A. KATSAMBANIS:** I will get to that in a minute. The Criminal Injuries Compensation Act 2003 is state legislation; it is Western Australian legislation. Through the operation of the parliamentary process, and through the intervention of the opposition parties in the Legislative Council—in particular I commend Hon Nick Goiran, my learned colleague in the other place for the work that he has done on this—we have now ended up with the process that we have both spoken about, whereby a proposal was made. The Attorney General, using all the officers of government decided that even if that were to happen, it should happen in this format that we are seeking today because it would be, firstly, constitutional, and then legal, and then fit in all the requirements. We have got to this point. Had we not had the intervention of the other place and had we not had a person of the stature of Hon Nick Goiran looking at this, we would be getting a second-best scheme and people who suffered the most horrific of abuse would not be able to seek both types of payment—a redress payment and a criminal injuries compensation payment.

We like throwing around terms like double dipping. I am in opposition; we throw that up to the government a fair bit. When we are dealing with victims of institutional child sex abuse, I do not think one person in the community would want to deny those people both redress and compensation if it was open to them. I do not think there is one person out there in the community who would see it as double dipping of the sort that would be condemned. Yes, we might be allowing them to access two rather limited and rather small pots of money—we are not talking about hundreds of thousands of dollars in compensation—but at the very least we are giving them the option to access both these funds so that they can seek a bit of redress for what happened to them. It will certainly not reverse the clock or put them in the position they may have been in had they not suffered that horrific abuse. To even contemplate calling their ability to access various funds that had been made available in their own circumstances after meeting all the requirements double dipping verges on the obscene. It is certainly not language that I would have expected to be used when providing some level of redress and compensation for victims of institutional child sex abuse. Nevertheless, that was the process. As a result of the process, and certainly the first three messages on the notice paper that came back from the Legislative Council, we have a better bill. We have amendments that the Attorney General told us he would not accept when the bill was originally in this place. We have a better compensation system and a better redress system. Victims of child sex abuse can feel better because of the work that the Legislative Council primarily did. I thank the Attorney General for being prepared to consider these Council amendments, to tidy them up and fix them.

**Dr D.J. HONEY:** I would like to hear more from the member for Hillarys.

**Mr P.A. KATSAMBANIS:** Given the issues that the Attorney General raised around possible constitutionality and the nexus, of course, with what is primarily a federal scheme, I seek advice from him on whether he has received legal advice on the constitutionality of these amendments and whether he has either formally or informally sought input from the federal government—I think the responsible minister is the federal Attorney-General, a former Attorney General in this place—on whether these amendments are acceptable to the commonwealth government or whether they fall foul of the agreement between Western Australia and the commonwealth.

**Mr J.R. QUIGLEY:** The commonwealth invited us to discuss the amendments with it. It does not want to see the liability of churches and other non-government organisations move unnecessarily to the state, and that is what the opposition intended to do. Under the redress scheme, the churches are liable for their default. Under this scheme, they will remain liable. People can go to criminal injuries compensation, but any money they have received under redress will be deducted from their criminal injuries compensation. I remind the chamber that up until 2003, the maximum payment under criminal injuries compensation was \$50 000 as against a redress payment maximum of \$150 000. It is unimaginable that with a limit of \$150 000, something that is worth \$50 000 under criminal injuries compensation will not attract more than that under redress. That is unimaginable when we look at the matrix. If a person goes to criminal injuries compensation and gets the maximum award of \$50 000 for something that happened in 2001, deducted from that \$50 000 is anything they get under redress. If they get \$100 000 under redress, they get nothing under criminal injuries compensation—nothing at all. That is what the Council agreed to.

Similarly, after 2003, when the former Labor government lifted the amount payable to \$75 000, a person goes to redress. If they have a very serious claim under redress—as we said, they are bracketed into low, medium and high—to get up to \$75 000 under criminal injuries compensation, it would have to be at the very severe end. From that \$75 000 award under criminal injuries compensation will be deducted any moneys that come under redress. If they get \$100 000 under redress, they get nothing under criminal injuries compensation. I remind the chamber that under redress, the responsible entity will be paying. Conversely, under the federal government's legislation, if they first go to criminal injuries compensation and get an award of \$50 000—that is the highest that was available

in 2002—that will be deducted from their redress payment. It has nothing to do with WA; they are the rules of the commonwealth. It is equal both ways. I do not have a problem with that and nor should anybody else. That is the extent of it. That is the extent of the answer.

**Mr P.A. KATSAMBANIS:** Just on the last point that the Attorney General made, he said that if someone goes to criminal injuries compensation first and then seeks redress, effectively, the responsible institution—whether it is a government institution or a non-government institution—would not be paying the full amount of redress that it ought to be paying in those circumstances. However, as I understand the provisions of the bill before us, I was of the impression that the operation of the bill would not allow consideration of a criminal injuries compensation claim unless and until a redress claim had been determined, or is that a misapprehension?

**Mr J.R. QUIGLEY:** I was talking about the situation in which a person had accessed criminal injuries compensation prior to the redress scheme. After we enter the scheme, section 15 is operative; that is, one will have to go to redress before they go to criminal injuries compensation. If they receive a criminal injuries compensation award before the scheme comes into operation or before we join the scheme, that is deducted.

**Mr P.A. KATSAMBANIS:** Thank you, Attorney; that is the point I was making. Of course, before this redress scheme, criminal injuries compensation might have been the only way in which people could seek some redress. People might have made a criminal injuries compensation claim five years ago and not have been aware or even contemplated that there might be a redress scheme. Therefore, talking about historical issues does not serve our purposes. The fact remains that the change proposed by amendment 1 from the Council will improve this bill. I am glad the Attorney General took on board the sentiment expressed by Hon Nick Goiran and worked with him to make this bill better. I think the people of Western Australia will thank them for doing that, because through their actions we will get a better bill. The bill will provide a catch-all for some people, in limited circumstances. I do not doubt what the Attorney General said—namely, that in most cases, because of the nature of the two schemes, redress will provide more than criminal injuries compensation. However, there is the potential for gaps. This amendment will close those gaps. I think all the people who have been waiting patiently for this scheme to be put together will be very pleased that this is happening.

**Question put and passed; the Council's amendment agreed to.**

**Mr J.R. QUIGLEY:** I move —

That amendment 2 made by the Council be agreed to.

**Mr P.A. KATSAMBANIS:** Ordinarily I would ask the Attorney General to explain this amendment. However, given that amendments 1, 2 and 3 come together and we have discussed this exhaustively, I am happy for amendment 2 to be put.

**Question put and passed; the Council's amendment agreed to.**

**Mr J.R. QUIGLEY:** I move —

That amendment 3 made by the Council be agreed to.

**Question put and passed; the Council's amendment agreed to.**

**Mr J.R. QUIGLEY:** I move —

That amendment 4 made by the Council be agreed to.

**Mr P.A. KATSAMBANIS:** For the record, I seek an explanation from the Attorney General about what this amendment will do and what it will add to the bill and the information that is provided both to Parliament and to the affected victims whom we are trying to assist with the introduction of this scheme.

**Mr J.R. QUIGLEY:** The opposition in the other place moved that new part 6 of the bill include a new clause 18(1), which is the first part of this amendment. The amendment to insert new clause 18(2), (3) and (4) was moved by the government, because we were concerned about the opposition's move to require that there be tabled before the chamber within six sitting days any document prepared as a result of a review of the scheme. The amendment provides that the report is still to be laid before Parliament within six sitting days of the minister having received it. However, members will notice that new subclause (4) states —

If a report to which subsection (3) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (3) by removing the sensitive, confidential or personal information from the report before causing the document to be laid before each House.

When the opposition put its amendment on the notice paper, it caused consternation in the office of the federal Attorney-General, Hon Christian Porter. The concern was that the review conducted by the federal Attorney-General might contain things that were classified as sensitive, confidential or personal information that he would not want to have laid before Parliament. Therefore, we have sought to assuage the concerns of Hon Christian Porter by including new clause 18(2), (3) and (4) to protect sensitive, confidential or personal information.

**Mr P.A. KATSAMBANIS:** I thank the Attorney General for that explanation. Primarily, new part 6 will provide a mechanism for the Parliament, and, therefore the people of Western Australia, to receive information arising out of the review of the scheme, which is likely to be carried out by federal authorities, not state authorities. That is an important mechanism, because when we adopt legislation that gives effect to a national scheme, we ought to be given information about reviews of the scheme and whether any amendments are required. I agree with the Attorney General that in order for such a review to be provided in this place, the time frame will need to be after the responsible minister, being the state Attorney General, has received the report. That is sensible. Obviously, no-one will want to table or provide sensitive, confidential or personal information. I would expect that, in the ordinary course of events, that would be covered off by the federal government providing the report to the state government. However, if a report were provided that contained sensitive, confidential or personal information, it would be logical to provide a power for the responsible minister, being our state Attorney General, to remove that information before tabling any such review.

I stress again that this amendment has come about because of the actions of the opposition in the other place, in particular Hon Nick Goiran, who takes particular interest in this area of law. I thank him for that. I also thank the Attorney General for taking it on board and ensuring that this provision relating to the tabling of documents for a scheme review is allowed for in our legislation so that this house, and, therefore the public of Western Australia, will have access to that in the future.

**Question put and passed; the Council's amendment agreed to.**

**Mr J.R. QUIGLEY:** — by leave: I move —

That amendments 5 and 6 made by the Council be agreed to.

**Mr P.A. KATSAMBANIS:** I am happy for these two amendments to be considered together because they are consequential in that amendment 5 makes an amendment to the Criminal Injuries Compensation Act and amendment 6 makes an amendment to the long title of the bill to recognise that fact. We have discussed these changes. As I have discussed already, and as I want to reiterate, I think this is a very good outcome. Well done to everyone. People have been waiting for this redress scheme to be put in place. Vulnerable victims have suffered enough. I think the process that has been undertaken has shown how well Parliament can work together to get a positive outcome.

**Question put and passed; the Council's amendments agreed to.**

**The Council acquainted accordingly.**

#### **ASBESTOS AWARENESS MONTH — BLUE LAMINGTON DRIVE**

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson):** The Blue Lamington Drive 2018 is on today. During afternoon tea, members can take a gold coin and buy a blue lamington to promote Asbestos Awareness Month. Members should not just nick the lamingtons; they should put in a donation! We will have cameras nearby.

#### **DISTINGUISHED VISITOR — TONY McRAE**

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson):** Today I welcome to the Speaker's gallery the former member for Riverton, Tony McRae. I can see his grey hair!

#### **QUESTIONS WITHOUT NOTICE**

##### **GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW — MINISTER FOR CORRECTIVE SERVICES**

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

Before I ask my question, I would like to recognise the staff and student leaders from Glencoe Primary School in my district, who were hosted by the member for Carine while I was speaking on the matter of public interest.

I refer to the critical incident review into the Greenough Regional Prison riot, and I quote —

... following a Superintendents Conference in September 2017, where the focus was on the tight fiscal environment, budget pressures and the need to reduce overtime costs, ...

The subsequent cuts to overtime and excessive lockdowns caused the riot. Can the minister confirm that the main underlying cause of Western Australia's largest ever prison break-out was his unrealistic budget cuts and that he was ultimately responsible for this infamous historic event?

**Mr F.M. LOGAN replied:**

I am glad we had the debate on the suspension of standing orders earlier because it allowed a number of members of the opposition, including the Leader of the Opposition, to put on the record their views on this issue. It really surprised me. It is a very serious issue, but what did we get in the response from the Leader of the Opposition?

He said that we kept them in the cooler—meaning prisoners—and no wonder they rioted. That was the mature response from the Leader of the Opposition.

Several members interjected.

**The SPEAKER:** Minister.

**Mr F.M. LOGAN:** The poor prisoners!

Several members interjected.

**The SPEAKER:** Member for Warren–Blackwood, you are on two. Is something happening in Denmark tonight? Member for Carine, you can wave to the crowd, but I call you to order for the first time.

**Mr F.M. LOGAN:** That was the response we got from the Leader of the Opposition—those poor prisoners; we should not do this to them. The issue, if the Leader of the Opposition tries to read the report, is that during the adaptive regimes, the prisoners —

Several members interjected.

**The SPEAKER:** Members! You asked the question; just let him answer. The person who asked the question is not interjecting; it is everybody else on this side.

**Mr J.E. McGrath** interjected.

**The SPEAKER:** Member for South Perth, I call you to order for the first time—even though you are my bowling coach!

**Mr F.M. LOGAN:** The prisoners were under adaptive regimes, which were rolling lockdowns. That meant that they were confined to their units, not to their cells. That meant that, from time to time during the day, they got out to do what they needed to do. That does not justify trashing the place to pieces and putting people's lives at risk. But, according to the Leader of the Opposition, that is okay, because those poor prisoners —

Several members interjected.

**The SPEAKER:** Members! Do you want question time to end early today?

**Mr F.M. LOGAN:** According to the Leader of the Opposition, we were treating those poor prisoners badly—we were keeping them in the cooler. No, Leader of the Opposition; their complaint was that they could not have a shower before visits and they could not go onto the football pitch whenever they liked. Hard luck!

**Dr M.D. Nahan** interjected.

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

**Mr F.M. LOGAN:** My view is that that is hard luck. They are in prison.

**Mr A. Krsticevic** interjected.

**The SPEAKER:** Member for Carine!

**Mr F.M. LOGAN:** If those adaptive regimes are used properly, like every other prison, it will be a safe and secure prison. Going to the very heart of the member's question —

**Mr P.A. Katsambanis** interjected.

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

**Mr F.M. LOGAN:** The reject from Victoria!

Several members interjected.

*Withdrawal of Remark*

**The SPEAKER:** Members! Minister, you will refer to the member by his proper title. Withdraw that.

**Mr F.M. LOGAN:** Sorry; I will withdraw that.

**The SPEAKER:** Thank you.

*Questions without Notice Resumed*

**Mr F.M. LOGAN:** Going to the very point of the member's question, if he wants to see exactly why the riot happened, he should look at the cohort in unit 2 and at the information that was coming up through the channels about the people in unit 2. They should have been broken up. They were dangerous and violent and they were likely to riot, and they did. That is the cause and we are not going to excuse it.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW —  
MINISTER FOR CORRECTIVE SERVICES

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

I have a supplementary question. Instead of trying to deflect on the Leader of the Opposition in particular, why will the minister not accept full and unconditional responsibility and stand down?

**Mr F.M. LOGAN replied:**

Following that line of argument, why did the member for Warren–Blackwood not stand down over and again during the riots at Banksia Hill Detention Centre?

**Mr D.T. Redman** interjected.

**The SPEAKER:** Member for Warren–Blackwood!

**Mr F.M. LOGAN:** Compare the cost of this riot—\$2.4 million, which we picked up through insurance—with the damage from the incidents and injuries to the staff at Banksia Hill and ask the member for Warren–Blackwood why he did not resign.

PERTH CHILDREN'S HOSPITAL

**999. Mr R.R. WHITBY to the Minister for Health:**

Before I ask my question, I would like to acknowledge on behalf of the member for Joondalup the student councillors and teachers from Mullaloo Heights Primary School in the public gallery. On behalf of the member for Swan Hills, I would like to welcome the staff and school students from year 6 at Arbor Grove Primary School.

I refer to Perth Children's Hospital, which has been supporting sick kids, including my daughter Hope, for the past six months.

- (1) Can the minister update the house on how the dedicated staff have ensured that the hospital's first six months of operation have been a success?
- (2) Can the minister advise whether this would have been possible had the McGowan Labor government not taken decisive action to take practical completion?

**Mr R.H. COOK replied:**

I thank the member for the question and wish him and his kids well.

- (1)–(2) Perth Children's Hospital has celebrated six months since opening. In that time, it has provided world-class health care for the sick kids of Western Australia. Lately, and they continue, we have had musings from the other side and questions via the media about why we took practical completion so early. Why were we so hasty? Why were we moved to take practical completion when we did? That brings into sharp contrast the attitude of members opposite compared with that of the McGowan government, which wants to get on and make sure that we fix the problems and allow this hospital to treat sick kids in Western Australia. The reality is that if it had been left up to the previous mob, we would still be waiting. As they sat in stalemate with the managing contractor, simply sitting on the problems and not endeavouring to do anything about them, where would we be? We just have to look at the record of this hospital over the past six months to get a really good idea about the situation that we would have been in had we still been working under a Liberal–National government. Since 11 June, there have been 13 008 inpatient admissions. That is 13 000 patients being seen in the new hospital who would not have been seen if it had been left to the previous mob. There have been 93 437 outpatient appointments; that is over 90 000 appointments in state-of-the-art facilities that would not have taken place had we still been working under the oppression of members opposite. There have been 30 212 presentations to the emergency department.

**Mr A. Krsticevic** interjected.

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

**Mr R.H. COOK:** That is over 30 000 presentations at the emergency department—urgent medical assistance to the sick kids of Western Australia—that would not have taken place had we been left to the previous government. There have been 6 286 surgical procedures; that is over 6 000 surgical procedures that would not have taken place in a new hospital if we had left it to this mob.

**Mr A. Krsticevic** interjected.

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

**Mr R.H. COOK:** One of the most pleasing aspects is to see the smiles on the faces of the doctors, nurses, allied health staff and support workers at that hospital, who are thankful for the McGowan Labor government actually giving them a decent hospital to work in after all this time. If we had been left to the devices of the previous government, we still would have been stuck in this stalemate—dithering, stuffing about and failing to rise to the challenges of opening up a state-of-the-art health facility. Thank goodness for the McGowan Labor government.



We now have a state-of-the-art hospital. It is one of the most beautiful buildings that we would never want to go to, and I am proud to be part of a government that finally opened it.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW —  
MINISTER FOR CORRECTIVE SERVICES

**1000. Mr Z.R.F. KIRKUP to the Minister for Corrective Services:**

I refer to the critical incident review and concerns that were raised about the prisoners at the Greenough Regional Prison, where, specifically, prison officers were very angry about the adaptive routine, that there were restrictions on overtime for staff and that no new prison office was planned. It stated that the temperature was rising and that locking up people every day of the week would have consequences. Why did the minister fail to heed the warnings of prison officers, thereby placing their safety, and that of the broader Western Australia community, at risk?

**Mr F.M. LOGAN replied:**

As I said, some of the comments made by members opposite during the suspension of standing orders debate were illuminating. I take members to some of the comments that the member for Warren–Blackwood, a former Minister for Corrective Services, continues to highlight in this house, in not only this debate, but also other debates. Never mind the catastrophe that the previous government left us, with women accommodated too close to male facilities, as was highlighted during his time as minister by the Inspector of Custodial Services.

**Ms M.J. Davies** interjected.

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

**Mr F.M. LOGAN:** Women were too close to men's facilities, and the previous government built cheap infrastructure. This was one of the key findings in the report about infrastructure. The previous government built a security fence between the men's prison and the women's prison that gave way the instant there was an attempt to breach it. It was a tennis court fence. It could not have been built more cheaply, and this was in a medium to high-security prison, as I nearly finished saying earlier on during the previous debate. To make it even worse, to save money the previous government put wooden doors on the cells, so that when the rioters got in, with little saws that were used in the garden, they cut their way through the doors and allowed the women out to join in the riot.

**Mr D.T. Redman:** With the saws and the angle grinder.

**Mr F.M. LOGAN:** They did not need the angle grinder, member for Warren–Blackwood.

**The SPEAKER:** Members! Member for Warren–Blackwood, you are on two calls.

**Mr F.M. LOGAN:** They did not need the angle grinder. They just used a saw to cut through the cheap doors that the member for Warren–Blackwood put in place.

**Mr R.S. Love** interjected.

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

**Mr F.M. LOGAN:** What floors me is that the people responsible for this tragedy just sit there and laugh. That is the worst part—they sit there and laugh. As I said, member for Dawesville, when you look at the information and the intelligence that should have been passed on in that prison, there was a failing there. It is clearly outlined in the report. The issues that the member has just highlighted should have been fed up to management to take action, but they were not. That action was not taken. That is the problem. I repeat, for everybody in the house: there was a dangerous, violent cohort of prisoners in unit 2, and those prisoners, even though we now have them separated around Western Australia, are still acting violently. These people were all put together. There was information coming through, and I presume it went to the superintendent, that something could have kicked off—that an opportunity would be taken—and nobody did anything about it.

**Mr V.A. Catania** interjected.

**The SPEAKER:** Member for North West Central, I call you to order for the first time.

**Mr F.M. LOGAN:** That cohort should have been broken up. It would have made the prison safe, and it would have ensured that the adaptive regimes, which work properly in all other jails, even with asking the superintendents to work to their budgets, would have worked properly in Greenough.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW —  
MINISTER FOR CORRECTIVE SERVICES

**1001. Mr Z.R.F. KIRKUP to the Minister for Corrective Services:**

I have a supplementary question. Does the minister agree with the author of the report that the adaptive regime that was put in place because of overtime constraints was one of the predominant reasons why the riot occurred in the first place?

**Mr F.M. LOGAN replied:**

I repeat what I just said. Adaptive regimes are used all the time through our prisons. There would be adaptive regimes being used today. They are a security measure for running our prisons. They keep the prison and the prisoners safe. The reality is that it was not just the adaptive regimes. There was that cohort, and there was intelligence that should have been acted upon. Those people, as I pointed out, are violent, and they are still violent, and that intelligence should have been acted upon.

**Mr V.A. Catania** interjected.

**The SPEAKER:** Member for North West Central, I call you to order for the second time.

**Mr F.M. LOGAN:** Had it been acted upon, those adaptive regimes would have worked normally, and there would not have been a riot.

## ROAD AND RAIL PROJECTS — DENNY AVENUE LEVEL CROSSING

**1002. Mr C.J. TALLENTIRE to the Minister for Transport:**

I refer to the McGowan Labor government's massive investment in road and rail projects across Western Australia. Can the minister outline to the house what these projects mean for those in our outer suburbs, including the Denny Avenue level crossing removal; and can the minister advise the house whether she is aware of anyone who does not support the Denny Avenue level crossing and the benefits it will bring to those in Perth's south east and the hills?

**Ms R. SAFFIOTI replied:**

I thank the member for Thornlie for that question. Today I was at Denny Avenue with the member for Armadale, with geotechnical works commencing for the new level crossing removal. We will see the removal of what the RAC has rated as the most dangerous black spot across the whole network in the metropolitan area, and a new connection through Davis Road. It is a significant project for the region, and it was great to be out there to see the geotechnical work, and construction will commence next year. One of the key priorities we took to the election was the removal of that level crossing. Of course, it was on top of the member for Armadale's wish list for what we deliver for the whole area.

I came across another wish list, this time from the member for Darling Range. It was in an annual Christmas card she has released. It is a very pleasant Christmas card.

Several members interjected.

**The SPEAKER:** Members!

**Mrs A.K. Hayden:** It must have been someone else's Christmas card!

**The SPEAKER:** I call you to order for the first time, member for Darling Range. We are not talking about Christmas cards.

**Ms R. SAFFIOTI:** The member for Darling Range has obviously not yet struck my family off her campaign mailing list! She has not searched that Saffioti name quite yet!

It is really interesting to see what is on the wish list, because Denny Avenue does not rate a mention, member for Armadale. I remember when we were out there campaigning and the member for Darling Range gatecrashed our press conference saying it was the number one priority, but it does not make the list.

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range!

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range, I call you to order for the second time.

**Ms R. SAFFIOTI:** It does not make the list. I know the people of Roleystone really want this project. I know the good constituents of Clifton Hills, for example, would really, really want it.

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range, I will call you again.

**Ms R. SAFFIOTI:** That does not make the list, but what does make the list?

**Ms S. Winton** interjected.

**The SPEAKER:** Member for Armadale; sorry, member for Wanneroo!

**Mr V.A. Catania** interjected.

**The SPEAKER:** Member for North West Central, just be careful.

*Point of Order*

**Mr D.T. REDMAN:** Mr Speaker, I have been very careful not to say anything and you have just put me on the list apparently.

**The SPEAKER:** No, I did not, but I can!

**Mr D.T. REDMAN:** My apologies, Mr Speaker.

**The SPEAKER:** I said “Armadale” instead of “Wanneroo”, but I can put you down if you like!

*Questions without Notice Resumed*

**Ms R. SAFFIOTI:** Denny Avenue did not make it, but the Tonkin Highway extension did. Remember that is a project that, over eight and a half years, the former government committed no funds to and did no planning on. Our government is out there lobbying, we have got some funds from the commonwealth and planning is underway. Byford station, the one that the Leader of the Opposition said would bring criminals to Byford, is on her list. Of course, promoting and supporting small business —

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range, I call you to order for the third time.

**Ms R. SAFFIOTI:** Promoting and supporting small business is on the list, because we know her record as a Kalamunda successful small business woman would make her well placed to know what small businesses want!

I know Santa missed the suburbs and the outer suburbs under the member for Darling Range’s government, but Santa is not missing the suburbs under this government. There is a record amount of infrastructure.

**Mrs A.K. Hayden** interjected.

**The SPEAKER:** Member for Darling Range!

**Ms R. SAFFIOTI:** In Wanneroo, member for Wanneroo, there is record infrastructure. In the member for Jandakot’s electorate there are roads being constructed as we speak. There are rail lines to Yancheep, there is the Thornlie–Cockburn line, there are the Roe and Reid Highway duplications —

**The SPEAKER:** Through the Chair, minister.

**Ms R. SAFFIOTI:** — the Lord Street upgrade and Roe Highway projects. There is NorthLink WA, which was started by federal Labor and which we are delivering. It is a very good project. As I said, Santa forgot the suburbs under the Barnett government that the member for Darling Range was a part of, but he will not forget the suburbs under this government.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW —  
MINISTER FOR CORRECTIVE SERVICES

**1003. Ms M.J. DAVIES to the Premier:**

I refer to the Premier’s comments in Parliament in 2013 that —

The failures in the corrective services portfolio are the government’s failures.

And —

All of the incompetence around these things is on the shoulders of the government.

Does the Premier consider —

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Minister for Water, I call you to order for the first time.

**Mrs L.M. Harvey:** Are you going to headbutt her this time?

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Minister for Water, I call you to order for the second time.

Several members interjected.

**The SPEAKER:** Members, we will not have any conversations across the chamber unless you are talking to me.

*Withdrawal of Remark*

**Ms R. SAFFIOTI:** I ask the member for Scarborough to withdraw the comment she made across the chamber.

**Mrs L.M. HARVEY:** I withdraw.

**The SPEAKER:** I did not hear it.

Several members interjected.

**The SPEAKER:** Members!

**Mr M. McGowan** interjected.

**The SPEAKER:** Make a point of order.

**Mr M. McGOWAN:** The member for Scarborough interjected across the chamber at the member for Bassendean.

**Mr V.A. Catania:** Under what standing order?

**The SPEAKER:** Under the standing order, member for North West Central, that you are on three calls.

**Mr M. McGOWAN:** She interjected across the chamber, “Are you going to headbutt her again this time?” That is a comment worthy of expulsion from this chamber.

**Dr M.D. NAHAN:** Could I have an indication of what standing order that was under?

**The SPEAKER:** Member, if there is something that is unparliamentary, I will take it without the standing order number. Member for Scarborough, did you say that across the chamber?

**Mrs L.M. HARVEY:** I have withdrawn my comment, Mr Speaker.

**The SPEAKER:** I just want to know what it was that you said.

**Mrs L.M. HARVEY:** That is what I said. Mr Speaker, I will draw your attention to members on that side accusing me of criminal conduct.

**The SPEAKER:** No, you cannot do that.

**Mrs L.M. HARVEY:** I have withdrawn it.

**The SPEAKER:** I know you have withdrawn it, and if it had been mentioned to me when it was said, I would have ejected you from the chamber, because that sort of stuff is not —

**Mr D.C. NALDER:** You are setting a precedent, so when she is accused of criminal activity, would you say that that would also incite —

**The SPEAKER:** Sit down; it is not a point of order.

Members, I just said that if I had heard what the member said when the motion was put up, I would have sent her out of the chamber, but I did not, so it is not going to happen. I have accepted the apology and now the Leader of the National Party has the call.

*Questions without Notice Resumed*

**Ms M.J. DAVIES:** My question is to the Premier. I refer to the Premier’s comments in Parliament in 2013 that —

The failures in the corrective services portfolio are the government’s failures.

And —

All of the incompetence around these things is on the shoulders of the government.

Does the Premier consider the largest prison break in WA history at Greenough Regional Prison to be a failure of his government?

**Mr M. McGOWAN replied:**

What I said back then was correct. At that point in time the government had been in office for five years. At the time of the breakout we had been in office for fewer than 18 months, and we know that the reason for the breakout was largely that the former government put the women’s prison right there with a men’s prison.

Several members interjected.

**The SPEAKER:** Members!

**Mr M. McGOWAN:** When the former government did that, it created a powder keg.

**Mr Z.R.F. Kirkup** interjected.

**The SPEAKER:** Member for Dawesville!

**Ms M.J. Davies** interjected.

**The SPEAKER:** Leader of the National Party!

**Mr M. McGOWAN:** Anyone who has any knowledge of prisoners in their 20s would understand that, but that is what the former government did. It separated them by a tennis court fence. What were we to do? Somehow, within 18 months, we were supposed to have fixed the problem that the former government created.

I want to make this second point very clear. We have engaged in a very, very serious process of reform within the corrective services portfolio over the course of our time in office, which this minister has led. It has resulted in an additional 900 beds across the prison estate and 281 prison officers being employed in order to deal with some of the pressures we confronted when we came to office and to make sure we dealt with some of the overtime pressures as well. If more full-time prison officers are employed, we are able to deal with some of that very expensive overtime pressure on the prison budget and make sure we take the pressure off the prison officers who are already employed.

I note something else that is worth raising: in the debate that occurred before question time, the Leader of the Opposition made excuses for the prisoners escaping. He made excuses for them. He made excuses for their behaviour. As the minister has said, the adaptive regime that was put in place has been put in place in prisons all over Australia and all over the world to deal with shortfalls in staff on any given day—people who are sick, people who have taken long service leave or whatever it might be. On any given day, that is what occurs. Even if a prison is fully staffed, on occasion adaptive regimes are put in place because of a rise in the temperature. A rise in the temperature outside or a rise in the heat of the environment sometimes means adaptive regimes are put in place. It is not unusual for that to occur in a prison. As I have been advised, some of the prisoners' complaints were that they did not get to kick the football enough; therefore, they decided to riot and create mayhem. To me, that is not good enough. Those prisoners deserve a significantly longer prison sentence, and I look forward to them going before the courts to answer for their actions.

GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW —  
MINISTER FOR CORRECTIVE SERVICES

**1004. Ms M.J. DAVIES to the Premier:**

I have a supplementary question. Given the Premier has brought down two budgets to correct the issues he is blaming the previous government for, how many more chances will the Minister for Corrective Services be given for his failures? Will the Premier ask him to resign as part of the upcoming cabinet reshuffle?

**Mr M. McGOWAN replied:**

No. This minister is dealing with a legacy that is pretty bad. The legacy that members opposite left us of not enough beds in the prison estate, not enough prison officers to deal with the arrangements and an over-reliance on overtime is a difficult legacy to overcome, but he is doing a very good job in a very difficult portfolio. We will find that any Minister for Corrective Services will always have to deal with issues inside the portfolio because that is the nature of it. But what I will never do is make excuses for people who break the law as those prisoners did. I advise the Liberal and National Parties to stop standing up for prisoners who break the law.

CUSTODY NOTIFICATION SERVICE

**1005. Ms M.M. QUIRK to the Attorney General:**

Can the Attorney General update this house on how the McGowan Labor government is implementing the state's first custody notification service, which was a recommendation of the coronial inquest into the tragic death of Miss Dhu and a recommendation of the Community Development and Justice Standing Committee in its "In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups" report and the 1991 Royal Commission into Aboriginal Deaths in Custody?

**Mr J.R. QUIGLEY replied:**

I thank the member for Girrawheen for her question. I am aware of her keen interest in this subject. I am very proud to be an Attorney in Premier McGowan's government that has introduced the custody notification service. The custody notification service will require all police officers taking into custody any Indigenous or Torres Strait Islander person to immediately contact the custody notification service. I want to acknowledge the federal Minister for Indigenous Affairs, Senator Scullion, who first wrote to the Western Australian government in September 2016 offering to fund such a service, but that invitation and suggestion by Senator Scullion in 2016 was promptly rejected by the former government under a letter signed by the member for Scarborough, who at the time was the Minister for Police.

**Mrs L.M. Harvey:** We put a trial program in.

**Mr J.R. QUIGLEY:** No, you did not. I also want to thank the Commissioner of Police for his help in designing a new police regulation that will soon be put before the Parliament and that will mandate the requirement for all officers to contact the custody notification service. This service is part of the McGowan Labor government's suite of reforms to reduce the unnecessary incarceration of Indigenous people. Miss Dhu should never have been in custody. She should never have died in custody. Mr Ward should never have been in custody. He should never have died in custody. Had there been a custody notification service, neither of these two deaths would have occurred.

In the letter to the previous government, Senator Scullion pointed out to the Liberal government that there had not been a death in custody in New South Wales in the 10 years that the custody notification service had been running, except for one death when there was a technical failure of the service—only one death in 10 years. We are about

to implement in Western Australia a custody notification service that will be manned 24/7 by five lawyers out of the Aboriginal Legal Service, and they will have two support staff. Upon an Indigenous or Torres Strait Islander person being taken into custody, the new police regulation that will soon be put before the Parliament will mandate that the officers have to immediately contact the custody notification service, which will inquire as to the mental health and general health of the prisoner and take information regarding bail considerations for the prisoner. In this way, we are confident that there will be a lowering of the number of Indigenous arrestees held in custody.

The McGowan Labor government will also be presently introducing to the Parliament some substantial reforms to the fines enforcement legislation of Western Australia. The custody notification service will feed into that to lower the disgraceful rate of Indigenous incarceration in Western Australia, which currently stands at about 40 per cent of our prison population drawn from a base population of about 2.2 per cent of Indigenous persons in Western Australia. I want to thank the federal government for its contribution of \$700 000 and acknowledge that we are topping that up with over \$200 000, and I thank the Commissioner of Police for facilitating this custody notification service and the new regulation.

#### MINISTER FOR CORRECTIVE SERVICES — PERFORMANCE

##### **1006. Dr M.D. NAHAN to the Premier:**

I refer to the very perceptive and predictive article by Gareth Parker written in April 2017 titled “Fran Logan is an accident waiting to happen”, which highlighted that he was a missing-in-action energy minister during the Varanus Island explosion, and after becoming Minister for Corrective Services, he announced his plan to let prisoners out of prison.

Given the minister’s history of incompetence and the subsequent litany of Corruption and Crime Commission reports and today’s damning report into Western Australia’s worst prison breakout, will the Premier finally take action and sack this minister?

##### **Mr M. McGOWAN replied:**

As I have said now twice in the house, the corrective services portfolio, like many portfolios, is not easy. We will find that in prisons—we have a range of prisons around our very large state—on any given day, there is a range of issues going on. That is the case under whoever is the minister responsible. Remember that under the last government, people were walking puppies and they just walked off. There were riots in Banksia Hill Detention Centre that the last government was incapable of solving. That occurred regularly. We found that the last government built a major women’s prison right next to a men’s prison, separated by a tennis court fence. That is what happened under the last government. Under this government, we are trying to deal with these longstanding issues that bedevilled the corrections section of the state. This minister, very innovatively, has come up with a way of providing 900 additional beds for a total cost of \$120 million. Remember, prior to the last election, the last government announced in its death throes, “We will just go and borrow another billion dollars to build another prison.” That is what the Liberal Party said just before the election: we will borrow another billion dollars to build another prison. We have managed to provide more beds than that would have achieved—900 beds—for a total cost of \$120 million. As everyone in Western Australia understands, the state government is resolving a difficult financial situation left to it. At times, difficult decisions need to be made. The minister has said to the agency that it needs to live within its budget. Is that an unreasonable thing to say? Is it unreasonable for the minister to say, “Live within your budget”? If only ministers over the course of the last government had said “Live within your budget”, maybe they would not have left us with \$40 billion worth of debt.

#### MINISTER FOR CORRECTIVE SERVICES — PERFORMANCE

##### **1007. Dr M.D. NAHAN to the Premier:**

I have a supplementary question. Why will the Premier not provide leadership, act in the best interests of Western Australians, stand up to the unions and sack this incompetent minister?

##### **Mr M. McGOWAN replied:**

What a silly comment from someone who not more than an hour ago was defending the prisoners. He was defending those people who escaped, rioted and threw Molotov cocktails. He was defending them. Just so the Leader of the Opposition understands, because I do not think he does, when an adaptive regime is put in place, prisoners are not locked in their cells; they are locked in their units. In prison units there is space to move, and tables and chairs. It is not a small cell; it is a place to socialise and move around. On top of that, even when the adaptive regimes are put in place, there are opportunities to go and do other activities, just not as much as they would have liked.

To say to me and to us, as the opposition did before, that somehow the fact that prisoners who are in prison for serious offences in that circumstance are entitled to riot and entitled to act in the way they did is, frankly, disgusting.

## RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (FAMILY VIOLENCE) BILL 2018

**1008. Ms J.M. FREEMAN to the Minister for Child Protection:**

I refer to the historic amendments to the Residential Tenancies Act passed by this house in June.

- (1) Can the minister outline to the house why these changes are so important for supporting those experiencing family and domestic violence?
- (2) Can the minister advise the house whether there are any impediments to this important legislation passing through Parliament before it rises for the year?

**Ms S.F. McGURK replied:**

I thank the member for this question. I know it is an issue that she has followed very closely in her electorate. Before I go into specifics, I want to thank all members of this place who are supporting the 16 Days in WA campaign. Obviously we need to prevent this violence happening in the first place, and that is what 16 Days is about. More than 100 people attended Government House this morning, including government, community and business leaders, along with the Governor and the Premier, to send the message that we will continue to work to lower, if not eliminate, violence against women.

- (1)–(2) In the meantime, we have a significant problem in our state. As I have said in this place many times, we have the dubious distinction of having the second highest rate in the country of physical and sexual violence against women. This is not what we want to be known for and we need to make sure that we can respond to those levels of violence and ensure that women and their children are kept safe.

The amendments to the Residential Tenancies Act organised by my cabinet colleague the Minister for Commerce and Industrial Relations will ensure that victims of domestic violence are kept safe and that we have a rigorous process for ensuring that our laws are amongst the most progressive in the country. What is significant about those amendments is the support that has been achieved by industry, the Real Estate Institute of Western Australia, and advocate organisations such as the Women's Council for Domestic and Family Violence Services, Shelter WA and the Western Australian Council of Social Service. I commend the Minister for Commerce and Industrial Relations for doing this work.

As the member said in her question, the amendments were passed in June and are now before the upper house. We are looking forward to any amendments negotiated in the upper house being progressed through that house in time for us to ratify the legislation and progress the changes before Christmas. We will need them in this house before the end of the day. As we said, it has gone through all the normal required processes of government in cabinet, the Legislative Assembly, the Legislative Council and the Standing Committee on Legislation. A number of amendments that were suggested by the legislation committee are being accepted by the government, so we are hoping, with the force of support from industry, advocacy groups and the public, who understand that we need laws that are responsive to these high levels of violence, that there will be no further delays and that we will see a bipartisan approach to providing the best standards of support we can for women and their children who are experiencing domestic violence.

## GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW

**1009. Mr D.T. REDMAN to the Minister for Corrective Services:**

I have a very simple question. Did the minister ask his department to cut overtime budgets for prison staff in September last year?

**Mr F.M. LOGAN replied:**

There is a very brief answer to that question: no.

## GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW

**1010. Mr D.T. REDMAN to the Minister for Corrective Services:**

I have a supplementary question. From the minister's response, do I take it that there were no restrictions on overtime for Greenough Regional Prison?

**Mr F.M. LOGAN replied:**

It is a pity that the member for Warren–Blackwood did not read the report before he stood up and asked that question, because it is all laid out in the report. The overtime budget for this year was no different from what it was last year; I put that on the record earlier on. I also put on the record that the superintendent, for his reasons only, handed back nearly \$500 000 —

**Mr D.T. Redman** interjected.

**The SPEAKER:** Member for Warren–Blackwood!

**Mr M. McGowan** interjected.

**The SPEAKER:** Premier!

**Mr F.M. LOGAN:** The superintendent decided to hand back \$500 000 in unused overtime. That is what happened. The member for Warren–Blackwood might not like the answer, because it goes against —

**Mr D.T. Redman** interjected.

**The SPEAKER:** Member for Warren–Blackwood, you are on three.

**Mr F.M. LOGAN:** You might not like the answer, because it goes against your perceived views of what actually happened on the day.

**The SPEAKER:** Through the Chair, minister.

**Mr F.M. LOGAN:** I urge the member for Warren–Blackwood and other members in the house to read the report, read what led up to the riot, read the reasons for the riot, and read the comments in the back from the prisoners themselves, member for Dawesville, about what they thought of the prison staff and how tough they thought they were compared with the prison staff. Read that, and it will give a good idea of why that riot took place.

#### REGIONAL ELECTRICITY SUPPLIES — SOLAR INCENTIVE SCHEME

##### 1011. **Ms J. FARRER to the Minister for Energy:**

Can the minister outline to the house how the McGowan Labor government is helping residents and community groups in our remote communities save money on their power bills through the solar incentive scheme; and can the minister advise the house how the scheme will help reduce the subsidy for regional electricity supplies?

##### **Mr B.S. WYATT replied:**

I thank the member for Kimberley for that very good question. I am often asked by people who travel around Western Australia why they do not see solar energy being made more use of in remote Aboriginal communities all over Western Australia. I am pleased to say that Horizon Power has recently installed two commercial-grade solar systems for the communities of Djarindjin and Lombadina on the Dampier Peninsula. They are 100 per cent diesel communities, so that will make a significant impact on their diesel bills—not just the community costs, but also the costs to Horizon Power of supplying that diesel.

As a result of a partnership that Horizon Power has entered into with Indigenous Business Australia, Horizon has now launched its solar incentive scheme. At this time it is offering only a small amount to six different communities: Bidyadanga, Beagle Bay, Ardyaloon, Warmun, Looma and Kalumburu. Horizon will effectively pick up 30 per cent of the cost of installation and the partnership with Indigenous Business Australia will fund the other 70 per cent.

This, of course, has the potential to cut many thousands of dollars from the cost of running those communities primarily with diesel. Why has this not happened before? Why has it been so difficult to get solar uptake in those communities? Usually it is because of tenure issues. As the member for Kimberley knows, they can include issues around who actually owns the housing. A lot of the time the housing is owned by either a community body or a third-party organisation. This initiative will cut through that and provide communities, particularly large remote communities, with a significant opportunity to cut their ongoing operating costs in respect of diesel.

Another thing that the member for Kimberley will be very well aware of is that when there is a big wet, it can be very difficult to get diesel into some of those communities, so this will also provide them with an opportunity for a more reliable supply of power. I am very pleased with this program and I am pleased with the work that Horizon has done. Warmun has just taken up the offer, and I am hopeful that the remaining five communities will also take it up in the very near future, because I think it will provide much more reliable and less costly—for the communities and for Horizon—provision and service of energy to those communities.

#### GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW

##### 1012. **Mrs L.M. HARVEY to the Minister for Corrective Services:**

I refer to comments made earlier today in this house by both the minister and the Premier in which they both blamed the design of Greenough Regional Prison—namely, the fence between the men’s and women’s units—for the 12-hour siege, riot and biggest prison breakout in Western Australia’s history. Can the minister explain why the first riot and breakout was in July 2018, six years after the women’s unit was established at Greenough?

##### **Mr F.M. LOGAN replied:**

I will just correct the member. Again, along with all members in this house, I urge her to read the report before she surmises what actually happened. The reasons for the riot and the reasons for the escape were not anything to do with the fence in between —

Several members interjected.

**The SPEAKER:** Members!



**Mr F.M. LOGAN:** It was not anything to do with the fence.

Several members interjected.

**The SPEAKER:** Members!

**Mr F.M. LOGAN:** The poor construction of the fence and the location of the women's prison —

**Mr D.T. Redman** interjected.

**The SPEAKER:** Member for Warren–Blackwood!

**Mr F.M. LOGAN:** The cheaper fence and the poor construction of the female prison and its location next to the male prison allowed easy access. That is what we said. That is what the Premier said. That is what I said. That is what Neil Morgan said when the Liberal Party was in government and did nothing about it. The member for Cottesloe, that expert in the area of corrections, sitting down at North Cottesloe Surf Life Saving Club, being the expert on corrections, indicated to the house, “Oh well, it never happened before.” No, of course, it did not happen before; nor did any other riots around Western Australia during that year. How many riots have there been of that scale? There have been quite a few, and many, many under the responsibility of the members for Scarborough and Warren–Blackwood. One thing did not lead to another; just as the report says, there were a number of reasons leading up to that riot.

It is like the issues that the member for Dawesville and the Leader of the Opposition have raised about Office of the Inspector of Custodial Services reports and Corruption and Crime Commission reports. It is the one thing that they forget to tell the house when they are criticising me and saying that I should stand down and say, “Look at all those OICS reports and all those CCC reports.” One thing they forget to say about those reports is that only two of them refer to our period in office.

Several members interjected.

**The SPEAKER:** Members!

**Mr F.M. LOGAN:** The rest of them are talking —

**Mr Z.R.F. Kirkup** interjected.

**The SPEAKER:** Member for Dawesville, I call you to order.

**Mr F.M. LOGAN:** The rest of them are talking about the history—I have been through this at length in this house, member for Dawesville—of the poor behaviour and investment, and problems associated with your terms in office in controlling the portfolio of corrective services; problems that went to a staff freeze in 2015, something that we are still dealing with. The opposition has talked about not having enough full-time equivalents, but since being in government we have put on 164 officers and over 250 are on their way. Why are those people being employed? It is because the member for Riverton put on a staff freeze in 2015 and we are playing catch-up. They talk about the overtime blowout. Why did we have an overtime blowout? It is because you guys did not employ anybody and just continued to use overtime to run the prisons. That was the problem. The opposition's view is: let us hang the minister because he has the audacity to say, “You should live within your budget.” That is the argument the opposition is putting forward.

**Mr Z.R.F. Kirkup** interjected.

**The SPEAKER:** Member for Dawesville.

**Mr F.M. LOGAN:** Hang the minister because he has the audacity to say, “Live within your budget.” That is a ridiculous argument.

The other thing that was pointed out by the Treasurer, one of the real criminal things that the former government did to us, was to load us with up with \$380 million worth of fiscal cuts in the out years—\$380 million worth of fiscal cuts!

Several members interjected.

**The SPEAKER:** Members!

**Mr F.M. LOGAN:** It is all there.

**Mr R.S. Love** interjected.

**The SPEAKER:** Member for Moore, I call you to order for the second time.

**Ms R. Saffioti:** They've never understood budgeting.

**Mr F.M. LOGAN:** They have never understood budgeting. That is one of the most criminal things that has occurred. They manipulated the budget figures by loading up in the out years \$380 million, booked against the Department of Justice. That is what you did; that is what you did.

Several members interjected.

**The SPEAKER:** Members!

**Mr F.M. LOGAN:** That is what the opposition did.

**Mr R.S. Love** interjected.

**The SPEAKER:** Member for Moore, I call you to order for the third time.

**Mr F.M. LOGAN:** They have the audacity to come in here and say, “Well, we’re not in government now. You’re in government now. Why aren’t you fixing it, and sack the minister”.

**The SPEAKER:** Wind it up, minister.

**Mr F.M. LOGAN:** That is the position of the opposition. You guys are an absolute disgrace! At least I take responsibility —

Several members interjected.

**Mr F.M. LOGAN:** At least I take responsibility for my portfolio, which you guys never did.

Several members interjected.

**The SPEAKER:** Members! That is the end of question time.

#### GREENOUGH REGIONAL PRISON — CRITICAL INCIDENT REVIEW

##### 1013. **Mrs L.M. HARVEY to the Minister for Corrective Services:**

I have a supplementary question, Mr Speaker.

**The SPEAKER:** Sorry, it is not the end of question time.

**Mrs L.M. HARVEY:** Minister, when will you accept that it was your budget cuts and catastrophic understaffing —  
Several members interjected.

**The SPEAKER:** Members on my right. I want to hear.

**Mr B.S. Wyatt** interjected.

**The SPEAKER:** Treasurer, I call you to order for first time.

**Mrs L.M. HARVEY:** Minister, when will you accept that it was your budget cuts and subsequent catastrophic understaffing —

**Mr B.S. Wyatt** interjected.

**The SPEAKER:** Treasurer, I call you to order for the second time.

Several members interjected.

**The SPEAKER:** Members on my left, your member is on her feet. Start again, please.

**Mrs L.M. HARVEY:** Minister, when will you accept that it was your budget underfunding and subsequent catastrophic understaffing that caused Western Australia’s largest prison breakout ever?

Several members interjected.

**The SPEAKER:** Members!

##### **Mr F.M. LOGAN replied:**

I wish the member for Scarborough could open the budget papers and read them carefully. The member for Scarborough could have looked quite carefully at this year’s budget papers; she could have even looked at last year’s budget papers.

**Dr M.D. Nahan** interjected.

**The SPEAKER:** Leader of the Opposition, I call you to order for the third time.

**Mr F.M. LOGAN:** She could have looked at this year’s and last year’s budget papers. Does the member know what the big difference is between our government and her government in corrections? We have added more money and we have added more staff. Read the budget papers and she will find that out.

Several members interjected.

**The SPEAKER:** You nearly did. That is the end of question time.

**Mr J.E. McGrath** interjected.

**The SPEAKER:** I know you wanted more, member for South Perth, but that is it.

**CRIMINAL CODE AMENDMENT (CHILD MARRIAGE) BILL 2018***Second Reading*

Resumed from 31 October.

**The SPEAKER:** Member for Hillarys, I gather you are standing for this.

**MR P.A. KATSAMBANIS (Hillarys)** [2.56 pm]: I am indeed, Mr Speaker. I am just waiting for the place to quieten down a bit after question time.

**The SPEAKER:** Good luck. It is quite unusual.

**Mr P.A. KATSAMBANIS:** As unaccustomed as I am to loud noisy places!

Several members interjected.

**Mr P.A. KATSAMBANIS:** We might have a bit of a laugh in here from time to time, but I have to say that the subject matter of the bill before our house today is not at all a laughing matter. The title says it all: Criminal Code Amendment (Child Marriage) Bill 2018. People might ask why we are still debating child marriage issues in 2018. I do not think one person in this chamber would think that child marriage is either a good idea or something that should be encouraged or promoted by the state or anyone living within our state. I will get to those issues in a minute.

**The SPEAKER:** Members, have your meetings outside, please.

**Mr P.A. KATSAMBANIS:** However, it appears from a number of reports that child marriage and forced marriage, and the exploitation of women and children is continuing across the globe in 2018 and that we are not immune from it. Recent reports show that we are not immune from it, and I will make some comments about that in a little while. The subject matter of the bill is not necessarily about forced marriages, but it is about an anomaly that has been around since 1991. As we know and as we have debated in this place and in other forums, in the past, especially in the recent past, what constitutes a lawful marriage in Australia is probably guided by the Australian Constitution and is a subject matter that will be decided by the commonwealth government. The commonwealth government has the Marriage Act 1961 and, as I said earlier, that act has been significantly amended in the last 15 or so months. We know that that is a subject matter under the control of the federal government. What is a lawful marriage is determined under federal laws and, in particular, through the operation of the Marriage Act 1961. The act historically allowed females to marry at the age of 14 or 15 years if that marriage was authorised by a judge or a magistrate. I think that reflected the cultural mores of a different age when perhaps school attendance was not as regular or was not even compulsory, life expectancy was shorter and it was considered that teenagers—male or female—could be lawfully married in some special circumstances, with the consent of the family and obviously the authorisation of a judge or a magistrate. That act was amended in August 1991, and I support that amendment. It was important and a good amendment, recognising that children are children and with our cultural mores and the way we organise our society, including through education and the fact that longevity has been increasing—certainly for the past 150 years in Australia—it is not fair or reasonable for people between the ages of 14 and 16 to get married.

Historically, our Criminal Code in Western Australia was framed in a way that ensured that our laws around sexual offences in Western Australia did not inadvertently capture the consensual activity of people who had been married through the authorisation of a judge or a magistrate and they were under 16 years of age. As we know, there is a whole category of sexual offences under chapter XXXI of our Criminal Code. The Criminal Code Act Compilation Act 1913 contains sexual offences that are graded in severity. It is graded not just in severity, but also recognises offences such as sexual offences committed against children under 13, then another group of sexual offences committed against children under the age of 16, and then for people aged 17 and 18, and then adulthood is a separate category. In order to ensure that those people legally married, engaging in consensual sexual activity—particularly in the case of these legal marriages of 14 and 15-year-olds that had been authorised not only by the family and themselves but also by a court—were not ensnared in those sexual offences under our Criminal Code, a series of defences was set up. They were specifically defences to certain sexual offences that were committed against a child under the age of 16 only when an accused person was lawfully married to the child, and then obviously evidence would have to be provided that not only was there a lawful marriage, but also consent et cetera. Those offences included sexual penetration of a child; procuring, inciting or encouraging a child to engage in sexual behaviour or to do an indecent act; indecently dealing with or recording a child; and persistent sexual conduct with a child. All those matters, rightly, are criminal offences when committed against children under 16, and also against children under 13 with or without consent, except for the fact that the children we were dealing with pre-August 1991 were lawfully married and the court had decided they could make those sorts of decisions for themselves.

As I said, I think it was right that the commonwealth government removed the provision enabling a court order to allow 14 or 15-year-olds to marry. It was right and proper. It recognises the fact that our society deems these children to be children and they should be allowed to do things that normal teenagers do, including going to school and getting an education, and then dealing with marriage at a later date. The commonwealth government did what it did and then Western Australia simply left those provisions—those defences to that conduct that were required pre-1991—in our

Criminal Code. Nobody got around to amending the Criminal Code; it just sat there. At a briefing given to the opposition by the Attorney General's office, information was provided that there was no evidence that these defences had been used, certainly not in a modern time frame, since 1991. I would not mind getting a little clarification on that from the Attorney General. Our formal authorities—the department, the government or the Attorney General personally, though I do not think so—were alerted to this provision in our Criminal Code by a member of the public. If that is the case, I commend that person, because despite the fact that the federal Marriage Act was amended in 1991 and these defences have not been raised, certainly in modern times in any way, there is a concern that while these historic, outdated and unnecessary provisions remain on our statute book, perhaps someone who does not have good intent—they have bad intent—might rely on them or have the wrong message sent to them. It is a good idea to tidy up our statute book to remove the defences from it. That is what this bill does. It is a very short bill; there are only two operative clauses, which will amend sections 321 and 321A, through to the operational clauses 4 and 5 of the bill to remove those defences. There is absolutely no ambiguity. There is no chance of someone glancing through the Criminal Code and maybe being inadvertently being misled or otherwise empowered to engage in acts that we all believe are criminal, awful and obscene, and should never be tolerated in our society. That is all well and good.

Anyone who reads through this debate will note that in his second reading speech, the Attorney General emphasised “lawful marriage”. I have used the term “lawful” or “lawfully married” on a number of occasions in my contribution because, unfortunately, we also know that in our society we have not eliminated the scourge of child marriage—far from it. It is still prevalent in many cultures and in many societies, including our own society. There have been many media reports about the prevalence of child marriage and the risk of forced marriage or child marriage that is prevalent in Australia. There was a report by the Special Broadcasting Service back in September 2016, highlighting that in New South Wales alone the child welfare hotline had received 70 calls for help over fears of child marriage or child marriages in which people had engaged in what I would call common law marriage. That was done either by taking the child overseas to engage in a marriage ceremony that cannot, and would not, be recognised under the Marriage Act in Australia, or by conducting an informal marriage ceremony of a child in Australia. Again, that is unlawful. It is now also unlawful or illegal for a person to actively encourage or assist or force a child to travel overseas to get married. However, that requires knowledge on the part of the authorities, and in tight family units, if the young child is not empowered to speak up and highlight the harm that is being caused to her, the authorities may never find out about it. That same SBS report in September 2016 indicated that in the 2015–16 financial year, the Australian Federal Police had investigated 69 incidents of child or forced marriage, or the threat of child or forced marriage. So, it is happening.

Even more concerning, last month, the international children's agency Save the Children released a report that indicated that the prevalence of child or forced marriage across the globe has not been eliminated and is still happening in large numbers. The report estimated that through both education of communities and empowering girls in particular to go to school, stay in school and finish school, around 25 million child marriages could be prevented. However, to show members how big the problem is, it also estimated that if it continued its efforts, in the next decade it would be able to prevent 50 million child marriages. Some people would say that this practice is more prevalent in other jurisdictions than it is in Western Australia. It is interesting that that Save the Children report, which was released last month, on the International Day of the Girl, highlighted that child and forced marriage is an issue in every single Australian state and territory, including Western Australia. We are not going to solve the issue today. However, the first step to dealing with it is to talk about it. We should never turn a blind eye to this illegal and underground practice, and we need to work in conjunction with the federal authorities to stop this practice.

That same report from Save the Children contains some alarming figures about another practice that is abhorrent and illegal—female genital mutilation. It is illegal in Australia for a person to take a child overseas to conduct that practice. The report indicates that at least 200 000 Australian women and children have been victims of this horrific and barbaric, and completely unacceptable, practice. That figure of 200 000 would include women and children who unfortunately were subject to this horrific practice before they came to Australia. There is significant reporting, both anecdotally and through the media, that this practice is still prevalent. It is an underground practice. When we combine the elements of child and forced marriage and female genital mutilation, we build a picture of abuse—there is no other word for it—of children, in particular young girls. We all need to speak out about that. Polite society might not like to talk about these things, because it is difficult. This practice is abhorrent, and it is criminal. It absolutely destroys lives. I remember when I was a member of another place, the Victorian Parliament, and we passed what I am pretty sure were the first Australian laws to criminalise both female genital mutilation in Australia and the act of taking a child overseas to perform that vile practice. I remember speaking to victims of female genital mutilation. Their lives have been traumatised forever. I will not bore people with it, because I know there was a similar debate in this place some years later. Anyone who comes across these people would recognise how traumatised they are and how difficult their lives have been made, all because of something that happened to them when they had absolutely no ability to stop it. They were young children. They were under significant pressure in many ways. I would say that they were kidnapped for the time when this practice was forced upon

them. Many of them did not know and understand what was happening to them. However, when they found out and had to endure the pain and disfigurement and the horror that came with it, they bravely spoke out to prevent other girls from having to suffer the same fate. When we combine child and forced marriage and female genital mutilation, we recognise that we have come a long way. We have started to talk about it. That is the first step. We have put in place education measures in communities. We are encouraging susceptible children to speak out, and we have set up hotlines that they can speak out to. We are encouraging young girls in other countries to go to school and remain at school and finish their education so that they can be empowered to be active young people in their communities rather than be forced into these old-fashioned and vile practices.

Make no mistake. This bill will not stop any of that. If someone who wanted to engage in illegal child marriage was aware of the historic and wrong provisions in our Criminal Code, at best they could be empowered to say, “See! The law gives me the right to do this”, or, “The law says this is okay. Why quibble over the lawful part? Common law marriage will suffice, and I can go on my merry way.” No, no, no! They cannot do that. This is a vile and illegal practice. It destroys lives. I am sure we are all in heated agreement that we need to send the message that there will be nothing on our statute book that would make it even slightly possible for someone to suggest that this practice will be tolerated in either our legal system or our society in general.

I am not sure whether the suggestion that was made at the briefing is correct—that the Attorney General or his officers were not poring through the finer details of the Criminal Code and found this historic, outdated and horrible anomaly, but were alerted to it by a member of the public. If that is the case, I congratulate that person. In any event, I congratulate the Attorney General for bringing this bill to the house. It has the full support of the opposition, obviously. I hate speaking for other people, but I am sure it has the full support of every member of this place and the other place and of every right-minded member of our community who wants to protect the most vulnerable children, especially young girls, and wants to say to them or to any other young person who is questioning where they fit in the world that they belong in this world, they are an equal contributor and they will not have these vile practices perpetrated against them.

**MR J.R. QUIGLEY (Butler — Attorney General)** [3.21 pm] — in reply: I can briefly answer the issue raised by my friend the member for Hillarys. In response to his last inquiry about the precipitating circumstance that caused us to look at this, I thank Ms Sonia Wieckowski, who wrote to the honourable Andrea Mitchell, the then Minister for Child Protection in the Barnett government, to draw the former government’s attention to the fact that these offences remained in the Criminal Code and would send a mixed message to people that there could still be a viable defence by reason of section 321(10) of the Criminal Code. When I came to office, that letter to the minister in the former Liberal government, Andrea Mitchell, had not been attended to, so we set about attending to it both in writing to the member of the public who raised this with the former Liberal government —

**Mr P.A. Katsambanis:** When was that letter sent?

**Mr J.R. QUIGLEY:** It was 8 September 2016. We wrote to the correspondent to inform her that we would attend to this.

The Queensland Court of Appeal had before it on appeal the interpretation of the term “lawfully married”, which is referred to in section 321. The Queensland Court of Appeal determined that the term “lawfully married” had to mean a lawful marriage as prescribed by the commonwealth Marriage Act. Under the commonwealth Marriage Act, there are no circumstances in which a marriage in which one of the parties is under the age of 16 years is recognised as a valid marriage. Simply put, a marriage solemnised in Australia in which one of the parties is under 16 years of age is void. Secondly, a marriage solemnised outside of Australia in which one or more of the parties is domiciled in Australia is not valid if one of the parties has not reached the age of 18 at the time of the marriage. Thirdly, a marriage solemnised outside of Australia in which neither party is domiciled in Australia is not recognised as a valid marriage until both parties have attained the age of 16. For those reasons, the provisions of section 321(10) to (13) and section 321A(10) should be repealed as they have no operation having regard to the provisions of the Marriage Act. There cannot be a valid marriage for people charged with those offences—that is, unlawful carnal knowledge with a person under the age of 16 or persistent sexual conduct as described in section 321A(10). It is appropriate, therefore, that these provisions be repealed.

Although it has taken a little while to deal with the issue raised in the correspondence by Ms Wieckowski, the matter is now done, at least in this chamber. I thank and acknowledge the opposition for the support it has given to this amendment to the Criminal Code. With those remarks, I commend the bill to the chamber.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Mr J.R. Quigley (Attorney General)**, and transmitted to the Council.

**CONSUMER PROTECTION LEGISLATION AMENDMENT BILL 2018***Second Reading*

Resumed from 10 October.

**MR P.A. KATSAMBANIS (Hillarys)** [3.28 pm]: It has been a busy few days for me.

**Mr D.A. Templeman**: You've done an outstanding job!

**Mr W.J. Johnston**: Outstanding!

**Mr P.A. KATSAMBANIS**: I worry when I hear those comments from you guys; I am not necessarily sure that they are intended to assist me!

**Mr D.A. Templeman**: I've enjoyed watching the blossoming friendship between you and the Attorney General!

**Mr P.A. KATSAMBANIS**: The bigger you build it, the harder it falls.

**Mr W.J. Johnston**: I once had to do a mining bill, a state development bill and an energy bill in one week of Parliament. It is all right for ministers because they have the staff, but in opposition, you do it all yourself.

**Mr P.A. KATSAMBANIS**: Next year, when the Attorney General brings in Attorney General's bills and the minister brings in a consumer protection bill, the challenge for the minister will be to bring in an industrial relations bill as well so I can match his three-peat.

**Mr W.J. Johnston**: That's it. Go for it.

**Mr P.A. KATSAMBANIS**: We joke around, but it is worthwhile having a bit of a laugh in this place because we can get serious. The subject matter of the previous bill was extraordinarily serious. This bill is just as serious but not in that emotionally draining way. This Consumer Protection Legislation Amendment Bill 2018 is effectively an omnibus bill. It makes changes to a large number of bills in that commerce and consumer protection portfolio that in some cases relate to consumer protection, but in other cases relate to industry regulation, professional or quasi-professional qualification regulation or the area of charitable and street collections. I do not use the term pejoratively, but it is really a grab bag of various issues within the minister's purview that are considered to be important enough to amend, but rather than bringing them in as separate and individual bills, he has brought them in under one bill for us to consider and discuss each one of them. I have no problem with that.

**Mr W.J. Johnston**: In fact, we tried to do it in the ACL bill that is in the other chamber but the Clerk's advice was that we could not do it.

**Mr P.A. KATSAMBANIS**: There are limits, and obviously the clerks let us know what those limits are. There is nothing wrong with that, but a number of issues need to be examined at not so much length, but in detail to make sure that the public is fully aware of what this bill is doing. As happens when in opposition, members sit here and listen to the second reading speech. Then we get our bundle of documents and look through what is in it. I have to say that after listening to the minister's second reading speech, I was surprised to look through the bill and see how many different acts and areas it amends and how deep some of the changes are. However, none of that was included in the second reading speech, which means that we will need to spend a bit more time discussing the changes. The minister chose to focus on the amendments to the Residential Tenancies Act 1987 that implement the recommendations made by the State Coroner back in November 2017 when she looked into the death of a young boy, two-year-old Reef Kite. Back in 2015, that toddler was killed in his own home by a chest of drawers that fell on him. I think vision was played in the media, if not at the time, certainly after the coroner's inquest. It was horrific. Any parent, uncle, aunt, grandparent or friend of a child would have been horrified to see it. There was evidence at the inquest that the drawers had not been secured. The evidence adduced was that one of the reasons why the chest of drawers had not been secured was that the child was living in rented premises with his parents and permission from the landlord to secure the drawers had not been obtained. The coroner made some recommendations and those recommendations are included in this bill. The minister spent a bit of time talking about that. He glanced over some of the other provisions, and they might be machinery, but they have some significant impact. I want to spend a bit of time going through the bill in some detail.

The bill has 11 parts to it. The first is the preliminary part, and parts 2 to 11 amend a series of acts that, as I said earlier, cover a broad range of the commerce and consumer protection portfolios. Each of them requires a little bit of consideration. Part 2 amends the Auction Sales Act 1973 and it makes primarily amendments to the penalties contained in that act. I have spoken a fair bit about penalties in this state and penalties included in legislation that simply do not keep up with inflation or the true value of money over time. I have occasionally spoken about the need to find some sort of mechanism that not only allows for the regular updating of penalties to reflect the increase in the cost of living and the purchasing power of money, but also uses some sort of rounding so that we do not end up with penalties that are set at \$37 293, which happens in other jurisdictions and is silly. My issue with the penalties included in part 2—it flows through some other parts of this bill, but I will highlight it in part 2 in relation to the Auction Sales Act 1973—is the magnitude of the increase.

I will read from a handy table in clause 7. Clause 7 amends section 6(6) of the principal act. The penalty is currently \$500 but it will go up to \$50 000. That is a phenomenal increase; it is a 1 000-times increase. It is not a 1 000 per cent increase but a 1 000-times increase, I think, or 100 times—sorry, I am doing my maths on the run. It is a 100-times increase. The consumer price index has not gone up 100 times; it might have gone up 100 or 200 per cent between 1973 and now. The same increase applies to some of the other penalties. Section 25(1) contains a \$1 000 penalty that will go up to \$50 000. There is also a penalty of imprisonment for 12 months and that has not been changed, which shows that it is a pretty severe penalty. That raises a number of questions. I will compare those two penalties that I have spoken about. A \$500 penalty will go up to \$50 000, and a \$1 000 penalty that also contains a 12-month imprisonment power—back in 1973 this penalty was considered to be double the previous penalty, \$500 versus \$1 000, and a penalty of imprisonment—will be increased by only 50 times to the same amount as the old \$500 penalty. There seems to be no parity, and that requires some explanation. Again, further down the table, the bill amends the current penalty in section 30(2) of the principal act from \$500 to \$10 000. We have a \$500 penalty going up to \$50 000 in one part of the act, and in another part of the same act we have a \$500 penalty going up to only \$10 000. Section 30(5) contains the penalty of “A fine of not more than \$1 000, or imprisonment for a term of not more than one year, or both such fine and imprisonment”—that is the current old-fashioned language. That penalty will be increased to \$50 000 or a term of imprisonment for 12 months, or both. Again, the \$1 000 penalty will go up to \$50 000, which is an increase of only 50 times, not 100 times, which is what the other penalty will be increased by.

None of those changes can be explained away by inflation—consumer price index or any other measure of inflation—or the difference in the purchasing power of money between 1973 and now. The disparities between them can also not be explained away. We need the minister to explain how these figures were arrived at. What process was undertaken? Was consultation conducted with the auctioneer industry or its representatives? If so, was it simply broad consultation and agreement that penalties were not keeping up with modern day reality or was there consultation on the actual increases in penalties? I think the public deserves an explanation. I also think the minister needs to explain why those rates of increase were chosen and why different rates of increase were chosen for penalties within the same legislation. As I have said, I will focus on that account when we get to some other parts of the bill.

Part 3 of the bill amends the Charitable Collections Act 1946. Members can see that we are chopping and changing between auction sales and charitable collections. That is the nature of the portfolio and it is the nature of an omnibus bill. I am not concerned about it, but it just goes to show the breadth that did not really come out in the second reading speech; I emphasise that. We were told in the briefing that these changes to the Charitable Collections Act reflect changes previously made to the Fair Trading Act and the general fair trading regime of this state. They modernise some language and also some practices. Fines have again been significantly increased in clause 10, which amends section 6 of the Charitable Collections Act. References to “minister” are changed to refer to “commissioner”, which reflects the practice of a minister delegating to the commissioner and the commissioner perhaps delegating to staff. None of it seems to be overly controversial. It modernises the language and it provides some transitional arrangements. Again, have these changes been discussed with stakeholders in the charitable collections industry? If so, who were the stakeholders? What did they think about it, and, in particular, are they comfortable with the new penalty regime being introduced as well as the change made by clause 16, which is not about changing the reference from “minister” to “commissioner” or increasing penalties, but a new regime of keeping records and retaining them for seven years? I have looked at those provisions. There are some powers given to the commissioner to ask for records. I do think they are overly onerous. If anything else, they are good practice. But, again, has consultation been had with the stakeholders and what has the feedback been?

The next part of the bill amends the Debt Collectors Licensing Act 1964. Again, the changes are to the penalties—increasing penalties. There are other changes to penalties, but I will use the example of penalties contained in clause 26, because the clause provides a handy table. Current section 5(2) provides for a penalty of \$200 for an individual and \$400 for a body corporate. That penalty will be increased to a fine of \$50 000 under the provisions of this bill. We are told that that would apply to individuals in the modern era that we live in, and that we do not need to specify a separate penalty for a body corporate because the Sentencing Act allows for a body corporate to be charged a fine of five times what would apply to an individual; it does not need to be set out in this legislation. The individual penalty goes from \$200 to \$50 000. The next provision in the table, section 15(5), has an existing penalty of \$200 and that goes up to \$25 000, not \$50 000. To complicate matters further, the third penalty, contained in section 26(1)(h), is currently \$200 and it goes up to \$5 000. Again, one of the explanations is that these penalties have not kept pace with reality, inflation, the cost of living and the like, so they need to be increased, but there are three penalties of \$200 each and one is being increased to \$50 000, one is being increased to \$25 000 and one is being increased to \$5 000. We deserve an explanation about why there are differences in what has happened between 1973 to now that means that a breach of one section ought to have a more onerous fine than breaches of the other sections, how those figures were chosen and what consultation was engaged in with various stakeholders.

Part 5 contains some changes to the Fair Trading Act 2010. One of the changes assists charities because the fair trading commissioner has some significant powers not only to require documentation, but also to enter premises to secure that information in order to protect the public, because a consumer protection mechanism is being provided under the Fair Trading Act. Clause 28 provides an exemption for bodies regulated under the Charitable Collections Act 1946 from that overarching power to enter and seize documents, which effectively means that charities will not be treated in the same way as corporations and the commissioner would need at least to obtain a warrant before he could exercise some of the entry and search and seizure powers generally available to the commission under the act. I think that is a protective mechanism. It is a good mechanism and it assuages some of the fears of charities, which are often run by volunteers or well-meaning people who may not necessarily have the powers that corporations have behind them.

Part 6 amends the Homebuilding Contracts Act 1996. In consideration in detail I will probably seek to get some clarification about the operations of the real details of these amendments and how they will be put into practice. Essentially, I would say that some of the changes are long overdue. The changes in this part deal primarily with the provision of home indemnity insurance to builders under the home indemnity insurance scheme. The Homebuilding Contracts Act applies to all work valued over \$20 000 that it deems to be building work, but that catches work that the building industry and other allied industries would not consider to be homebuilding work. For instance, there is painting, which is not moving walls; the walls are being painted. We know that because of the cost of some of these services and the size of some the houses, there would be contracts for painting worth over \$20 000. It is well considered that should not be included in home indemnity insurance and that consumers in those circumstances who engage a painter would rely on the normal trade indemnity insurance that the painter would have and the general provisions of our consumer law, both federal and state, that underpins consumer protections.

It is the same with trades like cabinetmakers. Again, they are not moving walls; they are not doing any structural work. Perhaps they are coming in to update someone's kitchen. The majority of the cost may not be anything that would be considered permanent at law but things like marble or stone benchtops, again, should not have to attract home indemnity insurance. To complicate matters further, although all this sort of work seems to be caught up under the provisions of home indemnity insurance, the structure of the insurance scheme itself would not allow those tradespeople—painters, cabinetmakers and the like—to obtain insurance under the home indemnity insurance scheme anyway. There is an obvious gap that in practice has been dealt with just by shrugging shoulders and moving on and hoping for the best. This has needed some amendment and it is being amended to ensure that the Home Building Contracts Act does not apply to what would otherwise be considered residential building work for which a building permit is not required. When we think that through, we do not need a building permit when we are not engaging in structural work. It is for non-structural work only that we are not required to obtain insurance under the home indemnity insurance scheme. That would cover painters, cabinetmakers and other tradespeople who might provide services to a home owner, because we are talking only about homes here, obviously. That seems to make good sense. Alternatives probably were to list various trades or a combination of various trades and prices but on balance, as an opposition, we do not think the structure of clause 31, which will amend existing section 25B, is a bad scheme. We do not think it is a bad way of dealing with things. I think the trades themselves have been crying out for this. Given they have been crying out for it, here it is, so that is good.

Then there is the amendment to section 25D in clause 32. This is slightly more complicated but I think important. It arises from many concerns but I think it was first highlighted in a Senate inquiry in 2008. There was also an Economic Regulation Authority report in 2013. It is about builders who cease to trade. Currently, a set of circumstances needs to be made out when a builder is no longer trading in order for the home indemnity insurance contracts that we spoke about earlier to be enlivened and the consumer can get that protection. Currently, those circumstances include when the builder is an individual and has died or cannot be found; or, if the builder is a company, has ceased to exist or is insolvent. We can see already why there might be some issues. First of all, if a person searches for and inquires into an individual builder and finds the builder is sunning themselves in Majorca or in the Caribbean or somewhere like that, even though they have been found and it is known where they are and they are not dead, it is unlikely that they could be encouraged to come back to Australia and complete the building work, so we want the indemnity contract to be activated. There is a change here that includes the term "cannot be found in Australia". If the builder is sunning themselves in Majorca, the Caribbean, the Mediterranean, the Greek isles, the Croation isles or wherever they have decided to go, the homeowner will not be unduly inconvenienced because they know where they are. That they are simply not in Australia will enliven the indemnity contract, and that is a good thing.

There is another issue that is a little more complex whereby the builder has not ceased to exist, the company has not been deregistered—we are talking about a corporate entity here—and the builder might not technically be insolvent because the builder is avoiding going into insolvency or perhaps a different scheme has been entered into for various purposes rather than the builder being declared insolvent. There is a bit of a gap there because there are circumstances in which the company has not been deregistered, so it still exists. The company may not technically have been declared insolvent or perhaps is in the process of being declared insolvent and it might drag out and take a long time, but the company has had its registration as a building service contractor cancelled or not



renewed because it simply did not satisfy the requirement to get that renewal. In those cases, again, it cannot do building work. The building company has had its registration cancelled or it has not been renewed so it cannot do building work. We do not want homeowners hanging around waiting for some other event in order to enliven the home indemnity insurance contract. As I said, this was highlighted in a Senate report 10 years ago and by the ERA five years ago. That is being tidied up through new clause 32 and is something that we as an opposition also support and we welcome it coming into force. As I said, there are a couple of technical questions I might ask the minister to clarify when he has his advisers with him in consideration in detail.

There is also part 7, which amends the Land Valuers Licensing Act 1978. It does certain things that, in the main, are very good. It clarifies the operation of the renewal period for a land valuer's licence to avoid any anomalies in relation to days or dates. Clause 36, very importantly, contains a provision that creates an offence of giving false or misleading information to the Building Commissioner when seeking to obtain a land valuer's licence. That is very important because it will enable the commissioner to then move the licensing system online. It will save on paperwork, save time and make everyone's life much easier and better. Currently, the way the existing act is framed, a person applying for a land valuer's licence or for renewal would require a statutory declaration, and that has to be done by paper. We are removing the need for a statutory declaration to facilitate matters to be moved online, but at the same time, creating an offence of giving false and misleading information, and that will be written up on the online system, be it a website, an app or whatever happens in the future. It will say, "Be aware, if you give false or misleading information; omit things from the statement; or produce documents that are false, you will be in trouble."

Again, though, there are issues with this part in relation to the increases and changes in penalties, and that is included in clause 37. These penalties were set out in 2006, I believe—the minister might want to clarify in his reply that the penalties under the Land Valuers Licensing Act 1978 were set in 2006—and one penalty goes from \$50 000 to \$100 000. A subsequent penalty also goes from \$50 000 to \$100 000, so there is a doubling. But then there are penalties of \$2 000 and \$5 000 that are not changed, so again, I think this requires an explanation: Why were these figures chosen? Why were some doubled and some not changed at all? That is the sort of thing we would expect the minister to advise us. We will also seek from the minister some details about what consultation took place; who it took place with—the stakeholders, the land valuers and their representative bodies; and whether they had direct input into the level of penalties, or if there was just an acknowledgement that penalties were outdated so the department went off and came up with penalties on its own. The first time the industry will find out that these penalties have been increased is when it sees the provisions in this bill or perhaps when there is communication when the bill becomes an act. Again, we will seek that sort of clarification from the minister.

Debate adjourned, pursuant to standing orders.

## McGOWAN GOVERNMENT — PERFORMANCE

### *Motion*

**DR M.D. NAHAN (Riverton — Leader of the Opposition)** [4.01 pm]: I move —

That this house condemns the McGowan government for its failures in delivering on its election promises, cuts to frontline services, cost-of-living increases and failure to be open and accountable to the people of Western Australia in its first two parliamentary years.

It has been two years approximately since the McGowan government was elected. It has been an interesting two years; it is not the type of government that most people expected, on the basis of the commitments the Labor Party made in opposition for eight and a half years.

[Quorum formed.]

**Dr M.D. NAHAN:** This is not the type of government that we expected. Amongst the number of promises the Labor Party made in opposition, one was a gold standard of accountability; we see this now. This is Parliament; it might be painful for the government to listen to us during private members' business, but it is a regular event in Parliament during weekly sittings for the opposition to raise issues of public importance—and this is clearly one—and the government puts forward a minister to respond to it. I am looking over the government benches now and I am not seeing a minister sitting there to listen to what the Leader of the Opposition has to say.

**Mrs J.M.C. Stojkovski:** She is here; she's not sitting.

**Dr M.D. NAHAN:** Sitting? In order to participate, members have to be sitting in their chair. We now have a minister—a single minister—to listen to this. I assume she is going to be the minister who replies to us; I am not sure whether that is the case. But this just highlights one aspect of this government: it said things in opposition about high standards of accountability, but when it got in, it delivered the opposite.

We went through eight and a half years of a Labor opposition during which it said many things. It stood up for the poor, the weak, the people who were being hit by high increases in fees and charges. It fought for frontline services—so it said, anyway. It decried cuts to frontline services and, by the way, also criticised us for spending record amounts on frontline services.

There is a statement I want to start with. This is the height of the critique of the McGowan government: it is not what it was elected to be, it is not what it claimed to be, and it is not a traditional Labor government. Last week, I asked a question of the Premier during question time about the same issue I am talking about now—fees and charges. The Premier said —

The truth of the matter is that it will always be Labor that is more on the side of low-income people who work for a living. That is one of the reasons I joined the Labor Party —

The Premier said —

because I am on the side of those people who do it tough, who go through adversity in their lives, who through no fault of their own need government support and those people who work for a living. That is what Labor is all about. That is how our party came into existence.

The government is doing the opposite. It is doing exactly the opposite of what it promised to do, what people thought it was going to do, and what it claims its party stands for. The truth of the matter is that most of the people that the government hits, and hits hard and repeatedly, are its own constituents. It is not so much mine—although it also hit those—but it hits its own constituents. Let me outline some of that. It is not the member for Cottesloe's people or the member for Nedlands' people, or perhaps the people of Rossmoyne in my area.

A member interjected.

**Dr M.D. NAHAN:** Not South Perth, no; definitely not South Perth!

A member interjected.

**Dr M.D. NAHAN:** It is not the businesspeople —

**The DEPUTY SPEAKER:** Excuse me, members. Member, you need to be in your seat if you are going to contribute.

**Mr J.E. McGrath:** I got disoriented!

**The DEPUTY SPEAKER:** I understand that that would probably be the case, member, but I do encourage you to take your seat, if you want to comment. Thank you.

**Dr M.D. NAHAN:** I thought it was a very good interjection! South Perth is doing fine; it is okay. It is not the businesspeople, who are doing fine and getting better—although not all of them; some are struggling a bit—but particularly the mining sector is doing really well. It is the people who are struggling.

Let me go back to the Premier's quotes. It is these people who the government says have been the primary focus of the Labor Party since it came into existence. I repeat the Premier's quote —

... I am on the side of those people who do it tough, who go through adversity in their lives, who through no fault of their own need government support and those people who work ...

These are the people that this government has explicitly hit the hardest. It has been more merciless on these people than has any government of the last 20 years. Let me carve it out. It was not an afterthought or a mistake; the Labor Party said it was going to do the opposite. It said it was going to look after these people, help them fight for essential services, keep fees and charges low and help people, but it has done the opposite.

We have heard about fees and charges in this place many, many times, and we are not going to run away from that. For the last four years before coming into government, the Labor Party decried every increase in fees and charges. In that time, electricity went up by 4.5 per cent at the most in any of the four years I was Minister for Energy. In my last year, it went up by three per cent. We did not increase that fixed charge exorbitantly; we just increased it by the overall increase. We did it because we knew that people on fixed incomes with low electricity use would get hit doubly hard if we put on the fixed charge. Then the Labor Party came in. The Minister for Energy has not done much. He has sat at the energy minister's table, looked at the in-tray he inherited from me and has gone through it. That is what he has done. The only variation he has made is grab more money from anyplace that he could scratch out more money. One thing he did was increase electricity charges by 11.9 per cent in the first year, for all those on the fixed charge. That meant that in a single year pensioners, who do not use much electricity, faced a 40 per cent increase in their electricity charges—40 per cent! People on fixed incomes, on pensions, faced a 40 per cent increase in electricity and they could not avoid it because it was a fixed charge. They could not turn off the electricity. They could not substitute gas for electricity. They could not avoid it. These are the people that the Premier says are the major focus—in fact, part of the DNA—of Labor. This is not a Labor government then.

What did the government do the next year? It increased electricity charges by seven per cent and continued with the fixed charge. It has hit people like no other government. In the past, the Labor Party decried us for what we did. It said that we were miserly rip-off agents when we increased electricity by three per cent, or 6.5 per cent over two years—that was when we were subsidising the electricity sector to the tune of \$350 million. There is no subsidy now. The government does not provide a subsidy to Synergy—none. It also has ripped billions out of Synergy and other electricity utilities. It does not provide a subsidy to Synergy and it has raised prices by

19 per cent, and is concentrating on hitting the people who use and who can pay the least—the single mums, pensioners, working poor and people who rent who do not have insulation in their houses. It is those people whom the Labor Party says it is part of their DNA to support. It has been a full-out assault, especially when we look at water. The same thing happened with water. We were pushing towards full cost recovery for water when I commissioned the Economic Regulation Authority to do another review. The Labor Party confronted that report and was told that if it jacked it up in the forward estimates by six per cent, the Water Corporation would start to turn into a taxing agent. What did it do? It grabbed that full on and went for it. It has jacked up prices. Now it has come up with the idea of an extra levy, or a tax threshold, for large users—those who use more than 500 kilolitres of water. It says that it is attacking the people in Cottesloe, maybe my electorate, South Perth and Nedlands. But questions in the upper house have found out that that is not accurate. It is misleading. The people who have been hurt the most are in Labor Party electorates, the people in the newer and outer suburbs, the people who have large lawns—they might have gardens because they are trying to save money by growing their own vegies—people with large numbers of children, and renters. The Labor Party has gouged its own people, and it has done it by design.

There have been massive increases in public transport fees and car registrations. Some of the working poor whom the Premier says he is focused on are really struggling to pay. What did the government do then? When we were in government, we struggled with large deficits—I must admit that. We reduced the Seniors Card benefit and maintained the hardship utility grant scheme. But the government took HUGS payments and postponed them for 180 days. There was a big rush on HUGS payments. The government increased electricity prices by 11.9 per cent, the fixed charge, and lo and behold what happened? Households got hit. They did not see it coming—it was a fixed charge. They did not have the money and they went to get HUGS payments and found that the government had stopped them for 180 days. The government said, “Let’s put a hiatus on all HUGS payments for 180 days and let those buggers sweat.” That is what the government did. It hit people and left them high and dry. Then for those on Seniors Cards, the government reduced compensation for local government and water rates from \$300 to \$100. When we cut that by \$200 or \$300, the Labor Party screamed bloody murder. It told people out there, “We would never do that; that is abhorrent.” It did worse to its own people. Who are the people who have been hit the most? It is people in Baldivis, Darling Range of course, Ellenbrook and Armadale. The Labor Party has hit its own people. Why? I say that this government cannot be the Labor government that the Premier claimed or promised to be and do this. The government cannot do it this. It will be held accountable for it.

The Treasurer has stood up and said he cannot find a single piece of data that is not positive. I think he has a reading problem, or just has blinkers on. Members should talk to people in the housing industry, which is one of our largest industries. The housing industry is important not only as an employer, but also as one of our largest industries. It is also the industry that represents the largest asset of most households: their home—the place that shelters them, the place in which families live and the place where children and families play. It makes up our neighbourhoods. It is an essential element of the Western Australian culture to buy and own our own homes and live in the community with family and friends. More so than almost any other place on earth, Western Australians are home-oriented. In Western Australia there is a very high level of home ownership. It is the asset base. The value of houses underpins household expenditure and activity. We have witnessed the longest and largest decline of house prices in Western Australia since the Great Depression. House prices are still declining, house construction is still declining, housing finance is still declining and expectations are that the industry is not going to pick up for a period yet. There are some places in WA, like Baldivis, that are the mortgage stress capitals of Australia. We would think that the government would ask what it can do to assist those people to fund and pay for their houses. In December 2016 the Labor Party in opposition responded to a proposal by the then Barnett government. The industry came to us—it would have gone to the opposition—and said, “We are facing a catastrophic drop in the numbers of new houses that will be built over the next year. As a result there will be massive layoffs in the industry and massive layoffs in the manufacturing that goes with that, including bricks and tiles, and an increase in unemployment. The reason is that the first home buyer market is plummeting.” We proposed a first home buyer grant bonus, to which the then shadow Treasurer and opposition leader said, “We are on it. It’s a good policy. It’s expensive but it’s right on. We support it.” They got votes for it. The Labor Party appeared to be acting to help an industry and a community under real stress. Once it got into government, it cancelled the grant. The Treasurer said that the removal of the grant would have no impact on the number of first home buyer grants allocated. That was his analysis. It turned out to be completely and utterly ridiculous and false. In September this year we saw the smallest number of first home buyer grants ever allocated since the first home buyer grant was created in 2000. Our population is about 50 per cent higher. What was predicted? The concern that led to the bonus came through. We have had a complete collapse of the first home buyers’ market and with it, we saw mass layoffs in the industry—not only the tradies who inhabit many of our electorates, but also the people who work in the factories making windows and bricks, and concrete suppliers. They needed some stimulus. The Labor Party pulled out the grant under the pretext that it would not have an impact, but it had a massive impact.

This government can give \$250 million to Mineral Resources to continue running the Koolyanobbing iron ore industry, including \$55 million to Cliffs Natural Resources, which is leaving Western Australia. It is shutting down its operation and going back to the US. It has written off all its assets on its balance sheet, publicly, in its annual

report. The government gave it dispensation of \$55 million owed to the Western Australian government. The government spent \$250 million on rich listers but it got \$20 million with a bonus. A total of 84 jobs in the port of Esperance were saved but 2 000 plus jobs were lost in the house building sector. That was the government's choice. That is what it did. It is hoping that no-one will look and its army of spin merchants can get it out of this. That is what the government has done. It has left its people high and dry. It has abandoned them.

The Treasurer likes to talk about land tax. Yes, we increased land tax rates three times. It was the most painful process I ever went through, and we suffered the electoral consequences for it.

**Mr W.R. Marmion:** I had to run it through.

**Dr M.D. NAHAN:** Yes, the member for Nedlands did. I think the member for Bateman had one too. I own a couple of houses now but I used to own a number. I know all about land tax. It is basically a tax on a fixed asset that is a flow. If it gets too high, it is not funding. We increased it. The then opposition voted against the increases. It campaigned on the issue against us. It went to the various groups saying that land tax was terrible and it would never increase it. In two budgets, it validated those increases; it kept them. It owns them. Those land taxes are now the member for Victoria Park's taxes, not ours. The government had two budgets in which to alter them if it wished but it chose to retain them. I suspect that the next budget that will come down in May or so will include those tax rates for the first time. They are the government's taxes. It should not complain about them.

During the last term of government, I witnessed United Voice members protesting on a monthly basis outside my house about so-called cuts to education, health and essential services. The government promised to not only fill in those cuts, but also never do it again. During this past year, we have seen the government's clear, unambiguous response through its cuts to education by the Minister for Health. We saw some pretty impressive backflips left, right and centre but they came about only after the community stood up to the hypocrisy of the Labor government. It stood up and said, "That's not what you promised. That's not what you said you were doing. That's not why you won the election. You mislead us." The people campaigned for the cuts to be reversed in their communities and the government did so across a raft of areas. Some cuts were still made, including \$15 million from schools across the board in my electorate. That will not be forgotten.

The health minister has said that there will be no cuts and Treasury has said there will be no cuts. When we look at the annual report of the North Metropolitan Health Service and the detail of the budgets, we see that there were cuts to that service from state government expenditure of \$206 million in the last budget. That was cut out of the largest health service in the state. Admittedly, the commonwealth put more in and there was some money from other sources, but the state itself cut money from that service. In response to those cuts, the board of the health service popped up and said, "We're having a hard time meeting the demand with the money that we have", and the government fired the lot and put one of its mates in charge. In other words, it is cutting essential services to health, just as it did to education.

We heard a debate about Corrective Services. This not a crucial issue to household budgets, although the government does not like prisoners breaking out and potentially attacking officers. We heard a lot of guff from the Treasurer that the cuts to the budget of Corrective Services was my fault—that I introduced a range of cuts and then I struggled to meet them. The rhetoric from the government is very strange. I divert for a minute. On the one hand, it regularly goes out and says that the previous government was spending too much and left it \$40 billion in debt. That is the rhetoric. When the government gets caught out trying to be held to account for its own cuts, it denies making the cuts. It cannot deny it because it is in the budget. It blames us for the cuts. We cannot have excessive spending and then excessive cuts to health, education and Corrective Services. It is just not possible, but that is the government's rhetoric.

The Treasurer asked me to look at the budget for Corrective Services today, and I did. The level of expenditure in adult corrective services in 2016–17 was higher than 2017–18. Every year from 2017–18, 2018–19, 2019–20 and 2020–21, the amount of money in the budget for adult corrective services goes down; it decreases. Over the four-year estimates, there is a \$50 million reduction in the amount of money allocated to adult corrective services in this state as a result of the government's decisions. The government cut the budget. As I pointed out, prison numbers are growing at about 10 per cent a year but the budget is going down, not in real terms but in absolute terms. The government would argue otherwise. That is the rhetoric.

One of the interesting things that Troy Buswell and I had to deal with during our term was a massive change to the public sector. We had 5 500 redundancies in the public sector. That was a lot. It was done over many waves. We also had increasing wage restraint. I remember proposing another wave of restraint, plus substantial further reductions in wage growth in the public service. I was walking the gauntlet to Dumas House, and a journalist, as they do to a minister, stuck a microphone in front of my face and said, "I hear the rumours that you're proposing further reductions in wage growth", and I said, "Yes, we are." The journalist then said, "The union movement has said that if you pursue those reductions, there will be a mass shutdown of public services such as transport, hospitals and schools, and if you make further redundancies and lay off even more people, it will lead to the same action." Our government lost and the new government came in, and it went one step further.

**Ms S.F. McGurk:** Did the journalist say that or did the unions say that?

**Dr M.D. NAHAN:** The unions said it. The McGowan government came in and immediately announced 3 000 redundancies, on top of the 5 500 we had put in. We did not include frontline services in those redundancies. We quarantined them from that. In most cases, we made the redundancies in the back office space and hired more people in essential services. The government's 3 000 redundancies—it has not quite got there yet—includes a lot of frontline service providers, such as police. The McGowan government also came up with an even tighter wage growth policy than I had been thinking about. Do members know what the unions said? They said, “We don't like this very much, and it's very hard, but we'll think about it”, and they shut up. They hid under the table. The question is: Who are they supporting? Who are they looking after? Who do they represent? Why are they there? I think they were bought off by this government. This government got the workers in the public sector to shut up. They did not complain. They did not fight it. There were no strikes. They did not even have a protest outside Parliament. Why? I am pretty sure that if we look at United Voice, which is one of the most powerful unions, it got all sorts of benefits. It got new members. It was funded to provide training courses. It was funded to talk directly to new applicants to the public service about joining United Voice.

**Ms S.F. McGurk** interjected.

**Dr M.D. NAHAN:** I am not taking interjections from the minister.

The head of the Community and Public Sector Union, who was very militant on our watch, was quiet, like a little mouse, under this government's watch. Where is she now? Okay, the unions are doing their best. They are looking after themselves. However, it was an exercise in silencing the people who are supposed to stick up for the workers, many of them low-income workers.

Earlier we had a debate about Christmas shopping hours. We have highlighted that when this government was in opposition, for six long years, and even before that, the now Premier called himself the champion for deregulation of shopping hours. He fought for that. He argued for that. He said, “We have to get rid of this shopping hours debate. It's a mess. It's taking us away from more important things. People should be allowed to shop and businesses should be allowed to open when they want.” That is what he said over and over again. The Premier is now winding back Christmas shopping hours. If David Jones and Myer in the city are not open, the other shops will not have enough customers and will not open. It is the same in the shopping centres. The Premier is the grinch who stole Christmas. He is taking away the ability of shops to hire more people, and for people to earn more money. He is taking away the ability of people to shop when they want to. Why? It is not because of the Premier's values. He said the opposite when he was in opposition. We would expect the Premier to do what he said he would do for six long years in opposition. Instead, the Minister for Commerce is saying people cannot shop when they want to.

**Mr W.R. Marmion** interjected.

**Dr M.D. NAHAN:** I am not going to go there. The Premier is the grinch who stole Christmas.

I now want to go to a couple of things that show how miserly this government is. One is VacSwim. We live in a hot area. My area has a large number of migrants who do not have a swimming pool. VacSwim is an important part of our community. For a week or two during summer, the government has been subsidising people at our local pools to teach kids how to swim. It is a great program. It is part of our culture. However, this government has increased the price of VacSwim lessons from \$13.50 to \$30. That will not save the government much money. Many of the people whose children use VacSwim are low-income people, migrants and single parents who cannot afford it. The government is saying to those people, “If your kids want to learn how to swim, we're going to tax you for doing that.”

The government has also cut the subsidies to KidSport. That is a really good program that our government expanded. It is basically a subsidy to enable children from low-income families to join sporting clubs. It is a really good idea. This government has also taken funding from Sea Scouts. It said that is not a sporting group. What kind of world does the government live in? Has the Premier not seen what Sea Scouts does? Has it made that decision without knowing what it is doing? As a coach at Sea Scouts, I can guarantee members that it includes kids from low-income families. It is a very physical sporting activity. We teach them sailing, kayaking, and how to be safe and careful on the water. This government has cut the funding to Sea Scouts.

The worst funding cut made by this government has been to VenuesWest. I will go through some of this stuff. VenuesWest is a very important organisation. I will read from a table headed “Tariffs, Fees and Charges” for 2018–19. One of the columns in that table is level of cost recovery. VenuesWest fees across the board have gone up by 7.5 per cent. That is 700 per cent higher than the inflation rate. The increases are just ridiculous. The fee for “casual group fitness class concession”—that is, people on pensions and health cards and other concessions, the people the Premier said he is looking after—has gone up from \$13.50 to \$14. When we look at cost recovery, the fee is three times the cost of providing the service. For a charge of \$14, there is a \$9.10 profit, or tax. The fee for “casual Xpress group fitness class” has gone up threefold. The fee for “aquatic swim, sauna” has also increased threefold. Another event is “carnival event spectator”. During the summer, we all go to swimming events at various venues, particularly the pool at HBF Arena. Kids go there for different types of events, and the parents and

guardians like to watch the kids, and the kids like the parents and guardians to watch them. Most of us can remember sitting there for hours and hours enjoying ourselves sometimes. There is an 854 per cent uplift on the cost. It costs 45c, but VenuesWest charges \$3.60. That is usury. I often hear the Labor Party talk about payday lenders. This is worse than any payday lender I have ever come across.

Let me go to the parent and baby lessons for swimming school. Parents come down and their babies are taught at a very young age how to be comfortable in the water, how to breathe around water and perhaps how to swim. VenuesWest charges 50 per cent above cost recovery for that and it charges 63 per cent above cost recovery for preschool lessons, 14 per cent above cost recovery for kids toddler gym, and 31 per cent above cost recovery for kids kindy gym. Every cost at VenuesWest facilities, particularly the concessional costs, are substantially above cost recovery. In other words, this government is treating VenuesWest as a taxing agent. Why do we have VenuesWest? We have VenuesWest because it provides facilities that are not provided in the private sector at a cost that we think the community needs to bear. This is a cultural place where people from a young age to an old age really appreciate physical activity. It is very important. Lifestyle activities are what we want to do and what we should do, yet the government is taxing them.

Let me go back to when the Premier's people lied. His government is looking after those who are doing it tough, those who are going through adversity in their lives, those who through no fault of their own need government support, and those who work for a living—that is unless they want to be healthy, they want to teach their kids how to swim or run, or they want to use the gym. It is ridiculous. The government has lost the plot. We will continue, as we have done this year and as we did last year, to hold the government to account for its actions and decisions. We surmise that its grand plan was to come to government, knowing full well the tough fiscal position, and increase any tax or charge that it could get its hands on, irrespective of the regressiveness of that tax, irrespective of the impact it would have on struggling families and irrespective of the ethics of it. It was going to grab the revenue and try to blame us and hope that when it came closer to the election, all those people it ground down would have forgotten about it when it splurges and spends the GST.

**Mr A. Krsticevic:** Darling Range didn't forget.

**Dr M.D. NAHAN:** The Darling Range electorate did not forget. The government will try to do that and we will hold it to account. We will not allow those people to forget what the government has done in its first two years. It claims to be a Labor government. It is not. It is a government that is grinding down the people it is supposed to look after, the people who voted for it and the people it represents in most cases. It has ground them down. At a time of need, it has abandoned them. At a time when they were struggling with household budgets, declining house prices and declining wages, and they were struggling to live a decent lifestyle, it has hit them in the solar plexus with higher electricity, water and public transport costs. It has pulled back on school and public health spending. When they tried to save money by cutting back on private health care, the government cut back on public health expenditure. Now it is turning sports facilities into a taxing mechanism. These people have been hit.

The government is hoping that the mining sector will stop the tide. The trouble is that the largest sector in our economy is the household sector. Household discretionary spending is flat to negative. One of the major reasons it is flat to negative is the hits that the government has made to it. It lacks confidence because house prices—the value of the major asset—are going south and have been for four or five years and do not look like changing. The government is not going to get a boost in the housing sector. People are not going to forgive the government for this, and nor should they.

Going back to the principle of this, the government promised to be a Labor government, it promised to look after the people, it promised it would not have high fees and charges, it promised to increase expenditure on frontline services, and it promised not to be a payday lender, yet it has done the opposite. We are not going to allow it to get out of this. It is trying to weasel out of it and blame everybody else. We heard one of the most absurd excuses today. The Minister for Corrective Services blamed the prisoners, a fence, me, the previous government and the head of the prison, even though we thought this was a system for which the minister was accountable. We see this on a daily basis. The government blames everybody else for its decisions. These were its decisions. It made them. It knew what it was doing. It knew the consequences. It knew it was going to hurt its own members and the community. It knew what it was going to do to the economy; it has hurt it badly. The greatest threat to our economic recovery is the government, and people know it now. It has been in government long enough. It is not what it said it was going to be. It is not what it says it is. It is a government that has lost the plot.

**DR D.J. HONEY (Cottesloe)** [4.47 pm]: I rise to support the motion that our leader has moved. It is very clear that the actions of the McGowan Labor government have led directly to severe hardship and distress for families in Western Australia. When we reflect on almost two years of Labor government in this state, we see the government clambering to claim responsibility for an area that the government has no influence over—that is, the mining economy. There is no doubt that the mining economy is recovering. It is recovering entirely for two reasons, one of which is the outstanding network that was set up by the previous government.

*Point of Order*

**Dr M.D. NAHAN:** Madam Deputy Speaker, I seek your advice. Should there not be a minister in the house?

**The DEPUTY SPEAKER:** There is, member. Minister McGurk is in the chamber.

**Dr M.D. NAHAN:** I am just seeking your advice. I have never participated in a debate on a private member's motion when there was not a minister listening to it.

**The DEPUTY SPEAKER:** I understand what you are saying and I believe the minister is in the house, so we will just continue.

*Debate Resumed*

[Quorum formed.]

**Dr D.J. HONEY:** When we reflect on the almost two years of Labor government in this state, we see improvement in the area that the government has had no influence over, and that is mining. The mining economy is recovering because of the outstanding work done by the previous government to build the framework and encourage the projects that the government is now enjoying the fruits of. I think it is important for this government to reflect that it is only two budgets to the next election. We see no improvement in the parts of the economy that the government has influence over—that is, the domestic economy and areas such as tourism, overseas students, overseas student enrolments and the domestic retail economy. There is no doubt whatsoever that the government is clearly failing the people in Western Australia. In particular, it is little wonder that the local retail economy is struggling when so much money has been taken out of the economy through massive increases in the cost of utilities. There has been a massive \$700 tax imposed on all Western Australian families by this government, and to make matters worse, the government plans to continue increasing fees and charges, causing more pain for Western Australian families in the forward estimates. Recall, members, that this is the government that got elected on the promise of no new taxes, yet it is the most massive taxing government the state has seen in some considerable time.

Several members interjected.

**The DEPUTY SPEAKER:** Ministers, thank you!

**Dr D.J. HONEY:** I believe that many members opposite, not most, think that these fee increases are just fine and that families can easily cope. I know there are members opposite who do understand that families struggle. I know that the member for Pilbara has a good empathy for people who are doing it a bit tough. I know that the member for Murray–Wellington cares about people who are doing it tough, as does the member for Balcatta. I know that the member for Armadale has a special empathy for people who are doing it tough. Being in an adjacent electorate, I have been to a number of events with the member for Fremantle, and I know that she has an empathy for people who do it tough, but it is quite clear that many members of the government do not care. Members who take an interest in their local communities understand that for many families the increases in fees and charges are insurmountable. They are not just trivial increases and they are not just a few spare dollars that people have; they are insurmountable increases. That is especially the case for families in the outer suburbs who are struggling on a number of fronts. Small business has not been spared the pain either with the large increases in utility charges. In WA today there was an article just a couple of days ago entitled “Massive electricity cost blow-out hits WA small businesses” that outlines the whole issue of fees and states that increases in the base electricity charge have led to massive increases in fees.

**Mr M.P. Murray** interjected.

**Dr D.J. HONEY:** Member for Collie–Preston, there has been a 236 per cent increase in the supplier charge portion of Synergy's L1 tariff for small businesses. That is a massive hit on the small businesses in Collie. The member for Collie–Preston has pointed out to us how tough things have been in Collie from time to time. I know Collie. It is on the way between my mum's house in Harvey and our family farm in Cranbrook. I know a lot of people in Collie do it tough, and those businesses in Collie have been knocked for six with those increases in charges.

It is a really simple equation of these fees and charges. I am sure the Treasurer, who is a very bright spark, has the capacity to understand this, but —

Several members interjected.

**The DEPUTY SPEAKER:** Members, that is enough. Minister, do not go there. Deputy Leader of the Opposition, that is not helping your member who is on his feet.

**Dr D.J. HONEY:** As I have said, I am sure the Treasurer has the capacity to understand this, but, equally, he appears to choose to ignore it. If the government is pulling money out of the domestic economy through increased fees and charges, families have less money to buy goods and services, and that affects the local economy. That affects small businesses that suffer with reduced customer spend. In the best of circumstances, those increases in fees and charges could result in a decrease in discretionary expenditure; however, we are increasingly seeing a growing problem of families having to sacrifice essential expenditure to pay for government fees and charges.

That is certainly the feedback we are getting from the not-for-profit welfare agencies. We are seeing a major hit on retail sales. I get around. In this role in particular I make a point of asking retailers how they are going and how their business is going, because I hope they are improving. Those retailers tell me pretty well universally that this is the worst economic time they have seen, and they are talking decades—not a year, not a couple of years, not a month. It is the worst retail setting they have possibly seen and experienced, and, as a consequence, we are seeing a massive number of shop closures.

**Mr M.P. Murray:** You do not see any of that as your legacy?

**Dr D.J. HONEY:** Member for Collie–Preston, when a government is pretty well two years into its term, blaming the previous government loses its impact.

**Mr M.P. Murray** interjected.

**The DEPUTY SPEAKER:** Members! Member for Cottesloe, if you address the member across the chamber, you are bound to get a response, I might point out, so can you not address members; could you speak to the Deputy Speaker.

**Dr D.J. HONEY:** Thank you for your direction, Madam Deputy Speaker.

**Mr M.P. Murray** interjected.

**The DEPUTY SPEAKER:** Minister!

**Dr D.J. HONEY:** The fees and charges that the government has imposed on the people of Western Australia are simply compounding a range of negative impacts on families. I have pointed this out before, but it appears that the government needs reminding: over 80 000 people are unemployed and house prices are dropping, and I will talk a little bit more about that. There are 33 per cent of families with mortgages suffering mortgage stress, which means they are paying more than one-third of their income on their mortgage each month. Again, that is something that the media and the community are all too aware of. An article that appeared on news.com.au on 19 November is entitled “Report reveals suburb struggling the most from mortgage stress”. The member for Wanneroo does not happen to be in the chamber at the moment, but in Wanneroo almost 7 500 homes are in mortgage stress—that is just in the City of Wanneroo, not the electorate of Wanneroo—and 298 homes are on the brink of default; they are likely to default. That is almost 300 homes just in Wanneroo that are likely to default. We have seen a substantial drop in property prices. Across suburbs represented by government members such as Armadale, Ellenbrook, Midland and Wanneroo, there has been on average a drop in the price of homes of over 20 per cent. Some government members may not particularly care, but those families care, because they lie awake at night worrying themselves sick about it. There has been a significant restriction in the availability of housing finance and also an increase in the cost of housing finance. Many households have seen a reduction in household income, and those members with an association with the mining industry would know that pretty well all mining contractors have seen a reduction in their incomes. A very large number of shiftworkers have seen a reduction in their shift penalty rates. That is because those businesses have to reduce costs. However, that has meant that household incomes have not only not gone up in many cases, but also have gone down. Houses in the outer suburbs are predominantly occupied by young families.

I have greatly enjoyed a couple of things this year, one was welcoming the member for Darling Range into this house, an outstanding member of Parliament. I was pretty keen that the member for Darling Range was elected and I had a chance to talk to the electors in that electorate. I can tell members what a revelation that was because those people, predominantly young families with kids, are worried sick because their house values have dropped so much. Many of them who bought houses in the last five or six years have been on interest-only loans and now they have to pay back both interest and principal, and that has increased the percentage of the family income that has to go on the mortgage against, as I have said, reduced income in many cases. Many families are being forced to make the most unpalatable choice to sacrifice critical expenditure because they have to pay their mortgage; otherwise, they inherit a huge debt that they cannot possibly pay back. They also have to pay government utility charges or else their supply is cut off. We have heard a lot of boasting from the government that there has been an apparent reduction in this. I can tell members that the utilities have become ruthless. A constituent who was not wealthy came and saw me about his water bill that was due to be paid on 28 September. On 14 October there was a knock on the door from a Water Corporation person saying that a restrictor would be put on their water supply—just over two weeks after the payment was due—so we are seeing heavy-handed tactics for people who are doing it tough and struggling. Families are making really serious choices. They are even having to choose whether or not to pay those utility fees. They have to have the utilities to keep their families alive. They are even choosing not to feed their kids. They are choosing not to provide food for themselves and their children in a desperate bid to keep their family home and maintain those critical utilities.

**Mr M.P. Murray** interjected.

**Dr D.J. HONEY:** I can tell the member that that is across Perth. Last week I talked a bit about a recent visit to Foodbank headquarters located at the airport. I encourage the member for Collie–Preston and all members to read its report; it is very illuminating on the hardship people are facing across the metropolitan area. There are 6.1 million meals delivered throughout the state. That is the greatest number it has ever had to deliver in its 24-year history. I will talk about the major theme with regard to a visit to another not-for-profit agency.



**Mr M.P. Murray** interjected.

**The DEPUTY SPEAKER:** Would you like some protection, member for Cottesloe?

**Dr D.J. HONEY:** Madam Deputy Speaker, I am happy to let them thrash it out as long as it does not go on for too long.

**The DEPUTY SPEAKER:** You are the one on your feet, so please continue.

**Dr D.J. HONEY:** Thank you, Madam Deputy Speaker.

**Mr M.P. Murray** interjected.

**The DEPUTY SPEAKER:** Minister!

**Dr D.J. HONEY:** In commentary we have heard elsewhere, there is a major concern about the growing demand from the working poor. These are people who have jobs; they are not people living under a bridge. Quite often mum and dad have jobs but they cannot feed their kids because the mortgage, the council rates and the utility fees have gone up. They are the things that have hit them. If we talk to them, they will tell us. We do not have to pull it out of them. That is what the people of Darling Range told us.

The demand for services continues to grow. Here is the most startling statistic I heard during that visit. There has been 44 per cent growth in demand for Foodbank's services. That is almost 100 000 Western Australians, one-third of whom are kids who need to be supported. Foodbank's estimate—this is not my estimate—is that one in five children are now living in a food-insecure household and have gone without food in the past year. I lived in basic circumstances as a kid down in the bush, but I can tell members that I never went without food. One in five homes are food insecure on their estimate and that means they have gone without food in the past year. Foodbank has served 2.5 million breakfasts at over 450 schools. It is seeking government support to bring another 50 schools into that program but it has not received that support. That might be something for members to take into account.

**Mr M.P. Murray:** All kids are invited to have breakfast, not just the ones who cannot afford it, so the numbers are skewed.

**Dr D.J. HONEY:** The number of emergency meals has also continued to rise. Almost 900 000 meals are provided to children who otherwise would not get a packed lunch for school and when there is no means for stressed households to do it. The observation I made at Foodbank is also reported by Anglicare. That was quoted in a recent article in *The West Australian* of 19 November. It states —

A growing number of West Australians are seeking help after plunging into poverty, according to the national social service charity.

By its figures, 17 per cent of Western Australians could not afford the basic necessities such as food and shelter in the past year compared with the national average of 16 per cent. Here we are, nominally the wealthiest state in Australia accounting for 50 per cent of Australia's export income and we have a higher percentage than the national average of homes that are struggling.

[Member's time extended.]

**Dr D.J. HONEY:** I thought an interesting comment from Anglicare, given that the McGowan government is in power and apparently these are the McGowan government's people, was —

“We are not optimistic that people living in poverty or disadvantage will receive any benefit from the recent economic growth in WA.”

They are Anglicare's words, not mine. Earlier this week, along with several of my colleagues, including the excellent member for Darling Range, I had the opportunity to attend the hardship utility grant scheme call centre run by Anglicare in Armadale. I was glad to go down to the member for Armadale's territory.

**Dr A.D. Buti:** Why didn't you let me know?

**Dr D.J. HONEY:** I should have sought a leave pass, member; I will do better next time. The staff there outlined the excellent work they carry out helping people struggling to meet their utility payments. They told us the same story that the Foodbank people told us; that is, they have been increasingly inundated with requests for support, not from people who are unemployed but in fact from the working poor, including from families with one or both parents working. They simply cannot meet their utility bills in significant part because of the substantial increases in the utility bills over the course of this government. Again, they are very dire circumstances.

I want to dwell on the impact of water charge increases on families and the justification for those because there continue to be arguments from the government and the minister to somehow justify the substantial increases by a government that was to have no new taxes. The last budget delivered a 5.5 per cent increase in water charges on top of six per cent the previous year. That hits every family that is getting water provided through government services in Western Australia. The money in the previous budget going back into government from the Water Corporation is completely above the cost of running its service. This is paying all Water Corp's operating expenses and all its

capital expenses. Members may not know that in many government departments, Treasury funds the capital for the organisation, hence departments look for a dividend on capital. In this case, the Water Corporation completely funds its own capital. The money coming back into government is pure profit and pure cash flow. In 2017–18 it was \$831 million. There are about a million households in Perth, so that averages at about \$830 per household, including for struggling families in Armadale, Baldivis and other parts of Perth, coming back into government revenue.

Coming back to government, the Water Corporation, in effect, cross-subsidises country water users, which one would think is a consolidated revenue responsibility. In any case, that is about \$409 million. On top of all of that there is a net cash flow of \$408 million; next year that net cash flow will be \$511 million. As I explained a while ago, that is actually not true. The real tax is the full \$986 million that will be coming in next year. Going forward in forward estimates, that goes up eventually in 2021–22 to \$1.2 billion net cash into government coffers from metropolitan water users. These are families that cannot feed their kids. On average, there will be \$1 200 going from every house into government coffers. That is a massive tax. Over four years, it is a \$4.4 billion tax on families. We have heard various arguments for that, but in fact the Premier was sort of at least a little bit honest on this one, almost admitting that he was taxing households. I refer to a good article in *The West Australian* by Dan Mercer from Tuesday, 13 March 2018, before I joined this place. The Premier is quoted as saying —

“So if we don’t get that revenue from government trading enterprises, we need to get it from taxes, we need to get it from fees and charges and the like.”

As Dan Mercer states in that article —

McGowan effectively admitted the Government was using the Water Corp as a cash cow.

The Premier recognises it; he knows and understands it, but he must know that he is hitting families that cannot even afford to feed their kids.

I have discussed a number of times the false premises that have been used to justify these increases—the so-called “water guzzlers” in the wealthy suburbs. What have we seen? These “wealthy suburbs” are Baldivis, Byford, Joondalup and the like. The fact is that the so-called water guzzlers tax affects a handful—I think about three—of the western suburbs. The great majority of the suburbs that are hit are outer suburbs with large families. These are the people—this is the cruel part—who have also been hit by the reduction in house prices. Some members may know that in the more exclusive suburbs house prices have turned around, but in the outer suburbs house prices are still going down, so these people are just getting belted over the head from one side to the other.

I want to look a little further into the claim that these charges are necessary to reduce water use. It is really interesting to look at the data around that. The Water Corporation is a pretty up-front organisation and it has said that water is price inelastic—that is, if you increase the price of water, it does not reduce usage very much. Why? It is because people have to use it, and people are getting down to a minimum. The real point is that the people of Perth have been extremely responsible with water use—not because of price, but because of the outstanding advertising campaign that was run by the Water Corporation. I think all members would remember vividly—I do—the cute little frog jumping around, telling people, “Hey, save water. Hey, look after me.” People have been doing that; people have been saving water. There was a target to reduce water usage down to around 120 kilolitres per person by 2030. Guess what? We have already achieved greater savings than that, so the idea that people are using more water is completely false. In fact, people are using significantly less water—not because of price, but because of the social campaigning, in much the same way that people are smoking less because of the excellent public anti-smoking campaigns. The government is looking to increase those prices even further.

The other justification the government uses is that the Liberal government was going to increase those prices by even more. We have said on a number of occasions that that is simply untrue. In fact, it goes as close as it can go to being a lie. Do not take my word for it, and do not take the word of the former Treasurer, now the Leader of the Opposition, for it. I refer to the November 2017 Economic Regulation Authority report “The efficient costs and tariffs of the Water Corporation, Aqwest and Busselton Water”. I quote from the report’s introduction —

On 21 October 2016, the former Treasurer of Western Australia —

The current Leader of the Opposition —

tasked the Economic Regulation Authority (ERA) to undertake an inquiry into the efficient costs and tariffs of the Water Corporation, Aqwest and Busselton Water. The inquiry is for the five year review period beginning 1 July 2018 and ending 30 June 2023.

Here is the important part, members —

This inquiry will inform the State Government’s setting of service tariffs for the five year period starting from 2018–19.

That is exactly what the Leader of the Opposition has said. It is a complete nonsense to say that the previous government was going to increase the prices by six per cent. That was the previous forward estimates; the Treasurer at the time recognised that the Water Corporation was moving into over-recovery and initiated this study so that

there would not be over-recovery of water charges. That is made quite explicit in the report. The report notes that the over-recovery will represent about \$400 per household—that is, \$365 million, mostly for the wastewater services, which is the larger part of that, and then the other parts. However, if we look at the basis of the cost recovery, we realise why we get all that extra money. What is the difference between the \$358 million and the \$830 million or more going forward that is going into government coffers? The reason is that the ERA report includes an illusory return on capital and an illusory tax equivalent. This is a government monopoly and is not contestable, so in fact those things are all nonsense. Government monopolies do not pay tax; in this case, they fund all their own capital and all their own expenses within their internal operating budget. There is no return on capital. Government does not require a return on capital as it does from other departments that are funded from Treasury, so, in fact, it is a net profit going into government. The report also points out—this might interest the member for Vasse—that Aqwest is over-recovering by 7.6 per cent and Busselton Water is over-recovering by 11.7 per cent, and it recommends that both those authorities should reduce their water charges, not increase them, as they are.

The clear observation from this analysis is extremely simple: the McGowan Labor government is happy to bask in the positive benefits of matters outside its control, including the substantial increase in commodity prices that has occurred recently—for example, iron ore going from \$35 up to now about \$77, and, of course —

**Ms S.F. McGurk:** It's down again.

**Dr D.J. HONEY:** It will have to go down a long way to get to that, will it not, member? There is also the enormous \$4.7 billion GST windfall from the federal Liberal government. However, the state government's mismanagement of the state economy and its heartless fees and charges increases are causing real harm to the economy and the families of Western Australia. The justifications for those increases are bogus and we all know what it is: it is simply a ruse to cover the government's unfunded election promises, particularly around Metronet. The government has done enough damage to the domestic economy in its first two years in government, and it needs to learn from its mistakes and stop these unnecessary imposts on Western Australian families.

**The ACTING SPEAKER (Ms J.M. Freeman):** The Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services.

**Ms L. Mettam:** Minister?

**MS S.F. McGURK (Fremantle — Minister for Child Protection) [5.18 pm]:** That is what I am; that is right. We get to respond to all these things you slam across the chamber.

I am keen to speak to this motion because it riles me that the opposition is trying to establish this case—although I am yet to see it actually established in debate on this motion so far—and condemn the McGowan government for failures in delivering on its election promises, cuts to frontline services, cost-of-living increases and failure to be open and accountable. I am the lead speaker for the government in this debate and I want to address some issues. The portfolios that I have responsibility for—child protection, prevention of family and domestic violence, community services —

[Quorum formed]

**Ms S.F. McGURK:** It is astounding that this is the second time that the opposition has called a quorum during private members' business. I do not know whether the opposition understands that if the house does not achieve a quorum, we go home and its private members' business is suspended, so it is not usually considered a particularly smart move, strategically. Nevertheless, the opposition persists.

**Mr M.P. Murray** interjected.

**The SPEAKER:** Minister, shush!

**Ms S.F. McGURK:** As I was saying, I am frustrated because for eight and a half years there was very little proactive action on the part of the Liberal and National Parties in the portfolios that I have responsibility for, particularly in combatting family and domestic violence. At the same time that royal commissions were being conducted in Queensland and especially in Victoria, where there was a very high-profile and in-depth royal commission into domestic violence, and when Rosie Batty, Australian of the Year, rightly brought incredible national focus to the issue of domestic violence in our community, there was for eight and a half years a stunning silence on the part of the Liberal–National government in this state. In fact, famously and memorably, when I asked the then police minister, also the then Minister for Women's Interests, the member for Scarborough, a question about domestic violence services, she said that it was not her responsibility and that she was not across any of the issues in relation to domestic violence.

**Mrs L.M. Harvey:** Were you asking about my responsibility outside my portfolio? Don't mislead the house.

**Ms S.F. McGURK:** That is what she said, notwithstanding that she was the then police minister and Minister for Women's Interests.

Several members interjected.

**The ACTING SPEAKER:** Okay, we have had that bit now. Member for Carine, you do not need to enter the debate, and neither do you, member for Armadale.

**Mr A. Krsticevic** interjected.

**The ACTING SPEAKER:** Member for Carine, you have just been called for the fourth time. I am on my feet. You are out of here—you are! I am sorry. I did not look, but you know not to speak when I am on my feet. I will check whether I can withdraw that on the basis that you will now not say one more word. I am informed that it is up to my discretion, if you say one more word, especially when I am on my feet. Let us move on with the debate.

**Ms S.F. McGURK:** I was drawing attention to the lack of understanding and action on the part of the Liberal and National Parties on family and domestic violence issues and the example of the then Minister for Police; Women's Interests admitting that she had no responsibility for an issue and a number of other failures, particularly by the then Attorney General in this policy area. I understand that the then government did not have a dedicated minister in the area.

The Liberal and National Parties' lack of action on social policy, particularly for domestic and family violence, needs no better illustration than the debate going on in the other place at the moment. We have introduced a bill to make changes to residential tenancy laws that will improve the position of victims of domestic violence. It will make sure that those laws are strengthened and that there is more understanding when victims of domestic violence need to break their tenancy agreements because they are victims and the situation they are in is not their fault.

**Mrs L.M. Harvey:** That law was brought on for debate at nine o'clock last night. It's been in the other place since June.

**Ms S.F. McGURK:** I am explaining what those changes are. The bill was debated in this place and one change was proposed, which was a review of the act, and that was accepted by the government in principle as the bill went to the other place. We had an agreement that in the other place a bill would go to the Standing Committee on Legislation to be examined, which it did in due course. The government accepted all the recommendations of the legislation committee and members on the other side of this house gave a commitment that the bill would go through the Legislative Council by the end of today so it could come before this house to ratify any changes before the end of the parliamentary year. Notwithstanding those commitments by the Leader of the Opposition and other members of the Liberal and National Parties on the other side of this chamber, we now find that the Liberal and National Parties support further amendments in the Legislative Council that in the government's view will significantly water down that bill and those protections that the bill is seeking to give to victims of family and domestic violence. What good is the commitment given by members of the Liberal and National Parties, particularly in this place, about the passage of bills before the end of the parliamentary year when bills go to the other place and those commitments mean nothing? What sort of party organisation does the opposition run when those commitments mean absolutely nothing?

This morning close to 100 people gathered at Government House, including parliamentary leaders from both sides of Parliament, community leaders, business leaders, service providers, sporting leaders and Indigenous leaders. The Deputy Leader of the Opposition was there representing the Leader of the Opposition. We stood together saying that we reject family and domestic violence, we reject violence against women and we will stand in the 16 days campaign to do whatever we can to stop domestic and family violence. The Deputy Leader of the Opposition did that in the morning, but in the afternoon is allowing her counterparts in the other place to frustrate a bill that would strengthen residential tenancy legislation. It is absolutely shameful. You are a rabble—you are an absolute rabble!

Several members interjected.

**Ms S.F. McGURK:** The opposition gave a commitment that that bill would be back here before the end of the parliamentary sitting day today so that we could pass that legislation, but now we are hearing all sorts of excuses. I think one reason that the bill is being frustrated in the other house is that Hon Michael Mischin was a little miffed at the way my cabinet colleague, Bill Johnston, the Minister for Commerce and Industrial Relations, treated him at a polling booth. I think he believes that a little bit of disrespect was shown to him at a polling booth. That is the level of maturity of people on the other side of this and the other place.

I make no comments about the amendments that are being moved. Maybe they are being moved in good faith; I do not know. I am in here on my feet so I am not a part of those negotiations, but in the view of the commerce minister and in the discussions that have been reported to me, the government cannot support those amendments. They were not flagged in the lead-up to the debate of the Residential Tenancies Legislation Amendment (Family Violence) Bill. That is the bone fides of those on the other side of the house, and the rabble they come up with when trying to represent the opposition. The Liberal Party should get its house in order, talk to its members in the other place and get them to support a reasonable bill that will strengthen residential tenancies.

**Mr I.C. Blayney** interjected.

**The ACTING SPEAKER:** Member for Geraldton.

**Mr I.C. Blayney:** Apologies.

**The ACTING SPEAKER:** Thank you, member for Geraldton. The first time, you get it out. The second time, you get it out. By the fourth time, it is pointless. I gave you leeway. Do not continue.

**Ms S.F. McGURK:** I wanted to quote one of the stakeholders in the family and domestic violence area, Anne Moore, the CEO of the Lucy Saw Centre and president of the Women's Council for Domestic and Family Violence Services. Anne Moore said on ABC Drive in October this year —

We are fortunate that Minister McGurk and the McGowan government have actually got a commitment to domestic violence and clearly they understand fully what the impact of losing this —

The interview was about Keeping Women Safe in their Home funding —

at this very time would mean, because we do have families in desperate need.

So they —

That is, the McGowan state government —

have agreed to prop up this funding in the short term and I absolutely thank them for that. It shows that their commitment is front and centre and [they] really understand the importance of services to families affected by family and domestic violence.

I thank Anne Moore for the generosity of her words to this government. We have worked shoulder to shoulder with the sector on these policy issues, trying to understand its priorities before the election and then moving ahead to implement some of those commitments while in government. That is in contrast to the Liberal–National Parties on the other side, who have failed to stand up when their federal counterparts stopped funding for Keeping Women Safe in their Home. We heard not a murmur, not a peep. We heard not a peep from the opposition when there were cuts to Foodbank. Not a word was spoken in this place from those opposite. We heard not a peep when there were cuts to remote Aboriginal housing. There was not a peep from the National Party at all.

There is still time for opposition members to communicate with their colleagues in the other place, do the right thing and get those residential tenancy changes through before the end of the parliamentary year so that women and their children who need protections in residential tenancies will have the protection of the law and those changes will not be frustrated for more than three months because of the end of the sitting year.

That commitment to consultation with the community sector, the not-for-profit sector, and working with them to understanding their priorities, characterised our activities before the election. We went to them as a team before the March 2017 state election and consulted with them about their priorities and what they wanted from us in government. Through those consultations, in the portfolios of community services and prevention of family and domestic violence, we developed the supporting communities policy and the policy to address high levels of domestic and family violence in our state. People would know that as a result, we have a package that we are in the process of implementing, which includes appointing a dedicated minister for the prevention of family and domestic violence and introducing paid leave for public sector workers, which is now being utilised, as distinct from the Liberal and National Parties in government at a state and federal level, which have resisted providing that sort of support for employees in the public sector and also in the private sector through Fair Work Australia at a federal level.

We committed \$8.3 million to establish two additional women's refuges. Those two projects will commence shortly. We have reinstated and expanded financial counselling services, with an extra \$7.4 million in funding. We committed to do that and we have done it. We have provided state government funding to the RSPCA to support a pets in crisis program. We committed to do that before the election and we have done it. We have joined the national Our Watch program, which will enable the state government to leverage support through partnerships and access research. We committed to do that before the election and we have now done it. We are investing nearly \$1.7 million to expand existing culturally appropriate services to Aboriginal and culturally and linguistically diverse victims of family and domestic violence. We have committed to establishing an additional breathing space and behavioural change services for male perpetrators of domestic violence. Also, through the supporting communities policy, we committed to working with the community services sector to maximise opportunities to deliver quality services by building relationships based on partnership, collaboration and respect. We have established the supporting communities forum to ensure that we not only implement the policies that we took to the election, but we do so in genuine partnership with the not-for-profit sector. The forum convenes four times a year and reports regularly to the Community Safety and Family Support Cabinet Sub Committee. It consists of senior leadership from government, directors general, and 14 leaders from the community services sector, and has worked on important policy areas such as an outcomes framework for tenders in the community services sector and a significant package of change in procurement policies. We have reported to the Parliament before that around \$1.6 billion is procured per annum by the state government in community services. That procurement is now governed by a policy delivered by the Minister for Finance but put together jointly with the community services sector for five-year default contracts, working towards common reporting frameworks across government agencies and a co-design process. They are the sorts of policies that we are working on with the community services sector. We asked the sector before the election what it wanted out of a state government. It raised a number of those issues. We took those issues to the election. We are now delivering on those election commitments.

We also took an initiative to the election called Target 120, an early intervention juvenile justice policy that we are in the process of putting together and delivering. We have announced that sites will be located in Armadale and Bunbury, and announced funding of \$20.5 million in the 2018 budget to start this program. It is collaborative, targeted and flexible. It is early intervention work and it will provide young juvenile offenders and their families with coordinated and timely access to the services they need. It is estimated that support provided to a young person and their family who have had multiple contacts with justice and other departments costs more than \$2 million over a young person's life. Not only are we hoping that with coordinated, strategic intervention at early points for young offenders, we will see effective outcomes for those young people and hopefully change their life trajectory, but also that we can put the important data analytics work behind that effort to assess the effectiveness of our interventions and prove up the business case that shows that that early intervention is money well spent from a public policy point of view. I thank the members from this side, including the Attorney General and the member for Armadale, who did some of the policy work leading up to the election for Target 120, and also the community members who are very invested in making sure that we bring our best and most innovative social policy applications to those young people who deserve our best efforts.

Another policy that this government took to the election was a commitment to increase the proportion of women on government boards and committees to 50 per cent. We will meet that commitment by the end of 2019. In order to meet that commitment, in September 2017 we launched the OnBoardWA website to enable members of the public to express their interest in sitting on government boards and committees. That has attracted enormous interest from members of the public. I think close to 1 000 people have nominated on that website, about two-thirds of whom are women. The other innovation that we have attached to OnBoardWA is to also make available to the not-for-profit sector and community sector the pool of people who have expressed an interest in contributing their expertise in governance. If a community organisation has a vacancy for a local charity, women's refuge or homeless person's organisation, it can advertise that vacancy to the people who have registered with OnBoardWA and the benefit of that professional expertise can flow back to the not-for-profit sector.

I am very proud as Minister for Women's Interests that women comprise almost 47 per cent of government boards and committees, up from 43 per cent. Of course, the challenge in government is that many of these appointments are not in the government's control. For instance, we have to rely on local governments to nominate people for Development Assessment Panels. Therefore, we are continuing to work very hard with those other nominating organisations. We have also been working very hard to not only talk about the importance of gender equity, but also walk the talk. I am very proud of the commitment we have made towards meeting our election commitment to increase the number of women on boards.

It riles me to hear the other side talk about our failure in delivering on election promises, cuts to frontline services, and cost-of-living increases, in the shrill way we have heard so far and often hear in this place. One of the commitments we made leading up to the election was around budget repair. The Premier was very clear as Leader of the Opposition, and he is very determined now as Premier, along with all members of cabinet, led by the now Treasurer, not to saddle future generations of Western Australians with crippling government debt, to work towards removing the government deficit, and to have responsible financial management. That is important. In fact, this issue came up in the debate earlier about corrective services. The Minister for Corrective Services reminded members on the other side about the cumulative savings that the Liberal-National government had locked into the budget from 2015 to 2019. In corrective services, the cuts to frontline services were in the magnitude of 9.6 cent, or the equivalent of \$96 million. In the WA Police Force, the percentage was 4.4 per cent, or over \$63 million. That was already booked as savings in the forward estimates in the Liberal-National government's previous budgets. Incredibly, during that debate, members on the other side yelled out and said, "You've had two budgets. You could have corrected that." However, those cuts were already built into the budget. We cannot correct that and also meet our election commitment of budget repair. We simply cannot repair the incredible hole that the former government has left us in. We only need to look at the figures that the former government booked in for accumulated savings. In child protection and family support, which now forms part of the Department of Communities, an eight per cent cut, or over \$55.5 million, has already been booked in savings in the forward estimates; in health, the cut is \$237 million; and in education, the cut is over \$94 million. Therefore, it is really galling that the opposition would say that we need to not only repair the deficit, but also book the savings that it had accumulated in the budget.

That particularly frustrates me because of the huge amount of engagement that I get in my portfolios of community services, child protection and family and domestic violence from the not-for-profit sector and community organisations in working jointly with our government to try to address the entrenched disadvantage in these areas. I accept the statistics that the member for Cottesloe outlined about the level of food insecurity in our state and the level of hardship that people face at various times. However, this did not arise overnight in this state. It is incredible to not bring into the frame and analysis of what is happening with household budgets in this state the role of the federal government in providing for low-income households and for working people in the form of family benefits and the like, and, most importantly, for people on fixed incomes. I note that the Western Australian Council of Social Service in meeting the needs of its membership is running a Raise the Rate campaign, as I think its federal

counterpart, the Australian Council of Social Service, has done as well. A commitment has been made by the Shorten Labor team to do a proper review of Newstart to see whether people should be able to not only live on Newstart but also apply for work, which is what we want people to be able to do.

The McGowan government understands the hardship that people are experiencing. It understands that it is one thing to address people's immediate needs. The needs of people suffering financial hardship should be responded to with the provision of immediate services, and our government is certainly doing that in family and domestic violence, homelessness, and a range of other services. However, we also need to take a strategic approach to address that disadvantage in the long term. That is why we are using the Supporting Communities Forum to make sure we apply the best thinking to addressing homelessness, for example; that we approach our interventions in a measured and strategic way; that we use evidence-based programs to track the effectiveness of our interventions over time; and that if those interventions are not working, we are prepared to pull back and work with the sector to redesign and recalibrate our effort in a more effective direction.

That is the approach we have taken with both the hardship utility grant scheme and financial counselling. I remember when the previous Liberal-National government cut all financial counselling services in the metropolitan area —

**Mrs L.M. Harvey** interjected.

**Ms S.F. McGURK:** It did. It removed it. The member for Scarborough winces. It must be quite painful to think about not only what an incredibly heartless act that was, but also what an incredibly stupid political act that was.

**Mrs L.M. Harvey:** We reinstated it.

**Ms S.F. McGURK:** The former government reinstated half the amount, not the full amount. That was after an incredible political backlash. Blind Freddy could see, and the average householder could see, that that was a very short-sighted move on the part of the government. If we assist people when they are starting to experience financial stress, we enable them to keep their car so that they can get to work, keep a roof over their head, keep their kids at the same school and the like. That is why financial counselling is important. We committed to reinstate not just half of it, but all of it, which we have done in the metropolitan area.

One of the other changes that the previous government made—I understand that this was done in consultation with the community sector—was to decouple the references to financial counselling before people were eligible for the hardship utility grant scheme. Previously, to apply for HUGS, people had to go to financial counselling first. When the government reinstated 50 per cent of the funding for financial counselling in the metropolitan area, after the backlash that I referred to, it also decoupled that relationship so that people could go directly to the utility and ask for financial counselling. That enabled the utilities to apply their own criteria for hardship, but that is when we saw an incredible increase in the utilisation of the hardship utility grant scheme. It has taken some reining in now, and the commitment by this government was initially for non-concession cardholders, but, as of next financial year, all applicants for hardship utility assistance will be required to go to financial counselling. I think it is not only an important check of the bona fides of the clients' hardship, but also an opportunity to link them with other services. I note the interest of opposition members to go to the HUGS phone service centre.

**Ms A. Sanderson** interjected.

**Ms S.F. McGURK:** Yes, that is right. It felt a little cynical to go out there and talk to people. It might have been a political opportunity that motivated members rather than an attempt to understand those people in hardship. I do not know how many times the member for Cottesloe has been out to Armadale or whether his car blew a gasket on the way there. It must have been a challenging journey for him.

The sort of work that is being done by UnitingCare West, Anglicare and the Financial Counsellors' Association of Western Australia in coming together and having good databases of clients' data and good back-end training for staff and really understanding what is going on with financial hardship in this state is to be commended. As a minister—I know I also speak for my colleagues with ministerial responsibility for some of these areas—I want to work in partnership with those service providers to fully understand what is going on with their clients and to give people good assistance. The analysis of the financial hardship counselling service centre showed that it was able to link people with not only financial counselling and hardship utility grants, but also other services that they might need, whether that was drug and alcohol services or mental health assistance, so that people could get on their feet. We need to provide a suite of services when people seek assistance and not expect that they can traverse their way through the myriad government and not-for-profit services that might be available.

As I said, I am very proud of the work that we are doing in partnership with the community sector to address those people in the regions, the metropolitan area and rural and remote areas who are experiencing hardship or stress, such as homelessness, domestic violence or financial hardship. Underpinning that approach has been meeting our election commitments. We take those responsibilities very seriously. It has been the McGowan government's modus operandi since taking office in March last year. We understand that we need to bring the budget under control, and we have done that in a careful and thoughtful way while not cutting frontline services. I know that

there have not been cuts in frontline services for child protection, police or corrective services. That has not been easy, but it is something that we have committed to do. We will continue to work with the community sector to fulfil our significant election commitments not only on infrastructure and capital spend, but also to ensure that the budget is under control and managed so that we can provide the sorts of supports and services that our community needs and deserves throughout our term in office.

**MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition)** [5.55 pm]: I was not going to speak on this motion but I feel compelled to do so after listening to the minister's contribution. First of all, I want to address the accusation that the Liberals in the Legislative Council are holding up the Residential Tenancies Legislation Amendment (Family Violence) Bill, which will protect victims of family violence. Members opposite forget, conveniently, that this was an election commitment of the Liberal–National government prior to the 2017 election. We said that we would work with the real estate industry on amendments to tenancy laws that would better support victims escaping family violence. The amendments would allow a magistrate dealing with family violence restraining orders to also address matters of residential tenancy. Matters that could be addressed included adding a victim to or removing a victim from a lease, assigning liability for rent and damages—for example, 100 per cent of the cost to the perpetrator instead of requiring a 50–50 split if the tenancy is jointly held—and permitting the changing of locks without having to wait for a landlord's permission, with the requirement that the landlord is provided with a copy of the keys. That was our election commitment. It was supported in the party room. The legislation passed through this place without amendment. The government needs to understand that the Legislative Council is being run in a chaotic fashion. The legislation went from the Assembly to the Council on 28 June.

Several members interjected.

**The ACTING SPEAKER (Ms J.M. Freeman)**: Let us not start; let us hear it out.

**Mrs L.M. HARVEY**: We went into recess and then Parliament resumed, and the legislation was brought forward for debate and referred to a committee of the Legislative Council on 17 October by the Leader of the House in the other place, Hon Sue Ellery. That was not done by the Liberals; that was done by the Leader of the House. The committee report has come back, but the debate has languished. The amendments recommended in the report were not brought on for debate until 9.00 pm last night. Hon Sue Ellery needs to understand that the Liberals have nine members in the Council. The government has 14. That leaves 13 members of the crossbench parties, including the Greens, with whom the minister needs to negotiate. The Shooters, Fishers and Farmers Party member, the Liberal Democrats member and the One Nation members in the other place do not sit in the Liberal Party room. We do not control them. In actual fact, it is to Hon Sue Ellery's benefit that Hon Peter Collier in the other place liaises with the crossbench to get legislation through. Hon Sue Ellery has a bullish way of dealing with people. I will give members an example. Last week the urgent legislation for the National Redress Scheme that the Attorney General brought forward in this place came on for debate in the other place. Hon Robin Scott needed surgery on his shoulder. He had a valid contribution to make to the debate on that legislation, including changing the requirements for a victim being able to access criminal injuries compensation after receiving a payment from the redress scheme. We think that is a really good thing. We were supportive of that, and indeed it was apparent that we would be the only state in Australia that disallowed victims who had received redress payments from accessing criminal injuries compensation. Hon Peter Collier, on behalf of Hon Robin Scott, went to Hon Sue Ellery and asked her to either pair Hon Robin Scott or bring forward the betting legislation so that the house could complete the redress legislation when Hon Robin Scott came back from surgery. He was sick. She said no. She wanted to push the legislation through as a priority. The house brought on the betting legislation, and Hon Michael Mischin and Hon Nick Goiran, at the request of Hon Robin Scott, kept the debate going on clause 1 of that legislation for many hours, and wore the minister down. What did we see as a result of that? We saw the Attorney General understand and appreciate that the amendments Hon Robin Scott, the Liberals and the crossbench in the other place wanted to make were good amendments. After Hon Sue Ellery argued against these amendments for days, Hon John Quigley accepted the amendments they wanted, and the legislation went through.

That is the sort of time wasting that happens up there because of the bullish behaviour of Hon Sue Ellery. That is the issue that this government has to deal with. It must teach Hon Sue Ellery how to pick up the phone and talk to the Shooters, Fishers and Farmers Party, One Nation and the Liberal Democrat members, and ask what their interest is in this legislation, and what amendments they are proposing. She should ask to work with them and find a way to facilitate this legislation through the Council. Hon Rick Mazza, the fisher and shooter in the other place, had some valid issues with the legislation. We do not control Hon Rick Mazza, but he said to us that he was a democratically elected member of this chamber and he had issues with an aspect of this legislation. Did he have any negotiations with Hon Sue Ellery? No, he did not. Hon Peter Collier has been trying to negotiate with her, and for the information of members, an agreement has been struck between Hon Peter Collier and Hon Sue Ellery. Mind you, the attempt to reach that agreement has come from the opposition to the government, not from the government to the opposition. The opposition has agreed that the legislation will be passed by 3.00 pm tomorrow, so that it can come through this house and become law, so that the minister can make her announcement during the 16 Days in Western Australia to Stop Violence Against Women. We are helping the government with that.



I resent absolutely the government branding the Liberals in the other place as people trying to hold up this legislation, when it was our election commitment anyway. We agreed to it, and facilitated its passage through this house. If the government had prioritised it, why was it not brought on for debate in August, when Parliament resumed? Why not in September or October? Why did the government wait until 9.00 pm in the last sitting week of the Legislative Assembly to prioritise this legislation in the Legislative Council? Do not go blaming us when Hon Sue Ellery's mismanagement of business in the other place causes this legislation to come precariously close to not being passed by the end of the parliamentary year. It is not our problem. We are nine; we do not control the order of business in the other place—the government does. The government can take responsibility for prioritising its own legislation, and stop blaming the Liberals when we have valid concerns, and valid amendments, many of which, I might add, have been picked up by the government and agreed to.

The other issue I want to address is the minister's accusation that the Liberals did nothing on family violence when we were in government. Nothing could be further from the truth. In 2015–16, we committed to the "Freedom from Fear: Working Towards the Elimination of Family and Domestic Violence in Western Australia" action plan, which involved the expansion of services and grassroots coordination with people in the Pilbara and the Kimberley to come up with local community-driven action plans. We passed the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016, expanding the definition of family violence to include behaviour that causes fear in the victim, cyberstalking and revenge porn. We ensured that the courts must grant a protection order unless there are special circumstances. We relaxed the rules of evidence to minimise the re-traumatisation of victims during court hearings. We allowed family violence restraining orders to exceed two years. We legislated to give family violence victims notice, and the capacity to be heard, when an offender may be released from prison. We addressed violence against women that harms an unborn child and increased the maximum penalty for unlawful assault causing death from 10 to 20 years' imprisonment. Men who deliberately assault their pregnant wives to cause the baby to miscarry now face stronger penalties because of the actions of the Liberal–National government.

We passed the Sentencing Legislation Amendment Bill 2016, providing strict supervision for serious and violent offenders, including two-year post-sentence supervision orders to enable the supervision of seriously violent criminals, and global positioning system tracking for serious offenders, so that victims and corrective services would know if they are heading in the direction of their victims. We introduced changes to the Bail Act to give a greater voice to victims, including, for the first time in Western Australian courts, a requirement for the courts to take into account the views of the victims when considering whether to release on bail a person accused of a serious offence. We established the first Commissioner for Victims of Crime, and the Victims of Crime Reference Group, which has substantially informed the government's family violence prevention agenda. We significantly increased funding for services to victims, including the child witness service, the victim support service and the family violence intervention service, adding \$3 million over the last four years we were in government.

We improved the justice infrastructure with a massive investment: \$103 million for the David Malcolm Justice Centre; \$52 million for the Carnarvon courthouse; \$41 million for the Kununurra courthouse; \$42 million for the redevelopment of the Kalgoorlie courthouse; and \$5 million for the Fitzroy Crossing courthouse. That allowed for more efficient operation of the courts, and in particular it allowed us to introduce a new family violence list, under which courts could now provide a risk management approach and support more victims. This approach ensures that victim support and other specialties are available at the time cases are listed to provide real-time information on risks and the support required to better protect victims.

We invested in new accommodation and support services for women and children escaping violence, including a new metropolitan refuge and associated outreach services in Ellenbrook with the capacity to house larger families. We did that because there was a shocking murder in the electorate of the member for Carine of a woman by her estranged partner on the front verge of her home. That woman could not find refuge from that violent man because there was no refuge that would accept someone with a large family with both male and female children. We provided for that in our term of government. We provided a support service for women with large families, and women with teenage and other sons. Most of the women's refuges at the time would not take any males. We redeveloped and expanded the Wooree Miya women's refuge in the south east metropolitan area for Aboriginal women and children, and created a new 12-room crisis accommodation and support service at Tuart House in Busselton to provide accommodation for up to six families. We continued the funding of the regional family violence outreach services in the Murchison, goldfields, Peel and Pilbara regions, and we commenced the implementation of the five-year, \$3 million "Safer Families, Safer Communities Kimberley Family Violence Regional Plan" to go from 2015 to 2020. This plan was put together by sitting down with the matriarchs in the community and asking them what they needed to keep their families safe from domestic violence. That was how that plan was put together. We also increased support for public sector workers who experience family violence by requiring government agencies to provide compassionate administration of leave and working arrangements. We reviewed the tenancy laws as part of the government's family violence reform plan and we released an options paper at the end of 2016, which I would suggest largely informed the formulation of the legislation that changes the Residential Tenancies Act currently being debated in the other place at the eleventh hour of the second year of the fortieth Parliament in 2018. The government should not say we did nothing.

The other thing we did with police is significantly increase training of officers around family and domestic violence, providing more opportunities and experiential training for police officers dealing with it, because they are the first responders. Members might remember that, I think, in our first term of government we introduced police violence restraining orders that allow police officers to issue a violence restraining order on the spot, compelling a perpetrator away from the family home and leaving the family to remain in situ and safe, and causing the arrest of that individual should he come back to the house and try to offend against the family. We had the domestic violence co-response groups, which have now been dismantled. They were made up of police, child protection workers and the not-for-profit sector and espoused a case management philosophy around family violence. We know that it is often a repetitive thing in families and we work better if we have housing, child protection and police all in the same room talking about how to best manage some of these individuals. I reject outright the minister's assertion that we did nothing in the space of family and domestic violence when we were in government. We made significant legislative changes. We had a significant legislative reform program over our eight years. We invested in our courts and our police. We added 1 050 additional police officers because we know how time-consuming family violence matters are and what a big proportion of police resources they use. We invested in those co-response units to ensure we got the best support for families.

In closing, I remind those ministers opposite that although they may think that their legislation is a priority, they need to make sure that the hapless manager of government business in the other place also understands it is a priority. Making it a priority means listing the legislation for debate at the first opportunity. If the government really wants to get it through so the regulations can be drafted in a specific time frame, it needs to work with the crossbench members as well and ask whether they are proposing any amendments and let the representative know so advice can be sought from the minister. I can say to members in this house that I successfully worked with Hon Donna Faragher in the other place and the Minister for Transport; Planning; Lands. When Minister Saffioti had her strata reform legislation going through, I worked with her, Hon Donna Faragher and the member representing the minister to ensure that there was a way to facilitate the passage of that strata legislation while still having the controversial part that the crossbench had issues with go to the Standing Committee on Legislation. That is what we did. We did that because I made a commitment to Minister Saffioti that we would facilitate the legislation through. I asked Hon Donna Faragher and Hon Peter Collier what I could do to facilitate the passage of the bill, given that we knew the crossbench was unhappy with a chunk of it. For the first time in the other place every clause of the bill was debated except the ones that were referred to the committee. The committee did a short, sharp report. As soon as the report came back to the Council, the amendments that were suggested were adopted and the legislation passed. It went straight through that place and came back here. We did not even consider the amendments, because we communicated and we knew what was in them. We accepted those amendments and the legislation went through. That is what can happen if communication occurs and the minister in charge of the other place understands what a priority for the ministers in this place means, how to facilitate legislation and how to communicate with the crossbench to get the priorities of government through the Parliament in a timely fashion.

**The DEPUTY SPEAKER:** Minister for Mines and Petroleum.

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [6.14 pm]: This time I will be speaking in my capacity as Minister for Commerce and Industrial Relations, but I cannot let that nonsense stand. Let me make it clear: I am the minister handling the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. I work in a cooperative way with the Minister for Prevention of Family and Domestic Violence. In fact, the minister did the second reading speech for the bill in this chamber. I am proud of the fact that I work so closely with the Minister for Prevention of Family and Domestic Violence.

I just want to make a few things clear. That bill went through this chamber in June and there was a commitment that two things would occur. The first was that we agreed with the National Party to insert a review of the act after five years. I gave a copy of the draft amendment to the National Party and, indeed, to the Liberal Party, when the bill was in this chamber. The second was that we had to resolve a few issues with the Real Estate Institute of Western Australia. I met with the Real Estate Institute of Western Australia on, I think, 22 July, and we resolved all the matters. We worked out we could deal with all the matters it had brought up either through regulation or administratively.

The bill then went to the other house. Given that the Liberal Party supported the bill through this house, I expected it would support it in the other house. However, Hon Alannah MacTiernan, who is my representative in the other house, and Hon Sue Ellery found that when they asked the Liberal Party whether it would support the bill with the amendment promised to the National Party to provide a review after five years, Hon Michael Mischin was not prepared to do so. In fact, he said that if the bill was brought on for debate, it would take ages to get through the other house. Let me make it clear that that is why the government agreed to circumvent that delay by sending the bill to the Standing Committee on Legislation. That committee is bipartisan. Not only that, Hon Rick Mazza substituted with another member to be on that committee, so the Liberal Party, the Labor Party and Hon Rick Mazza, as the legislation committee, reviewed the bill. I, as the minister handling the bill, Hon Alannah MacTiernan, as my representative, and Hon Sue Ellery understood from the Liberal Party that that was then going to deal with all the debate. The bill went to that committee and was reviewed. It was a short, sharp review and, as far as we were told by the Liberal Party, that then meant there would be no debate when the bill got back to the chamber. Let us

not be dishonest in this place and say that the referral to the committee was somehow some invention of the government. What an embarrassing submission from the member for Scarborough. It is a fabrication and she should know that it is untrue. If she does not, it would show that she is not telling a lie but that she is just incompetent.

The bill went to the committee and came back with a unanimous report. The government has adopted all the recommendations arising from the committee report. We got ready to bring the bill on for debate and, again, we were informed that Hon Michael Mischin was not satisfied and that he wanted to again debate the bill. Then we found yesterday that Hon Rick Mazza has put amendments on the notice paper. There was no debate or discussion with the government. The Liberal Party could sort this out immediately by voting against the amendments. Let me make it clear that unless there is some negotiation in the other house before the vote is taken, which I understand will be at 3.00 pm tomorrow, the government in this chamber will vote those amendments down and it will be up to the Liberal Party to decide where it stands. Does it stand with the victims of domestic violence and is it going to support the government's position or is it going to support delay and obfuscation and stand against victims in favour of perpetrators? That will be the choice of the Leader of the Opposition and every other Liberal member in this chamber. I do not get the Liberal Party. The member for Scarborough said that the Residential Tenancies Legislation Amendment (Family Violence) Bill received support in its party room. Why is the Liberal Party voting against it in the upper house? What shambles are members opposite running? Why does the Leader of the Opposition not speak for the Liberal Party? The Liberal Party is about to vote against the legislation in the upper house. That is what an amendment is. It seeks to change the legislation. Not once has any member of the Liberal Party come to me and said why they think the legislation is not satisfactory—not once.

**Mr D.C. Nalder:** Why did you take so long to put it up?

**Mr W.J. JOHNSTON:** I have explained that. Hon Michael Mischin said that he wanted to —

**Mr D.C. Nalder** interjected.

**Mr W.J. JOHNSTON:** You are a disgrace, member for Bateman.

**Mr D.C. Nalder:** A disgrace?

**Mr W.J. JOHNSTON:** Yes. Do you support victims or not?

**Mr D.C. Nalder:** Why has it taken so long? You blame us and you are not even putting it through.

**The ACTING SPEAKER:** Thank you, members. It is getting a bit exciting here.

**Mr W.J. JOHNSTON:** As I said, unfortunately, the member for Bateman had important business elsewhere in the house when I explained. We did not bring it on for debate and referred it to the committee because that was the agreement we had with the Liberal Party to avoid a long debate in the chamber. We did not want it to go to a committee. We agreed to send it to a committee so that on behalf of the Liberal Party —

**Mr D.C. Nalder:** October.

**Mr W.J. JOHNSTON:** You have to be the most stupid person in this building.

*Withdrawal of Remark*

**Mr D.C. NALDER:** I beg your pardon! Point of order!

**The ACTING SPEAKER (Ms S.E. Winton):** Thank you, I ask you to withdraw.

**Mr W.J. JOHNSTON:** I am sorry; I am not quite sure what it was that was unparliamentary. To the extent I said anything unparliamentary, I unreservedly withdraw.

**Mr D.C. NALDER:** It is inappropriate to refer to another person in this house in the fashion he has and he should be forced to withdraw.

**Mr W.J. JOHNSTON:** What was it I did? As I say, Acting Speaker, to the extent I have offended the standing orders, I unreservedly apologise and withdraw.

**Mr D.C. NALDER:** It is not debate.

**The ACTING SPEAKER:** Can I ask you to withdraw?

**Mr W.J. JOHNSTON:** I withdraw.

*Debate Resumed*

**Mr W.J. JOHNSTON:** Let me make it clear, for the benefit of the member for Bateman, the bill did not get called on for debate because Hon Michael Mischin said it would take a long time to get through the chamber. Because we had an agreement with the Liberal Party, we referred it to the Standing Committee on Legislation so the debate could take place in the committee. That was the purpose of the referral. It was by agreement with the Liberal Party. When the committee report returned—a unanimous committee report that included Hon Rick Mazza—we agreed to all the recommended amendments arising from the committee. Now, let me make it clear again, the amendments proposed by Rick Mazza were proposed yesterday with no discussion with the government. The problem is not Rick Mazza moving amendments; it is that the Liberal Party will vote for them. Vote against Rick Mazza's

amendments because then we will have the numbers. The Liberal Party and the Labor Party can pass the legislation without Hon Rick Mazza's amendments. We have this problem because of the Liberal Party's behaviour. If members opposite want to support victims, they should reject Hon Rick Mazza's amendments, and the legislation can come here tomorrow with the committee amendments and we can agree, and that will be the end of it. Let me make it clear, Hon Rick Mazza's amendments will be rejected by the Labor government and I expect that all the Liberal members will vote with the Labor government and that means those amendments will be rejected and the bill will be returned to the other house. What will members opposite do then? The Liberal Party can short-circuit this today. Tell Hon Rick Mazza that they will not support these badly drafted and unnecessary amendments. This is the challenge for the member for Bateman. Does he support Hon Rick Mazza's amendments because the Liberal Party is the one that makes the decision? They do not get away with it like that. That will never happen. This is about you, member for Bateman. Will you support Rick Mazza's amendments? If you say you will not, that is the end of the discussion. The Liberal Party and the Labor Party will vote against them; that will be 22 votes, so it will be all over. The bill will then come here with the committee amendments supported and we can get it done. If it comes here with Hon Rick Mazza's amendments, we will vote against them and it will be returned to the other house.

Let me make it clear: the idea that somehow this is our fault is a fabrication. It is an inaccurate understanding of the way negotiations happen. We are having this problem today because the Liberal Party did not tell the Labor Party the truth. The Liberal Party and the Labor Party in the upper house, through Hon Sue Ellery and Hon Peter Collier, agreed that the bill would go to the committee inquiry so that all the issues could be ventilated; all the interest groups could make their submissions, as they did. My staff went and watched and listened to what was being said and we took account of everything. The committee reported and we have agreed to every single one of the recommended changes. That is not the problem. The problem is not the referral to the committee; the problem is that the Liberal Party is not trustworthy.

**Dr D.J. Honey:** You left it to the last minute.

**Mr W.J. JOHNSTON:** You cannot be that dumb. Let me say it again. We did not call it on for debate earlier because Hon Michael Mischin indicated that if it came on for debate, it would take up a lot of the chamber's time. Therefore, the leader of the Labor Party in the other house, Hon Sue Ellery, and the Leader of the Liberal Party, Hon Peter Collier, agreed that it should go to a committee to avoid a lengthy debate in the chamber. It went to the committee, the committee reviewed it, took in evidence, got every interest group involved, came along, spoke and formulated recommendations for amendments. Those amendments were recommended by the committee in a unanimous fashion—to Labor, to Liberal and to Hon Rick Mazza. It came back to the chamber, and the government said, "We accept all those amendments." The only reason there is a problem now is because the Liberal Party is not sticking to the deal. The deal agreed between Hon Peter Collier and Hon Sue Ellery was that the committee could deal with it. If I knew at that time that the Liberal Party would not stick to its word, I would not have agreed to it going to the Legislation Committee. I genuinely feel betrayed in this matter. This is an important issue.

**Mr D.C. Nalder:** You were part of the discussion.

**Mr W.J. JOHNSTON:** Yes; of course. I am the relevant bloody minister.

**Mr D.C. Nalder:** You discussed it with Peter Collier.

**Mr W.J. JOHNSTON:** No; Hon Sue Ellery discussed it on my behalf. I cannot believe how dumb this is. This is a stupid debate.

*Point of Order*

**Mr D.C. NALDER:** He has already been told about referencing other members in this debate.

**The ACTING SPEAKER (Ms S.E. Winton):** I did not hear the comment. What was the comment?

**Mr D.C. NALDER:** He is referring to members on this side as being dumb.

**Mr W.J. JOHNSTON:** No, I am not. I said it was a dumb debate.

**The ACTING SPEAKER:** I do not think he referenced anyone specifically; it is a general debate.

**Mr W.J. JOHNSTON:** Absolutely. Thank you, Acting Speaker.

**Mr J.R. Quigley:** If the hat fits, wear it.

**Mr D.C. NALDER:** The Attorney General is interjecting and now actually making assertions about this side of the house. I think it is totally inappropriate.

**The ACTING SPEAKER:** It is not a point of order.

**Mr D.C. NALDER:** It is not a point of order?

**The ACTING SPEAKER:** No.

**Mr D.C. NALDER:** You can say what you like by interjection about someone on the other side?

**Ms S.F. McGurk** interjected.

**The ACTING SPEAKER:** Thank you, minister. Are you canvassing my ruling, member for Bateman?

**Mr D.C. NALDER:** I am seeking clarification as a point of order. If I interject, I can say what I like about other members of this house. Is that confirmation of your point of order?

**The ACTING SPEAKER:** No, it is not confirmation of my decision. My decision was that it was a general debate and there was no aspersion specifically made to anyone on the opposition. Thank you.

**Mr D.C. NALDER:** Further to that point of order, the Attorney General said, “If the hat fits, wear it.”

**The ACTING SPEAKER:** That was a general comment. I do not think it was a specific reference to anyone in particular.

*Debate Resumed*

**Mr W.J. JOHNSTON:** Let me make it clear again. This matter does not need to occupy the time of the Legislative Council. It went to the committee because that was the deal we did with the Liberal opposition. There is a problem because the Liberal opposition has not carried through with its deal. Again, I make it clear that we will not accept those amendments in their current form. When the bill gets here, we will vote against them. Let me make that absolutely clear. Those amendments will not pass this chamber; therefore, they will not pass this Parliament. The Liberal Party and the National Party have a choice: do they want to stand with victims of domestic violence or not? If they choose not to stand with the victims, the community will hear about it. That is their decision. Let us get away from this idea that somehow this bill has come on for debate at the last minute because of us. That is not true. It has come on now because the Labor Party agreed with the Liberal Party to send it to a committee so that it did not have to be extensively debated in Parliament. The idea that one cannot take the word of the Liberal Party is going to be a problem. If that is the position of the Liberal Party—that you can do a deal with them, but they will not follow through with the deal—that is a serious problem for the management of the Parliament.

Let me make it clear again: the Liberal Party has a choice. Vote against Rick Mazza’s amendments. Let it tell us now that it is going to vote against them, and then everything will be fixed because, as I said, the Liberal Party told us in this chamber that it supported the legislation. No amendments were moved by the Liberal Party in this chamber, and it supported and in fact went on record as supporting the legislation. It was only when it got up in the other place that we found out there was a problem. Who is the leader of the Liberal Party? Is the member for Riverton the leader of the Liberal Party or not? Is he going to stand with the victims and support the government when we vote against those amendments tomorrow, or is he going to support somebody else and vote against the government tomorrow? That is the problem for the Liberal Party. It thinks that when the amendments are voted on tomorrow, that will be the end of the debate; that is only the end of the debate at this stage in that chamber. When those amendments come back here, we will not be supporting them. Let me make that clear again. What is the opposition going to do? Is it going to vote against the victims?

*Point of Order*

**Mr D.C. NALDER:** I refer to standing order 94. A member’s speech must be relevant to the question under discussion. I look at the motion that is before the house this afternoon in private members’ business and state that this speech by the member for Cannington has no relevance whatsoever to the motion before the house.

**The ACTING SPEAKER (Ms S.E. Winton):** I would tend to suggest that it is a general debate, but given the general comments the Deputy Leader of the Opposition made in this regard, I think I will give the same latitude to the minister.

*Debate Resumed*

**Mr W.J. JOHNSTON:** Thank you very much, Acting Speaker.

I am not going to speak for much longer, but let me make it clear: this is something I feel passionately about. I am fortunate that I did not come from a family that suffered from domestic violence. I am very fortunate in that regard, but not everybody in our community enjoys such fortune. This legislation, which was supported unanimously in this chamber, is about protecting victims. Tomorrow we are going to see the mettle of the Liberal Party, and particularly the mettle of the member for Riverton. Is he prepared to stand by and watch his members in the upper house cause trouble for victims of domestic violence, or is he going to be sympathetic to the victims? That will be a challenge for the Liberal Party. If, tonight or tomorrow—whenever it comes on for a vote—the Liberal Party supports amendments that will make it harder for victims and we have to come back here and vote those amendments down, it is going to be another challenge for the Liberal Party. It is not going to be able to hide behind the petticoats of Hon Peter Collier; it will be opposition members. They are going to be voting on each of those amendments, and what are they going to do? Do they think that just because they vote with Hon Rick Mazza in the upper house that that excuses them from their responsibilities? I am sorry to tell them that it does not.

**Dr D.J. Honey:** What about the Greens?

**Mr W.J. JOHNSTON:** The Greens are voting with us. If the opposition votes with us, the legislation is through, and then we do not have to deal with these problems. This is a choice for the member for Riverton, and I am looking forward to the member for Riverton showing us what he really thinks. Does he support the victims or is he trying to make it harder for the victims? That is what this is about.

The professional advice of the consumer protection people at the Department of Mines, Industry Regulation and Safety is that these amendments are badly formed and will cause trouble for victims. Let us see the mettle of the member for Riverton. I noted the member for Scarborough, the Deputy Leader of the Opposition, today at Government House. She was properly acknowledged by the minister, the Premier and the Governor, so let us see the mettle of members opposite. Do they support the government's desire to fix these problems, or are they going to play a political game and dance with the crossbenchers because it suits them politically? It does not matter how we got here; it is where we go next that is going to be the test for the member for Riverton. I am going to be very interested tomorrow to watch how he passes or fails that test.

**MS L. METTAM (Vasse)** [6.34 pm]: I am very pleased to be able to contribute to this debate and support the motion —

That this house condemns the McGowan government for its failures in delivering on its election promises, cuts to frontline services, cost-of-living increases and failure to be open and accountable to the people of Western Australia in its first two parliamentary years.

In my capacity as opposition spokesperson for tourism, I would like to focus on that portfolio. I draw everyone's attention to comments made by the then Western Australian Labor Leader of the Opposition in the lead-up to the last state election, when he was quoted in the *Bunbury Mail* of 28 February 2017 as saying —

“A McGowan Labor Government will be focused on ensuring tourism is prioritised in everything we do,” he said.

“Our plan for tourism is a real game changer for WA. Tourism is a key component of our plan to diversify our state's economy and create new jobs for Western Australians.

“We want to make WA one of the world's great tourism destinations to provide a boost to our State's economy ...

He was also quoted in WAMN Perth News as saying —

“We are absolutely committed to working with the tourism industry in WA to make our tourism plan become a reality,”

That could not be further from the truth, when we look at how this government treated the tourism portfolio when it came into office. The tourism industry is such an important industry and it became very much part of the state election campaign. As I said, it was front and centre. The McGowan Labor opposition promised that it would be front and centre but the decisions it has made since coming to office have resulted in something quite different.

To start with, we had the loss of a dedicated CEO of Tourism WA. The government diminished the role of tourism, making it just a bit-part in a mega-department in which the tourism budget was overseen by not one minister but five ministers—five!—all competing for their own budget and all competing for their own sectors and priorities in the areas they represent.

After repeated calls from the tourism industry it is pleasing that a managing director has now been appointed to the tourism role, and that is welcomed. However, it still sits under a director general who has responsibility for five different ministers. The position of managing director of this department is buried in bureaucracy. This is a model that has been tried and tested in other states and it has not worked. The minister is obviously aware of these concerns. I appreciate his understanding of the tourism industry, but the frustration of trying to market a state when he is diminished in his role to just a junior minister of what should be such an important portfolio is limiting the capacity of WA to be able to procure events, deal with airlines and, importantly, market this state.

The second failing in the tourism area, and an important one when we are talking about marketing this state, is the reduction in the overall tourism spend. Again, I go back to what was promised in opposition—a promise to prioritise the tourism portfolio area and a commitment of \$425 million over five years. It is understood that the industry welcomed to a large extent the consistent funding of \$85 million for marketing and tourism events. But what was the trade-off? The trade-off was cutting it from somewhere else. The trade-off was cutting it from other areas in the tourism budget, such as from destination development, royalties for regions funding for Aboriginal tourism, visitor centres and regional tourism. We have not seen a growth in spending and spending commitment by this government. Although it spouted much about marketing the state, we have seen the overall budget for Tourism WA decline. It has declined at a time when tourism in this state is doing it particularly tough. I will focus on that in a moment.

In terms of other policy failings, I must underline what has happened in the migration space, or, importantly, changes to the regional sponsored migration program and also cuts to the state skills list, which has been cut from 178 to 18. When compared with other states such as Queensland and South Australia, which have plenty more skills on their lists, members will see how it has removed incentives for international visitors and students—a lucrative tourism market of visiting friends and relatives. The opposition spoke much about the international education sector in the lead-up to the election, and there was fair reason for that. It is a very lucrative market. I heard the then opposition spokesperson for tourism saying that one international student represents five visits and that the education sector supports 130 000 jobs nationally, with 10 000 jobs in WA. But the McGowan government, particularly, has sent a strong signal to those students that they are not welcome in WA. The flow-on effect of that has been dramatic. There has been a 12 per cent reduction in commencements of international students, which has directly lead to a \$52 million cut in direct economic benefits to WA. But when those figures are calculated against the value of those visitors, according to Tourism Australia, the overall reduction, the overall opportunity lost, is about \$138 million.

We know how valuable this sector is to WA. If student numbers had grown at the same rate as those in the rest of the nation, 2 390 more students would be in WA, paying \$168 million in course fees and \$219 million in living costs. Unfortunately, the story for international education in WA is a similar story to the tourism story generally—that is, that this state is falling behind while every other state is growing. Although there has been a four per cent reduction in enrolments, there has been growth across other states, on average by seven per cent, because every other state recognises the value of the international student sector—a \$22 billion sector to the country and one of the third largest exports. The new Western Australian Premier sent a strong signal, telling them to go elsewhere. What a cost that has been.

The McGowan government recently launched a \$200 million plan. It excluded any KPIs or specific targets, because it is very difficult to sell without offering incentives for students to come to Western Australia. Although only 16 per cent of international students migrate to Western Australia or seek interests in that pursuit following studying here, employability is a key factor when considering which state they will visit. In fact, on my figures, 67 per cent—StudyPerth says 80 per cent—of international students value employability as a key factor when deciding which state to study in. It should be no surprise to anyone in this place that we have missed the mark, we have missed the opportunity and have experienced heavy losses not only in tourism, an important area that underpins higher education and the university sector, but also in how tourism supports our economy through economic development.

I touched on the fact that funds had been cut from, and we have seen the removal of, the Aboriginal Tourism Development Program. The Minister for Tourism said that that industry brings in \$43 million and provides 339 jobs. The program was initiated under the former government to help mentor more than 20 businesses. It enabled and supported them to become more market ready. Research says that this is vitally important when supporting the international visitor market, but also international visitor spend, because it supports our visitors to stay in WA longer. Unfortunately, the funding for that program and the future of that program is still very much uncertain. The industry certainly looks forward to some clarity on what will happen in that area next.

**Mr P. Papalia:** Who's the industry?

**Ms L. METTAM:** The people on the ground. Does the minister want me to name names.

**Mr P. Papalia:** Who is the industry that you are referring to?

**Ms L. METTAM:** The Aboriginal tourism sector—operators on the ground.

**Mr P. Papalia:** Who exactly said that to you?

**Ms L. METTAM:** A number of people, and for fair reason. The program has been very successful.

**Mr P. Papalia:** No, it hasn't.

**Ms L. METTAM:** Yes, it actually has.

**Mr P. Papalia:** You attacked us for not getting our share of Aboriginal tourism, and then you claimed that it is a successful program.

**Ms L. METTAM:** I have named a number of reasons why the minister has not got his act together.

**Mr P. Papalia:** You cannot have it both ways; it can't be failing and also have such a great program.

**The ACTING SPEAKER:** Thank you, minister.

**Ms L. METTAM:** This government is failing dismally, particularly when we compare our performance with every other state.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister, thank you.

**Ms L. METTAM:** The international figures only started to decline after the last set of figures that were positive under this government's watch, in June 2017. We saw a decline in tourist numbers after that. In fact, the most recent set of international visitor statistics show that this state has lost revenue to the tune of \$248 million—about a quarter of a billion dollars—over the past 12 months. The number of international visitors has reduced by 1.8 per cent. We have also seen a drop in spending by national visitors. The national visitor statistics underline a regional expender drop of two per cent, or \$157 million.

**Mr P. Papalia:** The expender dropped, did it?

**Ms L. METTAM:** That is exactly what I said. The only thing that supported any growth —

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister, please.

**Ms L. METTAM:** The performance of the McGowan government in the tourism portfolio over the last 18 months has been nothing but disappointing.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister, last time. Please let the member for Vasse speak.

**Mr P. Papalia:** It's just that she doesn't like tourists. I'm defending tourism.

**Ms L. METTAM:** The minister is not defending it enough. He cannot do it while he is still a junior minister.

**Mr P. Papalia** interjected.

*Point of Order*

**Dr D.J. HONEY:** Madam Acting Speaker, the minister is badgering the speaker and it is inappropriate.

**The ACTING SPEAKER (Ms S.E. Winton):** I would not describe it as badgering, but I would like to hear the minister in silence, thank you, minister.

*Debate Resumed*

**Ms L. METTAM:** I accept the challenge that the minister has in cutting through when he is competing with four other ministers. I accept the challenge that he has when he is unable to deliver on what he set out to achieve because of the Premier's decision to remove incentives for the international education sector, something he talked up big but has failed dismally to deliver. The reason this is an issue and the reason these concerns need to be highlighted by the opposition is that the ultimate cost falls on Western Australians. It falls on the tourism industry, which represents 94 000 jobs in this state, and it affects those businesses that are shutting down. The feedback I have had is that thousands of people are coming out of this sector as a result of the decline that we have seen in the tourism industry. It is a reality.

We can talk up the fact that there has been some national growth in tourism numbers; mind you, that is against heavy growth in other states. If we talk about negativity, that has been underpinned by many investments made by the former government—namely, the former government's investment in Perth Stadium. During the football season this year, 66 000 people travelled to Perth to go to Optus Stadium, as it is now known, to watch football. If we want to talk about positivity, we should look at one of the achievements of the former Barnett government, because it also spent \$66 million. Two Ed Sheeran concerts in March this year attracted 77 000 international and interstate visitors. This was a real highlight of the tourism portfolio and has been a real positive to tourism. It stemmed the tide of negative figures that we saw from the McGowan government. It highlights the value of Optus Stadium and the investment in Optus Stadium. If members want to talk about negativity, they should look at the comments made by the former Labor opposition about Optus Stadium. It wanted it built somewhere else. It did not want to spend as much. It wanted a cheaper option. It was a good thing that the Barnett government took no notice at the time.

[Member's time extended.]

**Ms L. METTAM:** That was a positive. If we look at what was achieved by the former Barnett government, in contrast to the McGowan government, which has clearly seen great failures in tourism, we can look back to 2008 when Perth was known as Dullsville. It was not a modern or vibrant city that was able to market itself to the rest of the world. The former Liberal–National government took on an infrastructure program to provide areas of investment that we could sell to the world. We invested in Elizabeth Quay, Perth Stadium, the Perth City Link, Yagan Square and our regional areas. The Speaker of this house has spoken about the National Anzac Centre. We also invested heavily in marketing.

We talked earlier about how the McGowan government is not competing with other states. We increased our budget by 50 per cent from 2008 to 2017. We put significantly more into marketing this state. We saw a growth



in international tourism of 37 per cent between 2008 and 2016, a growth in interstate tourism of 13 per cent and a growth in intrastate tourism of 63 per cent. That is something that we are certainly not seeing now. That is a bit of a recollection of what was undertaken by the former government. Now that we have a McGowan government, we have seen nothing but disappointment. During the past 12 months, we have seen a quarter of a billion dollar loss in international tourism expenditure and a \$157 million loss in national visitor expenditure. I may have been called negative by members on the other side of the house, and it is quite clear that I have been the target of people using the term “negativity”, but if I bring the members back to comments made —

**Mr J.N. Carey:** You’re recognising it. That’s good.

**Ms L. METTAM:** I am just repeating what has been said.

Several members interjected.

**The ACTING SPEAKER:** We are nearly there, everyone. Come on.

**Ms L. METTAM:** I could refer to the comments made by the former shadow Minister for Tourism about the direct flights between Perth and London. He said —

Like so many deals done by the Liberals, this looks like a dud for the WA taxpayer.

When speaking about Perth Stadium in 2003, Mr McGowan said —

“It is significantly more expensive, it is hampered by extremely limited public transport options, inadequate parking options and no capacity to hold big weeknight and Friday night games.

How negative of the then opposition leader about a project that he did not support!

**Mrs L.M. Harvey:** He was happy to open it.

**Ms L. METTAM:** Yes, he was happy to open it and happy to rely on those national figures but he was also very happy to dump the former CEO of Tourism WA, who locked in many of the events that will be held at the stadium, such as the Bledisloe Cup and the Chelsea game, and did most of the work to promote the stadium not only interstate, but also to the rest of the world.

When in opposition, Labor Party members said that tourism in government has been asleep at the wheel. We have seen failure upon failure in this sector. There was much more negativity. When making an assessment of this government’s performance so far, we can very much underline the fact that it has well and truly missed the mark in delivering on its election commitments and diversifying the economy or putting tourism front and centre. It has diminished the role of tourism in this state to being a junior portfolio. The government has not committed funding in the way that it said it would. Although the government has committed \$425 million to marketing and events, that has been cut from investing in destination development and promoting our regions. Importantly, it has cost the industry dearly, with the loss of jobs from this valuable tourism sector.

Debate adjourned, pursuant to standing orders.

*House adjourned at 7.00 pm*

---

### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR POLICE — PORTFOLIOS — COMPUTER NETWORK SECURITY —  
THIRD-PARTY SOFTWARE

**3776. Mr Z.R.F. Kirkup to the Minister for Police; Road Safety:**

For all departments, agencies, government trading enterprises or boards within the Minister's portfolio responsibilities, I ask as at 8 August 2018 do they operate any of the following:

- (a) Third party firewall software, if so:
  - (i) How many network systems, computers and devices are protected (or what is the number of licences that have been issued); and
  - (ii) Are any network systems, computers and devices unprotected by firewall software:
    - (A) Do any of these unprotected systems, computers or devices manage Cabinet, customer, commercial or sensitive information; and
- (b) Third party anti-virus software, if so:
  - (i) How many network systems, computers and devices are protected (or what is the number of licences that have been issued); and
  - (ii) Are any network systems, computers and devices unprotected by anti-virus software:
    - (A) Do any of these unprotected systems, computers or devices manage Cabinet, customer, commercial or sensitive information?

**Mrs M.H. Roberts replied:**

The Western Australia Police Force provide ICT support services to the Road Safety Commission as part of the Commission's attachment to the Agency. In relation to the WA Police Force and the Road Safety Commission:

- (a) Yes.
  - (i) 8743
  - (ii) No.
    - (A) Not applicable/No.
- (b) Yes.
  - (i) 8543
  - (ii) No.
    - (A) Not applicable/No.

ROAD SAFETY — AUSTRALIAN ROAD RULES — REGULATION 225

**4090. Mr P.A. Katsambanis to the Minister for Police; Road Safety:**

I refer to the Australian Road Rule (ARR) Regulation 225, and ask:

- (a) does the Government intend to introduce legislation or amend existing legislation in 2018 or 2019 that would enable the introduction of ARR 225;
- (b) does the Government intend to introduce regulations or amend existing regulations in 2018 or 2019 that would enable the introduction of ARR 225;
- (c) to date has the Department of Transport or the Road Safety Commission done modelling on the benefits of having and not having vehicle radar detectors;
- (d) has a business case been produced on the cost to Western Australian small businesses should new legislation/regulations banning vehicle radar detectors be introduced; and
- (e) has the Minister, or representatives from the Minister's Office, met with the Australian Drivers Rights Association?

**Mrs M.H. Roberts replied:**

The Road Safety Commission have advised the following:

- (a) It is intended to introduce measures to ban radar detectors. Since 2000, Western Australia is the only jurisdiction to allow the use of radar detectors.
- (b) See answer to (a).

- (c) Research previously commissioned by the Road Safety Council has found that the use of radar detectors is associated with speeding behaviour.
- (d) No.
- (e) No.

MINISTER FOR HEALTH — PORTFOLIOS — DEBT

**4115. Dr M.D. Nahan to the Deputy Premier; Minister for Health; Mental Health:**

For each department, agency or trading enterprise for which the Minister is responsible:

- (a) what is the volume of debts written off for:
  - (i) 2015/16;
  - (ii) 2016/17; and
  - (iii) 2017/18;
- (b) how many debtors had debts written off for each of the above financial years; and
- (c) please provide the names of all debtors with an ABN that had debts written off, and the value of those debts for each entity?

**Mr R.H. Cook replied:**

WA Health and health service providers advise:

(a)–(c) [See tabled paper no 2082.]

Mental Health Commission advises:

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

Health & Disability Services Complaints Office advise:

- (a) (i)–(ii) Nil.  
(iii) \$3,808
- (b) 2015/16 – Nil.  
2016/17 – Nil.  
2017–18 – 3 debtors.
- (c) Nil.

Healthway advises:

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

Animal Resources Authority advises:

- (a) (i) Nil.  
(ii) \$409.49  
(iii) Nil.
- (b) 2016/2017 – 2 debtors.
- (c) Staff Super Overpaid of \$51.11  
Telethon Kids Institute – \$358.38

POLICE — GRADUATES

**4162. Mr P.A. Katsambanis to the Minister for Police; Road Safety:**

I refer to new Police graduates in the Western Australian Police Force, and ask:

- (a) how many new graduates has there been in each of the last five calendar years, and up until 1 September 2018;
- (b) what has been the male/female breakdown of new graduates in each of the last five calendar years, and as of 1 September 2018; and
- (c) what has been the average age of new recruits in each of the last five calendar years, and as of 1 September 2018?

**Mrs M.H. Roberts replied:**

The Western Australian Police Force advise the following:

- (a) The following recruits have graduated for the periods requested:

<b>Year</b>	<b>Total New Police Graduates</b>
2013	227
2014	259
2015	228
2016	289
2017	176
2018 (until 1/9/18)	144
<b>Total</b>	<b>1323</b>

- (b)

<b>Year</b>	<b>Male/Female Breakdown of New Police Graduates</b>
2013	Females: 67 Males: 160
2014	Females: 62 Males: 197
2015	Females: 60 Males: 168
2016	Females: 85 Males: 204
2017	Females: 64 Males: 112
2018 (until 01/09/18)	Females: 57 Males: 87
<b>Total</b>	<b>Females: 395 (29.9%)</b> <b>Males: 928 (70.1%)</b> <b>Total: 1323</b>

- (c)

<b>Year</b>	<b>Average Age of New Recruits</b>
2013	26.5
2014	26.6
2015	28.4
2016	28.8
2017	28.6
2018 (until 1/9/18)	28.3
<b>Average</b>	<b>27.8</b>

POLICE — YOUTH CRIME INTERVENTION OFFICERS — SOUTH WEST REGION

**4172. Ms L. Mettam to the Minister for Police:**

I refer to the Youth Crime Intervention Officers (YCIOs) that are allocated to the South-West region, based in Bunbury, and I ask:

- (a) how many individual youths were dealt with by these YCIOs in the 2017–2018 financial year;
- (b) of the individuals referred to in (a), how many were based in Busselton;
- (c) how many days did the YCIOs spend in Busselton in the 2017–2018 financial year;
- (d) how many days per month did the YCIOs spend in Busselton in May, June, July and August 2018 respectively; and
- (e) what are the type, title and duration of any programs undertaken by the YCIOs in Busselton between May and August 2018?

**Mrs M.H. Roberts replied:**

Please refer to Legislative Council question on notice 1651.

## MINISTER FOR POLICE — PORTFOLIOS — FEES AND CHARGES — REVIEWS

**4178. Dr M.D. Nahan to the Minister for Police; Road Safety:**

For each agency, department, authority and Government Trading Enterprise under the Minister's portfolio:

- (a) how many reviews of their agencies' fees and charges have been conducted since 17 March 2017;
- (b) did any of these reviews identify any fee or charge that is above cost recovery;
- (c) if yes to (b), could you please provide:
  - (i) a list of the fees or charges identified;
  - (ii) the amount the fee or charge was above cost recovery; and
  - (iii) the reason for the fee or charge being above cost recovery;
- (d) did any of these reviews result in an increase in any fee or charge that was above cost recovery; and;
- (e) if yes to (d), could you please provide:
  - (i) a list of the fees or charges that were increased;
  - (ii) the amount that the fee or charge increased;
  - (iii) how much above cost recovery was the new fee or charge; and; and
  - (iv) the reason for the fee or charge being above cost recovery; and
- (f) if yes to (b) have any fees or charges been reduced as a result of the identification of over recovery:
  - (i) if yes, what were the fees and charges that were reduced, and what was the amount each fee or charge was reduced?

**Mrs M.H. Roberts replied:**

The Western Australia Police Force advise:

- (a) One.
- (b) No.
- (c) Not Applicable (N/A).
- (d) No.
- (e) N/A.
- (f) N/A.

The Road Safety Commission does not apply fees and charges to services.

- (a)–(f) N/A.

## POLICE STATIONS — MUNDIJONG

**4249. Mrs A.K. Hayden to the Minister for Police; Road Safety:**

Given population growth in the Mundijong area, can the Minister please advise:

- (a) if the Mundijong Police Station will have an increase to their operational funding and FTE staff numbers in 2019; and
- (b) if not in 2019, will they have an increase to their operational funding and FTE staff numbers in 2020 or 2021?

**Mrs M.H. Roberts replied:**

Under the operational restructure, District Superintendents are responsible for deploying their allocated resources within their districts to deliver the best possible policing service for their local community.

In April 2018, the Commissioner of Police announced details of the significant operational restructure of the Western Australia Police Force. The new district structure provides greater connectivity and communication with police and their local community.

For the first time there is a single police district based around Armadale. This acknowledges the population growth in the south-east corridor of Perth. The former government's model of four huge metro districts has been scrapped and eight new districts established.

Police operating from Mundijong Police Station are primarily responsible for their own sub-district, and are available to support their outlying police sub-districts if required.

