



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2017

LEGISLATIVE COUNCIL

Thursday, 7 December 2017

Legislative Council

Thursday, 7 December 2017

THE PRESIDENT (Hon Kate Doust) took the chair at 9.00 am, and read prayers.

PUBLIC SCHOOLS REVIEW — SINGLE APPROACH

Statement by Minister for Education and Training

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [9.02 am]: I am pleased to advise the house that from next financial year, there will be a single approach to school review for all public schools in this state, including independent public schools. The McGowan Labor government is putting in place a robust regime to provide assurance to the minister of the day, the director general of the Department of Education and the community of Western Australia—parents, students and the general public—that every public school is operating effectively. School systems around the world have processes for ensuring that each of their schools is delivering a high-quality education. These processes usually include both self-assessment and some form of external assessment. The balance between the two varies from system to system. The Western Australian public school system has a history of school review dating back to the Labor government in 1990. The Expert Review Group was introduced in 2008, again under a Labor government, to focus on school performance and improvement strategies. Reviews of independent public schools every three years were introduced in 2012 under the previous government.

Under our new approach, there will be consistent and equitable access to a single system of review, feedback and improvement for all public schools. It will incorporate rigorous self-assessment, appropriate analysis of data and sound judgements about performance strengths and weaknesses. It will provide an opportunity for staff and the community to give feedback on their school's effectiveness. The proposed approach will be examined by a reputable education research organisation to measure quality assurance of the process against best-practice principles. While each review will be tailored to suit the context of the school, all reviews will focus on those aspects of school performance defined in the research literature as being central to school effectiveness, being student achievement and progress; high-quality teaching; strong school leadership; a safe and supportive learning environment; effective school relationships; and good resource management. Summary reports of each review will be included on each school's website.

A single approach to school review will also be more cost-effective. At a time when the government is making extensive efforts to repair the state budget, this must be a consideration. The government's focus on school review is part of its agenda to further improve public education across this state and deliver the best possible outcomes for students.

PAPERS TABLED

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

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Forty-seventh Report — "Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material—Terms of Reference" — Tabling

HON MATTHEW SWINBOURN (East Metropolitan) [9.05 am]: I am directed to present the forty-seventh report of the Standing Committee on Environment and Public Affairs entitled "Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material—Terms of Reference".

[See paper 991.]

Hon MATTHEW SWINBOURN: The report advises the house of the intention of the Standing Committee on Environment and Public Affairs to inquire into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material. This will include approaches taken in Western Australia and other jurisdictions, and any other relevant matter. The report also advises the house of the inquiry's terms of reference, pursuant to standing order 179(2).

On 13 June 2017, Hon Diane Evers, MLC, tabled a petition in the following terms —

We the undersigned citizens respectfully request that the Parliament:

1. Introduce Farmer Protection Legislation to compensate any non-GM farmer who suffers economic loss from GM contamination.

After having received submissions in support of this petition from the principal petitioner and tabling member, the committee sought and received a response from the Minister for Agriculture and Food. The minister supported the committee investigating whether there needs to be a mechanism to protect non-GM farms from contamination.

The committee last inquired into this issue as part of its inquiry into the Gene Technology Bill 2001 and Gene Technology Amendment Bill 2001, and tabled its report on 11 July 2003. Since that time, there have been significant developments in the use of genetically modified organisms both in Australia and overseas, including the rapid uptake in the cultivation and consumption of genetically modified food. This uptake has given rise to claims by farmers who do not cultivate genetically modified crops of economic loss caused by the presence on their properties of genetically modified material. The recent case of *Marsh v Baxter* in the Supreme Court of Western Australia, which appears to be the first of its type in Australia and involved a farmer taking legal action against a neighbouring farmer for damages for contamination, has drawn significant attention to this issue in Western Australia. It ignited debate on whether the common law provides adequate remedies and whether a compensation mechanism is required.

The committee has resolved to commence an own-motion inquiry to enable it to consider broader matters than set out in the terms of the petition. I commend the report to the house.

DISALLOWANCE MOTIONS

Notice of Motion

1. City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017.
2. Shire of Donnybrook–Balingup Meeting Procedures Local Law 2017.
3. Port Authorities Amendment Regulations 2017.
4. Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017.

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

CRIMINAL PROCEDURE AMENDMENT (TRIAL BY JUDGE ALONE) BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Hon Aaron Stonehouse**, and read a first time.

Second Reading

HON AARON STONEHOUSE (South Metropolitan) [9.11 am]: I move —

That the bill be now read a second time.

The Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017 seeks to introduce an element of personal choice into our legal system. It seeks to streamline elements of our criminal justice system, and it does so on the back of strong support from lawyers, advocates, and judges. It seeks, first and foremost, to ensure that justice remains at the heart of our legal determinations here in Western Australia.

I may not be a lawyer, but I am a committed advocate for personal choice. It is a part of my Liberal Democrat DNA. Although I cannot boast any legal training, I have always taken a keen interest in our legal system, an interest that has increased exponentially since I became a legislator. I hope that my colleagues on both sides of this house would say that I am consultative—I certainly strive to be—so, as a new member, I was keen to consult widely within the legal community to discover what we as legislators might do to increase personal choice, streamline legal processes and ensure that justice remains front and centre in all our legal determinations. Almost without fail, I was told that the first and simplest change that needed to be made was a relaxation of the law regarding trial by judge alone.

Given that this is my first private member’s bill, I trust honourable members will indulge me if I take a moment to explain what this bill is not. It is not an attack on the concept of trial by jury. I recognise and embrace that concept. It is one of the cornerstones of our judicial system and should be available to anyone who requests it. Thomas Jefferson referred to trial by jury as one of the principal anchors by which government was to be held to the principles under which it was established, after all. However, in the modern era, I do not hold that trial by jury is necessarily the best option in every case, nor does the law hold it to be. Where we differ is in the degree of flexibility allowed.

We all read the news and stay abreast of current affairs, so members will be more than aware of the prominent cases in recent years that have necessitated trial by judge alone. To the best of my knowledge, there have been two such cases in recent months—that of the man accused of the murder of Hayley Dodd, and the sexual assault trial of the last of those known as the Evil 8. The defence lawyers for each of those accused made successful pleas to have those trials heard by a judge alone, on the grounds that their clients were unlikely to receive a fair trial at the hands of a jury because there had simply been too much prejudicial media coverage in each case for anyone to argue otherwise. The law as it currently stands allows for that. It is not a right, though. If I find myself in court on a serious charge, facing a potential life sentence behind bars, and my legal team says to me, “Aaron, a jury isn’t likely to be very supportive; you’re a politician after all. What 12 average citizens can sympathise with a politician?” I do not have the right to request a trial by judge alone. At present, that is open to me only if I can

argue that justice would not be served by a jury trial, and that is a pretty high bar to clear. Valerie French, the retired Cottesloe barrister, judge and magistrate, arguably put it better than I can. In an article in *Reform* she stated —

I have spent many years presiding over jury trials as a District Court judge and conducting trials as a ‘judge alone’ while a magistrate and a Children’s Court judge. I know what system I would choose if I were charged with a serious offence that put my liberty at risk. Simply put, if I were guilty I would take my chances with a jury as I would have nothing to lose. If I were innocent, I would not put my fate in the hands of a committee of 12 people who do not have to give any reasons for their decision or be in any way accountable for what has happened in the jury room.

Mrs French went on in that article to make some extremely salient points in regard to the modern jury trial. She pointed out that jury trials take longer than trials by judge alone, they may be subject to substantial delays, they may be aborted by an unwise or inadvertent comment in court, and the spectre of a hung jury, and with it the threat of a second trial, hangs over them.

She also pointed out that the old dictum that a person should be judged by a jury of his or her peers is open to a good deal of argument in the modern context. The selection process, with its associated challenges, can —

... leave a pool of people who appear to be the unemployed, the disinterested or—more dangerously—the very resentful at being press ganged into service.

She might also have asked what exactly people mean when they use the term “peers.”

Richard Dawkins, writing in 1997, would seem to have been of much the same mind as Mrs French, noting that he had had what he called the misfortune to have served on no fewer than three juries himself. If charged with a serious crime, he stated categorically —

If I know myself to be guilty, I’ll go with the loose cannon of a jury, the more ignorant, prejudiced and capricious the better. But if I am innocent ... please give me a judge.

This bill before us today seeks to address these concerns and more. It does so by taking a leaf from a number of government bills currently before us in that it seeks to reverse the onus of proof. If an accused requested a trial by judge alone, the court would be obliged to adhere to that request unless it was clearly not in the interests of justice for it to do so.

What would this achieve? First and foremost, from my perspective, it would increase personal choice. It would also acknowledge the increasing difficulty that the courts have empanelling a jury and sequestering it from undue media influence over the course of a trial. I am a child of the internet age, but that age has made jury reliability more and more difficult to maintain. Having consulted widely with lawyers from a range of practices, as well as with judges, both serving and retired, I am also convinced that this bill would save our courts time. A jury trial is often a long and drawn-out process. It cannot be adjourned in the way that a judge-alone trial can, and returned to in a few days’ time once other matters have been settled. Importantly, I believe that it will cut down on appeals. Not only are juries not required to give their reasons, they are required by law not to give them. The deliberations in the jury room remain secret. Judges, on the other hand, are required to give their reasons, which makes them less likely to err. Trials under this amendment therefore have the potential to be quicker and more reliable. They would add a layer of transparency to the proceedings of the court that is currently lacking, and would introduce a right to choose.

It would be remiss of me to suggest that every legal professional I spoke to was in favour of this reform, but I have to say that only one spoke strongly against it. That individual, a serving judge, chose not to go on the record, so I will not do him the discourtesy of naming him here. However, he expressed a concern that this reform had the potential to increase the burden on judges, especially in the District Court. When the judge decides that he wants to go on the record, I will be very happy to debate him point by point, but since I do not have that opportunity, I will simply take a moment here to refute his basic premise. Let us look at an average jury trial of five days’ duration. The better part of one of those days is wholly taken up empanelling, instructing and then addressing the jury. That presumes that no issues arise that require additional jury instruction, such as internet indiscretions and the like. By comparison, a judge-alone trial can take evidence in written rather than oral form, and does not need to concern itself with a day spent choosing, instructing, and addressing a jury. That is a day or more that can then be spent by the judge writing his reasons. The vast majority of lawyers—judges included, and some very senior judges amongst them—have told me that a day should be more than enough time for a judge to get his or her reasons down on paper.

The following description of a trial in the UK, where judge alone legislation had only just been introduced, might be worth consideration. One of the sources directly involved in the case, comparing it with the more usual jury format, observed that —

“The whole dynamic is different.”

There was no need to read out all of the 18 charges, as would happen in the case of a jury. It was also observed that —

During the trial, witnesses and barristers were encouraged at times to speed through evidence, skipping over areas that the judge did not feel were relevant.

With no jury to impress with flourishes of wit or rhetoric, some of the more colourful moments that can adorn a jury trial were not seen.

Verdicts were in the hands of a judge interested only in evidence and the law, uninterested in attempts by defendants to show off their lighter side, or by barristers to sound clever.

...

For counsel, there was no need for finely-crafted closing speeches designed to impress or mystify, but instead a series of final submissions.

Unlike a jury, which would have to sit and listen to their speeches, the judge was able to engage with the lawyers and challenge their points.

During the trial, unlike a jury that must sit mute even though some may be anxious to ask questions to seek clarification, the judge was able to intervene, and did on occasion, to seek clarification of matters arising during the course of evidence.

I am sure that there will be exceptions, as there always are, but in the normal run of things, I simply cannot see how this streamlined system can be said to bring to bear additional pressure upon some of our brightest and most agile legal minds. Nor do I accept the oft-heard argument that the community at large is more likely to accept a jury's verdict than it is of a judge sitting alone. I think we can all find examples in recent years when community voices have been raised against each type of outcome. I also find it hard to go past the pithy words of our current Chief Justice, who observed in the course of *Arthurs v the State of Western Australia* —

... the proposition that “the community as a whole will be more likely to accept a jury's verdict than it would be to accept the judgment of a judge” appears to be an assessment of a sociological nature, unsustained by any empirical evidence.

We already accept that there are occasions when a trial by judge alone is the most appropriate way forward. The legislation to make that so passed through his house. This bill seeks to make that option more easily available by removing the hurdles that many applicants find they need jump over to achieve it. I urge members, and particularly those such as me who lack a professional legal background, to canvass lawyers in their own communities, and to take soundings. I think they will find, as I did, very broad support for this amendment. I also hope that the government will do likewise, and will offer this bill its support.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party. Nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 992.]

Debate adjourned, pursuant to standing orders.

ENVIRONMENTAL PROTECTION AMENDMENT (CLEARING FOR FIRE RISK REDUCTION) BILL 2017

Introduction and First Reading

Bill introduced, on motion by **Hon Dr Steve Thomas**, and read a first time.

Second Reading

HON Dr STEVE THOMAS (South West) [9.24 am]: I move —

That the bill be now read a second time.

The risk of bushfire is ever present in most of Western Australia, and in particular the south west land division, which has most of Western Australia's state forest. In May this year, the Department of Fire and Emergency Services published the 2017 state map of bushfire-prone areas, which again highlighted the risks faced by residents of regional areas in particular. These risks have been highlighted by major fire events in recent years, including those that resulted in significant reviews of the delivery of fire management services. The Ferguson review of the 2016 Waroona bushfire followed the Keelty inquiry into the 2011 Margaret River and Perth hills bushfires. All of these fires resulted in major loss of property including homes and, in some cases, also resulted in the loss of life.

The reports consistently recommended better fire preparedness as a part of the solution to the loss of life and property.

The presence of flammable material adjacent to buildings is one of the greatest indicator of risk of fire damage. This is highlighted by the Firewise program being delivered in the Perth hills and south west, which focuses strongly on implementing vegetation exclusion zones around homes, yet there is no automatic right available for landowners to have such an exclusion zone. The Environmental Protection Act 1986 provides for exemptions for the need for a permit to clear land of native vegetation for a range of other purposes. Schedule 6 of the act read in conjunction with the concurrent Bush Fires Act suggests that schedule 6 allows back-burning and the creation of firebreaks by burning during a fire event, but does not allow a landowner to clear an area around their home to create a new firebreak in preparation for future emergency events. For example, section 11 of schedule 6 allows for a permit exemption for back-burning during a fire event as defined in section 34 of the Fire Brigades Act 1942, which is for the purposes of extinguishing or controlling a fire.

Section 12 of schedule 6 allows a similar exemption under section 3 of the Fire and Emergency Services Act 1998. The same outcome results under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Item 15 in the table under section 5 allows re-clearing of previously cleared land—within 10 years—and, interestingly, item 3 under clause 5 allows for clearing by burning, but not to prevent future fires. The purpose of this bill is to remove the requirement for a landowner to seek a clearing permit to clear native vegetation within 25 metres of a private dwelling house for the purpose of fire risk reduction to be prepared for future fire events.

Clearing of native vegetation in Western Australia is regulated under division 2 of the Environmental Protection Act 1986, specifically under section 51 of the act. Section 51C of the act regulates the clearing of native vegetation by requiring landowners to apply for a permit to clear unless it is of a kind set out in schedule 6 of the act, or is of a kind prescribed for the purposes of that section and is not done in an environmentally sensitive area. It is set out in the act as —

51C. Unauthorised clearing of native vegetation

A person who causes or allows clearing commits an offence unless the clearing —

- (a) is done in accordance with a clearing permit; or
- (b) is of a kind set out in Schedule 6; or
- (c) is of a kind prescribed for the purposes of this section and is not done in an environmentally sensitive area.

Schedule 6 of the act, “Clearing for which a clearing permit is not required”, outlines the circumstances in which the landowner may clear without a permit. However, the 14 existing sections of this schedule contain no specific exemption for clearing to protect residential dwellings from fire. This shortcoming means that landowners who do not meet the existing clearing exemption categories are required to go through the process of applying for a clearing permit to protect their homes and families from fire emergencies.

A number of large-scale fire events in Western Australia and worldwide in recent years have identified that homes without an adequate firebreak are far more likely to be damaged or destroyed in a major fire event. People sheltering in these houses are at significant risk of injury or death. The need for the law to provide a simple and straightforward mechanism to protect residential dwellings from fire is paramount. The urgent need to protect lives and homes should not be impinged by legislation that prevents the clearing of native vegetation. The amendment proposed in the bill would apply only to residential dwellings, allowing landowners the full and unfettered capacity to clear the immediate vicinity around their homes for fire risk reduction.

Other jurisdictions have made similar legislative changes in response to major fire events. The Black Saturday bushfires of February 2009 were the worst in the history of the state of Victoria and undoubtedly the worst in Australia’s history. More than 2 000 homes were destroyed and 173 people lost their lives. As a result of this and other fires, the Victorian government established the Victorian Bushfires Royal Commission, and following its report the Victorian government in 2011 introduced permanent planning controls that simplified residents’ entitlement to clear native vegetation around their property. These changes allow all regional homeowners to clear without a permit any vegetation including trees to a distance of 10 metres from their house, and any vegetation except for trees—meaning undergrowth and smaller plants—to a distance of 30 metres. In bushfire-prone areas of Victoria, identified by that state as “within the Bushfire Management Overlay”, the distance the homeowner can clear any vegetation except for trees is extended to 50 metres. These rules are known as the Victorian 10/30 and 10/50 rules.

In the New South Wales Blue Mountains, a series of major bushfires in October 2013 destroyed 250 buildings and resulted in two deaths. As a result of the subsequent review of the events conducted by the New South Wales government, legislation was passed in June 2014 to establish the existing 10/50 vegetation clearing scheme. This

scheme removes the need for landowners close to the bush to apply for a permit to clear native vegetation on their property. Specifically, the scheme allows people in a designated 10/50 vegetation clearing entitlement area to —

- Clear trees on their property within 10 metres of a home, without seeking approval; and
- Clear underlying vegetation such as shrubs (but not trees) on their property within 50 metres of a home, without seeking approval.

The bill I now propose for Western Australia does not distinguish between trees and other vegetation types, so that a homeowner will have the opportunity to remove all flammable material from the immediate vicinity of their home. However, the distance proposed in this bill is a compromise between both types. The longer-term intended consequence of the changes proposed in this bill is to reinforce personal responsibility for bushfire preparedness. Discussions with the insurance industry have indicated that the proposed changes would be welcomed as a risk minimisation measure that may in the future positively impact on homeowners' risk assessment, leading to cost and risk coverage advantages.

Pursuant to standing order 126(1), I confirm that this is not a uniform legislation bill, as it does not ratify or give effect to any intergovernmental or multilateral agreements to which the government of the state is a party. No uniform schemes or uniform laws through the commonwealth are introduced through this bill. I commend the bill to the house and table an explanatory memorandum.

[See paper 993.]

Debate adjourned, pursuant to standing orders.

CANNABIS — LEGALISATION

Motion

HON AARON STONEHOUSE (South Metropolitan) [9.30 am] — without notice: I move —

That this house recognises the economic and social benefits of the legalisation of cannabis for recreational purposes.

I would like to point out to the house a typo. In my original memo to the Clerk, it was “legalisation”, not “legislation”; however, on the notice paper it shows up as “legislation”. So just to clarify, it is the legalisation of cannabis that I move to discuss.

My intention with this motion is twofold: firstly, it gives me an opportunity to articulate my position on the legalisation of recreational cannabis. Secondly, it calls on other parties to clarify their position to the people of Western Australia.

There has been a great cultural shift in attitudes towards cannabis. As a society we have come a long way from the days of *Reefer Madness*, and many now see cannabis as a rather benign substance. Using parliamentary time to debate the legalisation of cannabis may seem novel to some members, and indeed, there are so many other topics that could be discussed. However, few topics cover so many aspects of libertarian thought at one time, including taxes, civil liberties, crime and punishment, and the economics of personal choice.

Let me be clear upfront: I have no personal interest in cannabis. I have never used cannabis, medically or recreationally, and I have no intention of ever using cannabis. It does not appeal to me. But I take a principled position on cannabis legalisation that is based on classical liberal thought. My personal philosophy is one of self-ownership and autonomy. First and foremost, we own our own bodies. Our minds, bodies and souls do not belong to government or society, but to ourselves. In my research I came across an interesting quote by former California Superior Court Judge Jim Gray, who said —

The government has as much of a right to control what I as an adult put into my body as it does what I put into my mind. It's none of their business.

Most people would agree—at least I hope they would agree—that we have freedom of thought, freedom of speech, and freedom of expression. If we are intellectually honest and consistent, then surely those freedoms extend to our bodies. Let me make a distinction now: my advocacy of personal choice is not an endorsement of any particular activity. Rather, I take the position that simply disapproving of someone else's choice of recreation is not sufficient cause to use the power of government to force them to adhere to my views on sobriety.

In matters such as these, I apply what is known as John Stuart Mill's “Harm Principle”, which he articulated in *On Liberty* in the middle of the nineteenth century —

... the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

We have acknowledged that cannabis has a role to play in reducing chronic pain, treating muscle spasms and managing the side effects of chemotherapy, amongst other applications. With the President's indulgence, I might digress briefly.

It has been 12 months since medical cannabis was legalised in Western Australia; however, patients are still finding it difficult to obtain a prescription. Cannabis is certainly no miracle cure-all, but our own Department of Health seems to be doing all it can to frustrate the process of obtaining prescriptions. Western Australia has somewhat duplicated the federal approval process for obtaining medical cannabis prescriptions for seemingly no reason, standing between those with chronic illness and their medication. I am sure Hon Roger Cook is a compassionate man, so I urge him to immediately review the Department of Health's policy on medical cannabis prescriptions. I am sure he would be devastated if, at any point under his watch, a parent were to be charged with obtaining medicinal cannabis for their child through the black market.

Returning to the topic of this motion, although the benefits of medical cannabis are now recognised, the economic and social benefits of legalising cannabis are also now being observed the world over. In the Anglosphere alone, the US states of Alaska, Colorado, Oregon and Washington stand out, as do California, Maine, Massachusetts and Nevada, each of which has either legalised cannabis in recent months, or is currently in the process of doing so. Across the US, cannabis is now legal in one form or another in 29 of the 50 states. Canada is in the process of amending its legislation, and we can also add Estonia, Finland, Germany, Greece, Luxembourg, Malta, Mexico, the Netherlands, Portugal, Russia, Spain, and Switzerland to the list of countries in which personal use is permitted.

These jurisdictions recognise something that we have ignored: that prohibition leads to organised crime and violence. In a black market, there are no consumer protections and there is no legal recourse. In fact, Milton Friedman, arguably the greatest defender of free market capitalism of the last century, said —

... if you look at the drug war from a purely economic point of view, the role of the government is to protect the drug cartel.

Although we may not have the same problems with cartels that other countries do, the same can be observed here—that is, that prohibitionist policies create black markets and lead to organised crime. Our efforts to inhibit the drug trade increase risk and drive up prices, making drug dealing even more lucrative and drug users more desperate. If we, like those other jurisdictions, were to legalise recreational cannabis, we would see the black market, and all the violence and crime that goes with it, disappear almost overnight. Valuable police resources could be spent focusing on violent crime, and our courts, our prosecutors and our jails would be freed up to focus on more serious crime.

It costs the taxpayer about \$345 a day to keep someone in jail. In fact, a case was brought to my attention just recently of a gentleman who, for his own personal use, quite foolishly grew a cannabis plant in his backyard. It grew to a ridiculous height, as they do. Despite the Director of Public Prosecutions conceding that there was no commercial dimension to his cultivation of this plant, he was nevertheless designated a drug trafficker, and as a result is now going to lose his home for growing a pot plant in his backyard.

Hon Alannah MacTiernan: Who's that?

Hon AARON STONEHOUSE: I cannot recall his name now, but it is a case that is ongoing.

Hon Alannah MacTiernan: In Western Australia?

Hon AARON STONEHOUSE: In Western Australia—for growing a pot plant in his backyard, he will lose his home. His partner, who owns half the home, had no involvement in his horticultural activities but is also going to lose her equity in their home.

Colorado is perhaps the best case study for the economic benefits of legalising cannabis. Colorado has a population of 5.5 million, a little more than double that of Western Australia. In 2015, Colorado welcomed a record 77.7 million visitors, who spent an all-time high visitor spend of \$US19.1 billion. That is a 30 per cent increase in tourism and a 14 per cent increase in tourist spending since 2012. There have been 28 847 occupational licences issued for jobs created directly by Colorado's cannabis industry. In 2015, Colorado generated \$US135.1 million in cannabis taxes and fees, and \$US200 million in 2016. Some projections for 2017 put the figure at around \$US506 million. When recreational cannabis was legalised in Colorado, the first \$40 million in excise revenue was put directly into a capital works fund for its schools.

Keeping note of the time, I will cut my comments short because I would like to hear what other members have to say on this matter. Let me articulate the Liberal Democrats' position on legalising cannabis and other substances. We take the position that all substances should be decriminalised, the approach taken by Portugal, where petty use of a substance is no longer treated as a crime but, rather, as a health issue. Portugal's results have seen overdose deaths drop drastically, while drug usage has not increased.

Hon Donna Faragher: Did you say that all illicit drugs should be decriminalised?

Hon AARON STONEHOUSE: Yes—absolutely everything.

Hon Donna Faragher: All drugs?

Hon AARON STONEHOUSE: Absolutely everything.

Hon Donna Faragher: Oh my goodness!

Hon AARON STONEHOUSE: Portugal took this approach in 2001. Even heroin, honourable member, was decriminalised at that time. Portugal had an overdose epidemic. People were dying in droves, in tent camps outside cities, and shooting up in appalling conditions. Portugal decriminalised it and saw no increase in drug usage but a massive decrease in overdose rates. We have to ask ourselves: what are we trying to achieve through the criminalisation of drugs in the first place? Are we trying to reduce harm or are we simply trying to punish people for indulging in an activity that we disapprove of?

Hon Alannah MacTiernan: Member, did they also include methamphetamine in that?

Hon AARON STONEHOUSE: As I understand it, everything. Even the hardest substances we can imagine were decriminalised.

Hon Alannah MacTiernan: How long ago did this happen?

Hon AARON STONEHOUSE: If I am not mistaken, it was 2001.

Hon Alannah MacTiernan: We might have to have a parliamentary committee go and investigate!

Hon AARON STONEHOUSE: Absolutely—a research mission.

The PRESIDENT: That might be another debate.

Hon AARON STONEHOUSE: Sorry, Madam President. I will get back on point.

Aside from that, when it comes to cannabis, the Liberal Democrats' view is that any substance shown to be less harmful than alcohol should be legalised so that people can legally buy it, sell it and trade in it. For cannabis, there are industrial uses for hemp, medical uses and recreational uses et cetera. It was put to me by a prominent libertarian—I cannot remember who it was, but I am sure I heard this argument somewhere else; I apologise to whoever told me this that I cannot quote them, but I will paraphrase and give the gist of their argument—that when considering the criminality or the legalisation of a substance, if society uses harm as a metric and it sets the benchmark for harm at alcohol, it is only logical that any substance less harmful than alcohol should be legalised. That is our position. Clearly, cannabis is less harmful than alcohol.

To close, I will paint members a picture—a little thought experiment. Picture for a moment a hardworking, taxpaying, churchgoing, family-raising person who gets home from a long day at work. They put their feet up and want to unwind and maybe open an alcoholic beverage and have a drink. What is the difference between that person and someone else in exactly the same scenario getting home, putting up their feet, wanting to unwind and smoking a joint? I certainly do not approve of that, but what is the difference, really, between those two people? We throw one in jail and the other one is left free. That is my question to members.

HON SUE ELLERY (South Metropolitan — Leader of the House) [9.42 am]: I thank the honourable member for moving the motion. It is an interesting debate and probably the most interesting point that he made was the very last one. Both substances are addictive and cause health and social issues. It is a quirk of our history that we made a judgement that would allow one substance that causes addiction, health issues and social issues to be legal. It is a very interesting point. However, just because we allow one that is addictive and causes health and social issues to be legal does not mean that we should add another substance that causes the same issues. We are not in a position to support the motion. At the beginning of his speech, the member made a point—I am sorry, I was out of the chamber on urgent parliamentary business—about some of the administrative arrangements in respect of cannabis for the purposes of medical use. I am sorry that I missed them, but I will check *Hansard* and if I need to take something up with the Minister for Health, I will.

Despite the fact that it is prohibited, the government recognises that cannabis is an illicit drug that is widely used. An argument also suggests that the health and social consequences of the use of cannabis are less than the health and social consequences of the use of some other drugs; therefore, we should consider a public policy position that it should be decriminalised. But the research that shows that the use of cannabis is dangerous and addictive is increasing. There is an argument that it should be legalised for recreational use. There are schemes in some countries—the member referred to some of them—that allow recreational use under strict conditions, but the government is not contemplating that being the case in Western Australia. Recreational cannabis use has been comprehensively studied and the detrimental health effects are well documented. It causes dependence, and in young people this is especially high, with immediate and long-term effects. Particular groups are also vulnerable, including the young, pregnant women and those with some types of mental health conditions. There are risks when driving and clear links to respiratory conditions and cancer, particularly if the cannabis is smoked. The effects of the legalisation of consumption—which would be expected to increase if legalised, as would the health outcomes for people using cannabis—have not been researched as much as some other areas. However, if it was legalised, there would be significant ongoing public health costs that would need to be balanced against any purported economic or social benefits. In terms of the risks, it is rarely acutely toxic in overdose, although it can make children ill. However, it is well established that it has a number of undesirable health effects when used recreationally, and that includes loss of concentration, impaired balance, slower reflexes and loss of inhibitions. Higher doses of cannabis can cause restlessness, confusion, anxiety, hallucinations, paranoia, panic attacks and detachment from reality—although today I would not mind a bit of detachment from reality myself!

Frequent long-term use can lead to serious issues such as dependence, when the user experiences symptoms of withdrawal; psychological problems, including anxiety, depression, paranoia and psychosis in those who are vulnerable to mental health issues; learning difficulties; and decreased concentration or memory and learning abilities. A range of health issues arise as a result of how a person takes it. If a person smokes it, they add all those respiratory issues that arise if they smoke tobacco, for example. There is increasing evidence of the impact on mental health and the significant health harms that cannabis use causes, particularly to mental health and wellbeing. It can increase the risk of mental health problems in young people and those with a vulnerability to mental health problems. That risk increases with the frequency and the amount of drug use. People who use cannabis in their teens also have an additional risk. It can affect the brain, and research already demonstrates that teenagers' adolescent brains are still developing. I mean this with no disrespect, but for boys in particular, evidence suggests that their brains continue to develop into late adolescence. I make no comment about adult men's brains.

Several members interjected.

Hon SUE ELLERY: I said I make no comment.

The PRESIDENT: It is the end of the year, members.

Hon SUE ELLERY: On average, there are 2 773 new treatment episodes for people in Western Australia presenting for treatment in which cannabinoids are the primary drug of concern. That is a lot, and an economic cost comes with that. It is an interesting debate, particularly about tobacco and alcohol—they are not good for us. The member raised a range of interesting issues. The government would not support even an examination of making cannabis legal for recreational purposes. It is a harmful drug with a social and economic cost and it is linked with increasing problems in mental health. For those reasons, the government will not be supporting the motion.

HON DONNA FARAGHER (East Metropolitan) [9.50 am]: I also rise to say a couple of words on the motion before us. Although the Greens, as I have found out today, clearly have a kindred spirit in Hon Aaron Stonehouse, given their support for decriminalising illicit drugs, on this occasion the member will not be getting the support of the opposition on this motion. The Liberal Party has long taken the considered view that illicit drugs need to be tackled on three fronts—health, education and law enforcement. We need all three of those, and we need appropriate and adequate resources for all three to tackle this scourge in our community. Both the Leader of the House and Hon Aaron Stonehouse have indicated that cannabis remains the most widely used illicit drug in Australia. Notwithstanding the extent of its use, the Liberal Party does not believe that decriminalising the use of cannabis is the right answer.

Members who have been in this place for as long as I have would know that I have spoken on the scourge of illicit drugs many times, dating back to when I was the shadow minister for drug abuse strategy. At that point in time we were dealing with the then government's position on cannabis, and its two-plant policy. I do not take the view, and the Liberal Party certainly does not take the view, that cannabis is somehow okay, harmless or, as the mover of the motion indicated, benign. That is just not correct. The Leader of the House has gone through a range of health and social impacts that can arise from cannabis use. I have a document from the Australian Institute of Criminology that states —

Cannabis can affect coordination, reduce attention span and cause short term memory loss. Users may lose track of their thoughts or of a conversation. Heavier doses can cause confusion, excitement or anxiety. Users may have hallucinations.

Chronic cannabis use can cause respiratory illnesses such as lung cancer and chronic bronchitis. Some heavy users lose energy and motivation and experience a deterioration in memory, concentration and ability to learn new things. Cannabis psychosis, similar to schizophrenia, can occur in vulnerable individuals.

To add to that—the Leader of the House also identified this—we all know that psychological effects can occur, particularly if the person using the drug has a predisposition towards schizophrenia. Plenty of research has shown that this can be triggered by the use of cannabis. The link between cannabis use and mental illness is, in my view and that of the opposition, undeniable, and to suggest that cannabis is benign is simply wrong.

We also know—the Leader of the House also indicated this—that regular cannabis use from a young age can lead to a host of other issues as their brains are continuing to develop. We also know that regular cannabis use, particularly from a young age, can, although not in all situations, increase the risk of the person going on to other drugs. With all that in mind, we do not believe that legalising cannabis for recreational use would be the right decision. Simply because it is the most widely used illicit drug does not mean that society should just give up. I am keen to know the position of Hon Aaron Stonehouse, and where he draws the line. Does he support the legalisation of heroin or ice? Although he might suggest that cannabis is benign, it is not. It may have more of an effect on some people than others, but the fact is that it can have a significant negative effect. Where does the member draw the line with other illicit drugs?

I appreciate that there is not a lot of time to debate this motion, but I reiterate that the Liberal Party takes a very strong view that tackling illicit drugs requires a three-pronged approach, as I said, through health, education and

law enforcement. We also believe that any softening of the law on illicit drugs creates confusion and sends the wrong message to the community, particularly our children and young people, on the dangers of cannabis and other drugs.

HON CHARLES SMITH (East Metropolitan) [9.56 am]: It is great to hear an important social issue such as cannabis use being discussed in the house. It is a drug that covers social, health and economic issues—a joint approach to a single topic, if you will. It is high time that decriminalising or legalising cannabis is raised in Parliament and stays in the public sphere. I will start with a few negative comments from my personal experience. In my experience, the street cannabis that we find in Perth is almost exclusively of a higher potency, more addictive and more likely to induce psychosis than the forms that were around 10 or 20 years ago. That is from my professional experience. According to scientific studies, high-potency cannabis can have significant negative effects on the brain structure. Recent scientific discoveries suggest that these effects appear in prolonged consumers, rather than short-term or recreational users. Additionally, other scientific reports suggest that long-term users participating in magnetic resonance imaging testing displayed microstructural brain abnormalities. That brain damage affects neural connections and the neurons themselves. In the long run, that brain damage may develop into psychosis, depression and anxiety, along with other cognitive deficits. It is one reason I do not like long-term high-potency cannabis use. Despite what its adherents argue, it slowly rots the brain.

Cannabis is usually seen as a soft drug that can be smoked or even made into nice cakes. However, another concern I have is that it is a lead-in drug, as we have heard already. It leads into other illicit substances, and the long-term mental health issues I have just spoken about. Cannabis itself will not kill you—it does something far worse. It makes you boring.

Hon Alannah MacTiernan: There must be a lot of use around here, then. They must be putting it in our coffee.

Hon CHARLES SMITH: The minister knows what I am talking about. If cannabis is legalised one day in Australia or elsewhere, it will turn Australia into a very boring and very smelly place. That is why marijuana or cannabis is my least favourite recreational substance. Not only does it smell horrible and is loved by the kind of irritating people who refuse to believe me when I tell them I cannot name a single Grateful Dead song, cannabis is such a stupefying drug. The point of it is to dull the socialising instincts, rather than liberate them, as great wine, brandy or cigars do.

Hon Alannah MacTiernan: So you don't like reggae? You don't accept that there is a great music genre that has arisen out of —

The PRESIDENT: Order!

Hon CHARLES SMITH: Minister, we are not discussing contemporary music.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Minister, this is not a two-way debate. You will have an opportunity to have your say. Hon Charles Smith has the call.

Hon CHARLES SMITH: Perhaps the flipside, and the more sensible way is following the path that Portugal has followed, which we have heard about this morning; that is, the decriminalisation of cannabis. I know that they have gone the whole hog and decriminalised every drug known to man, but perhaps looking at cannabis itself may be a way forward. In Portugal, those found in possession of small quantities of drugs are sent an infringement notice, similar to what Western Australia Police do now. The difference is that in Portugal an offender appears before a panel of professionals, including legal, social and psychological experts, and is offered prescribed health treatments such as counselling and therapy options. Maybe this way we can weed out the problem of long-term users. This effectively shifts the consumption of drugs from a criminal issue to the pipedream of it being a health issue, with real assistance and advice that will benefit drug users. The issue is that drug use is increasing and, to be blunt, the health implications are far too alarming to ignore any longer.

Turning briefly to legalising cannabis, I am aware that recently a conference was called in Canada, which I think Hon Aaron Stonehouse mentioned, to discuss a new market for cannabis in Canada, which I believe will go live in July 2018. They say that Canada is set to create hundreds of thousands of jobs and billions of dollars in tax revenue, along with a complex regulatory environment that will place the emphasis on reducing youth access, eradicating criminal involvement in the market and encouraging safer products and safer forms of consumption. We all hear that the war on drugs is not working; it is a failure. I agree that new approaches and new ways of thinking are required, because what we are doing right now is just not working. If Canada looks like it has a good model, perhaps we can look at that and maybe we will all be safer and more prosperous for it.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the National Party) [10.01 am]: I thank the member for bringing the motion to the house today for discussion. I was not going to make a contribution today, but after listening to the debate and feeling concerned about some of the things that were put on the table by Hon Aaron Stonehouse for the house to discuss, I felt compelled to say a few things from my perspective. I do not support the motion. I support having the discussion, but I do not support the very direct nature

of the motion, which states that the house recognises the economic and social benefits of the legalisation of cannabis for recreational purposes. I simply do not believe that that has been established; therefore, I do not support the motion.

On the other hand, I fully support the use of medicinal cannabis, which the member touched on, because it is not about economic or social benefits; it is about medical purposes. I fully support people utilising medication that assists them to live a more comfortable, peaceful existence, and I have long supported that. My main areas of concern about this issue lie in the mental health space. I fully support the comments of the Leader of the House and Hon Donna Faragher in this space. As a parent with three impressionable children, who are all adults now, I am being asked by the libertarian point of view to allow there to be a free-for-all in a society in which I am trying to raise good, community-minded, respectful contributors. I worked for Centrelink for 11 years and saw some extreme outcomes of cannabis abuse. It led to mental health illness that was, unfortunately, irreconcilable for those people, no matter what assistance was put in place for them. Their lives were never the same because of the mental health illnesses caused by substance abuse. It is a stark and ugly reality for those who work with these people and try to assist them to live their lives in the best way possible.

This motion is really just a topic of conversation. It is the overall libertarian view. Today we are discussing this motion, but yesterday when one of my colleagues and I were having a conversation with the member about this issue, we asked whether he had been to the United States and Canada and whether he had researched it in other countries that had legalised cannabis and his answer was no.

Hon Aaron Stonehouse: I said that I hadn't been; I didn't say that I hadn't researched it.

Hon JACQUI BOYDELL: The member has not personally experienced and seen the society in which —

Hon Alannah MacTiernan interjected.

Hon JACQUI BOYDELL: Member, you can stand up and give your own contribution, so calm your farm, seriously!

Hon Alannah MacTiernan interjected.

Hon JACQUI BOYDELL: It sounds as though the potato-swilling minister wants to go with the member! Hon Aaron Stonehouse should see whether a parliamentary committee might want to undertake that inquiry. It might be an interesting inquiry for a committee to undertake. Maybe he should get a petition and send it through to the committee and see whether it will take it up.

This motion is about the overarching imposition of free will. I think one of the member's last comments was: why is alcohol okay and cannabis is not? He is arguing that everybody needs to be able to make their own decisions and society just has to live with that. I do not support that. I think that what the member is advocating for is quite frightful for some people and would place young people in particular in a very vulnerable position. That is my view, and I think that is why there is a struggle with some of that conversation. The member wants to impose his libertarian views on society. He wants society to say, "That is okay; you are entitled to do that" and to have no consequences for that. That is frightening for a lot of people, and I do not think society as a whole would want to see it imposed. It is potentially damaging to the fabric of the society in which we live. We live in a very free society and we should celebrate it. I definitely do that. I do not live in fear. I am very happy and feel very lucky to live in Australia. Anything that will damage the fabric of the society in which we live and the values and morals that all Australians hold dear is concerning. I do not support the motion simply because I have never seen any economic or social benefits from the use of cannabis.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.08 am]: Like Hon Jacqui Boydell, I was not going to make a contribution today, but it is an interesting topic and I feel compelled to make some comments. I thank Hon Aaron Stonehouse for bringing this motion to the chamber. It is something that will inevitably incite a degree of debate. Dare I say it, but quite a passionate degree of debate exists on this issue. This is probably only the second time since Hon Aaron Stonehouse has been in this chamber that we have disagreed on something—unfortunately, they are both in the same week. I seriously disagree with the member on this issue. I am a passionate advocate against cannabis use or any illicit drug use—cannabis is an illicit drug—particularly for recreational purposes. That is the aspect that I have real difficulty with.

I am a product of the 1970s. I have said that enough times in this place. Things were a lot different back then. Back then, smoking was quite fashionable. I certainly did not do it, but it was quite fashionable to smoke. Stuart Wagstaff brought a degree of sophistication to Benson & Hedges, Paul Hogan had a Winfield and there was the Marlboro man. The reason that the Marlboro man was so important was that I was the Marlboro man! I had a magnificent palomino horse and I used to ride that horse out past the Kalgoorlie golf club and the RSL club and I would envisage myself as the Marlboro man because the Marlboro man had a palomino. As a 12 or 13-year-old boy, I thought I was pretty good. I am going somewhere with this; do not get me wrong.

Hon Dr Sally Talbot: Were you going anywhere on your palomino?

Hon PETER COLLIER: Was I going anywhere? There were miles to ride in Kalgoorlie. I used to chase rabbits and kangaroos. Madam President might know; I do not know whether she had a horse.

The PRESIDENT: Not in Coolgardie!

Hon PETER COLLIER: I used to ride to Coolgardie.

My point is that in those days there was such a cultural acceptance of smoking that everyone did it and the unambiguous message was that it was cool to smoke. High-profile members of the community smoked—I refer to people such as Stuart Wagstaff and Paul Hogan, who do not mean anything to today's younger generation but they did in our day—and we wanted to be like them, and that is exactly why it happened. On the other hand, as I said, cannabis was a criminal offence; it was a hanging offence—not literally. Cannabis was deemed a criminal offence—it still is—but in those days only the really naughty boys and girls got involved in cannabis. I say with my hand on my heart that I have never had an illicit drug in my life. I have never wanted to experience it and I have never had a desire to have an illicit drug, and that includes cannabis. I know that that probably makes me a prude, but, hey, I am a Tory, a conservative, and I am willing to wear that label. It does not bother me.

Having said that, we have moved on. Is it not interesting, members, that things have changed so significantly? As I said, back in the 1970s, smoking was very fashionable and cannabis was a hanging offence, but now smoking is almost a hanging offence and cannabis is fashionable. We are debating whether to make cannabis legal for recreational purposes. Cannabis is not a recreational drug, guys; it is a potential gateway to higher order illicit drug use. Make no bones about it; that is exactly what it is. I will get onto that in a moment.

Nowadays, we do all that we possibly can to stop members of our community, particularly the youth of our community, from smoking cigarettes and at last that message has got through. At last we have reached the point at which people are not smoking as much, particularly the young members of our community. As a direct result, that will have a positive impact on the health of our youth and ultimately the community as a whole. How nice it is to go to a restaurant and not have to scoff someone's secondary smoke! Things change as a result of the cultural attitudes of the day. I really deplore the fact that we are countenancing the notion of legalising recreational cannabis use. I mean no disrespect to Hon Aaron Stonehouse, but that is how I feel. Debating the issue and countenancing that notion is a very dangerous path to take.

As I have said on numerous occasions, I was a chalkie for the first quarter of a century of my working life. I loved that job, but it came hand in hand with instances of dealing with adolescent drug use. In my last 15 years, I had a pastoral role in addition to my academic role, and that meant that I had a role in nurturing, supporting, encouraging and assisting not only students, but also their families. I had to deal with this issue on numerous occasions. The impact that it had on not only the student but also their entire family was not pleasant. Parents viewed it as almost like a destruction because they were not necessarily losing power over their child but losing influence over their child. The important and unambiguous message that exists with the contemplation of legalising cannabis for recreational use is that it puts a seed in the minds of young members of our community that illicit drug use is acceptable, just as smoking was acceptable back in the 1970s. I am not for a moment—I said this a moment ago—suggesting that although cannabis may be a gateway drug to higher order illicit drug use, that all members of the community who recreate with cannabis move on to higher order drug use. Rather, I give a cast-iron guarantee that a significant proportion of people who have a dependency on higher order illicit drug use—crack, cocaine, heroin and ice—started their habit with lower order illicit drug use, including cannabis. It is a hallucinate. It is a dangerous and in many instances life-destroying illicit drug, and talking about legalising it for recreational purposes will without any shape or form send a message that it is acceptable. I will stand side by side with members of the community to continue to send the message to the young members of our community in particular who are starting to make decisions for themselves—their parents are not making them for them—that using cannabis is not wise, good, productive and healthy. It provides nothing for the individual that will enhance their livelihood. If people want to lead a long, productive and healthy life, they should not get into drug use and particularly they should not get into cannabis.

As I said, I had to counsel students et cetera on many occasions, but it was not a discussion about punitive measures. In a lot of instances, schools and education facilities, particularly in the private sector, expel students for the use of cannabis. That is fine; that is the value they hold. But the discussions that I had with students were not so much about punitive measures and of me saying that it is this way or the cane or that it is this way or it is expulsion et cetera; rather, it was about trying to give them an understanding that cannabis use is unacceptable for a host of reasons, not the least being that it was adverse to their health.

I have no problem having this debate, but I say once again, unambiguously, that we will follow a very dangerous path if we reinforce cannabis use as acceptable while at the same time hypocritically saying that smoking is not acceptable. That is what this motion seeks to do. I thank the honourable member for bringing the debate to the chamber. I would like to have a more extensive debate at some stage. If the government is brave enough to bring in legislation to this effect, I would most definitely advocate against any form of relaxing measures against cannabis use in our community.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.17 am]: The Minister for Education and Training, the Leader of the Government in this place, outlined the government's position on the motion, but I compliment Hon Aaron Stonehouse for bringing it forward. He represents a view that is held within the community and I think most of us understand the focus he wants to place on harm minimisation. Indeed, I would think that most members on this side believe that harm minimisation must be at the heart of our policy.

I was a little confused by some of the things that the Leader of the Opposition said. He finished by welcoming the debate but earlier on he said that it was wrong to even raise this issue because it will give comfort to people who encourage illicit drugs. He said that having the debate itself is a bad thing. He seemed to move away from that towards the end of this speech, and that is good because I do not want us to get to the stage at which we cannot have rational debates about these things because they are taboo subjects that we are not allowed to explore. That is not what this chamber should be about. One of the virtues of this chamber is that there is a greater diversity of voices at play, so these issues can be raised.

As I said, the Leader of the Government in the Legislative Council has outlined our position. However, I thought the house might be interested in a few things that are going on in the cannabis space. On a recent visit to Victoria I was able to see the massive research and cultivation facility that has been developed by the Victorian government at its agricultural research centre. It is a highly secure operation that has been developed to feed the medicinal cannabis capability. I am very pleased that our Premier, Mark McGowan, was one of the leaders in Australia in ensuring that we allow people with various medical and neurological conditions to access significant relief through the use of cannabis. That has been implemented in Western Australia. It was very interesting to see the work being done by the Victorian government at its ag research unit at La Trobe University. Different plants are being grown. It was a very healthy looking crop—I am sure the member would love to visit the facility and see these crops, which are grown for particular compounds. Some plants are grown with very high THC levels, while others have very low levels of THC and promote another active chemical compound, the name of which I cannot recall, to suit various neurological conditions. For instance, what is useful for multiple sclerosis might be different from what might be needed for muscular dystrophy. Plants with various concentrations of THC are being grown. Western Australia has not yet moved down the medical cannabis research path, although there is some interest in doing that.

Members will know that under Hon Kim Chance, the growing of hemp for industrial purposes was legalised in 2004. Not much has really happened in the intervening 15 or so years. There was a series of trials around 2009, but apparently they were not very successful. More and more people are coming through my door and expressing interest in hemp as an alternative crop. As people are looking to reintroduce cotton into the Ord, we should look again at cannabis, which does not require the same volume of water as cotton and many varieties appear to be more resistant to bugs, so this might be a viable summer crop, particularly on the Ord River. We have a problem in WA in that the quantum of THC allowed is limited to 0.35 per cent. That means that many of the better and more rigorous strains have been impossible to grow here. It has now been determined at a national level that we should be allowing concentrations of THC of up to one per cent, which would mean that a person would probably need to smoke at least a garbage bin-full of cannabis to have even the most marginal affect. A one per cent THC concentration is not considered capable of having a useful psychotropic affect. It would be useful if we could manage to make those changes in line with the recommendation of the federal body, as it would expand the range of product we could use. This very real and growing industry of hemp for clothing, oil and, indeed, building materials is something we could look into. At a federal level, hemp seed has been approved as a food use for human consumption. Again, it is a product that is considered to have some very beneficial health effects. We want to make sure that Western Australia is well prepared and is able to get in there and exploit these new opportunities that new varieties of hemp will be offering our farming community.

HON COLIN TINCKNELL (South West) [10.25 am]: I want to make a very brief contribution to this debate. I thank Hon Aaron Stonehouse for his motion and I thank other members for their contributions to it. Our position has been clearly put by Hon Charles Smith: One Nation members are definitely against the legalisation of recreational cannabis. However, we must keep our eyes open to what is going on around the world in the fight against drugs. We will follow that very closely. Experiments are going on in very democratic countries that have a problem with drugs. We will follow those. Of course, we are big supporters of medicinal marijuana and cannabis. We would like to see not only that industry grow in WA but also that whole program streamlined so that people suffering from pain can get the benefits of medicinal cannabis. I thank the honourable member. I will give him a chance to give his reply. I state that One Nation members will not support the motion.

HON AARON STONEHOUSE (South Metropolitan) [10.26 am] — in reply: I would also like to thank members who have contributed to this debate. It is not often that I find myself nodding in agreement with Hon Alannah MacTiernan. If she ever wants to go on a fact-finding mission to the United States to see how cannabis has been legalised in states like Colorado, I would be very happy to accompany her.

There were a lot of contributions to the debate, so I will try to unpack a couple of them. One of the biggest rebuttals, I suppose, was that if cannabis were legalised, more people would smoke it. I know that not everyone is here in the chamber, but I am wondering, if cannabis were legalised today, how many members would go out —

The PRESIDENT: We do not do hands up in the air in this chamber, member.

Hon AARON STONEHOUSE: I am sorry, Madam President. If cannabis were legalised today, I wonder how many people would go out and smoke it. I predict that it would not be many. Most people would continue with their sobriety.

Hon Simon O'Brien: We could speculate on who might.

Hon AARON STONEHOUSE: I am sure we could. The point is that most people do the right thing because they know it is the right thing to do. They remain sober because they think it is the right thing to do—they want to be in control of their mental faculties and they want to be responsible in their life. They do not abstain from smoking cannabis because it is illegal, necessarily. There really is no compelling evidence to suggest that cannabis use would skyrocket after legalisation. In fact, there is evidence of a decline in use in countries like Portugal, where decriminalisation was taken on board and drugs were treated as a medical issue rather than a legal one. Early reports out of Colorado back that up as well. One small-scale study released in June this year suggested that there had been a moderate rise in use in the months immediately following the legalisation in some US states but, interestingly, the study found no noticeable increase in the use of cannabis by teens and young adults. All this fear that kids are going to start using drugs is unfounded. In fact, being able to regulate the industry would give regulators a mechanism to stop suppliers from providing it to children. Compliance could be enforced, just as it is for tobacco and alcohol. When something exists entirely on a black market, there is no way to enforce compliance. If it is illegal to sell cannabis in the first place, the drug dealer does not care if they are selling it to a kid or an adult. Based on the empirical evidence we have seen so far, and not the fearmongering presented by some members, there has been no great increase in drug-use rates. I predict that if we legalised cannabis in Australia or WA, there would be a small uptake and then a plateau, just like in other jurisdictions. It is what people describe as the Holland effect. In Amsterdam, famously, cannabis is available, yet the locals do not smoke it at any higher rate than the rest of Europe. It is no longer cool and hip; it is legalised, so it is just normal.

As I mentioned, Colorado has already looked at underage usage. When considering the legality of any substance, we need to look at costs and benefits. Obviously, harm is involved in cannabis use, but I point out to members that in terms of harm, compared with other substances, cannabis sits around the middle. Based on most studies, it is less harmful than tobacco, alcohol, cocaine, heroin et cetera. Laws that prohibit cannabis but allow regulated alcohol and tobacco are out of step with the harm caused by those substances. Surely, if we want our laws to reflect the harm caused to society and to individuals by substances, cannabis would be legalised, and tobacco and alcohol would be more tightly controlled. I am certainly not advocating that, but that is worth taking into account.

Someone may have mentioned driving under the influence. In Colorado, rates of people driving under the influence dropped by 33.2 per cent in 2017. There was a small uptake immediately after it was legalised, but now it is dropping back down again. After the hype and excitement of legalising cannabis wears off, people go back to their old sensible selves. Colorado has not become a hive of scum and villainy overnight because it legalised cannabis. They are still the same people.

Hon Simon O'Brien: More heavily armed too!

Hon AARON STONEHOUSE: Yes.

I would like to remind the champions of the war on drugs, as Hon Charles Smith alluded to, that we lost the war on drugs. Drugs won! Drug use has not been curtailed at all by the war on drugs. How many lives have been lost? How much property has been destroyed? How many people's lives have been ruined because they were thrown in jail for engaging in a nonviolent act? They were sitting at home, smoking a joint, eating a bag of Doritos and watching cartoons—not hurting anybody else. Yet we are willing to bust in their door, smack them over the head and throw them in a cage. For what?

Hon Michael Mischin: You've been watching too much TV.

Hon AARON STONEHOUSE: For watching too much TV and cartoons—exactly. That is my final point.

Motion lapsed, pursuant to standing orders.

CONSERVATION AND LAND MANAGEMENT AMENDMENT REGULATIONS 2017 — DISALLOWANCE

Discharge of Order

Hon Robin Chapple reported that the concerns of the Joint Standing Committee on Delegated Legislation had been satisfied, and on his motion without notice it was resolved —

That order of the day 8, Conservation and Land Management Amendment Regulations 2017 —
Disallowance, be discharged from the notice paper.

PAY-ROLL TAX AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017
PAY-ROLL TAX ASSESSMENT AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017

Second Reading — Cognate Debate

Resumed from 6 December.

HON COLIN TINCKNELL (South West) [10.33 am]: The crossbench is pretty disappointed with the opposition on this payroll tax increase. At this stage, the Liberal Party has chosen not to oppose the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and the Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017. That goes for the National Party as well. We believe that they have jumped in too soon. We completely oppose the payroll tax increase. The main reason is that if we go right back to the beginning, the day before the payroll tax increase was announced in the budget, Hon Robin Scott put a motion to the house about reducing payroll tax in regional areas. He indicated quite clearly that doing that would stimulate economic activity in regional areas. If that would work in regional areas, it would also work throughout the metro area. That is one reason.

At this stage, experts tell us that the increase in payroll tax will cost in the region of about 1 300 jobs. If we were to increase the threshold by \$100 000—from \$850 000 to \$950 000—it would make a massive difference. I will point out some areas that this payroll tax increase will affect. The experts tell us that 400 000 West Aussies will be impacted by this tax. How will they be impacted? As I have already mentioned, there will be cuts to jobs. Hours will also be reduced. It is pretty hard to get a full-time job at the moment. Many people in part-time jobs are looking for more work and doing two or three different jobs. This payroll tax increase will only increase that. A lot of people will have their hours reduced. Extra costs will be passed on to consumers by small businesses that cannot afford this extra impost. Of course, it will affect shareholders as well. The shareholders are often just ordinary everyday mums and dads. If we were to lift the threshold by \$100 000, the experts tell us that the economic benefits could amount to \$283 million and would possibly create another 900 jobs. A payroll tax increase could cost us 1 300 jobs. That figure comes from the Chamber of Commerce and Industry of Western Australia. If the tax increase were to go through but we raised the threshold by \$100 000, the benefits could create an extra 900 positions. It is quite clear that this tax increase will not be a good thing for businesses in Western Australia. There is a little green shoot for businesses. The economy looks as if it could improve. This would stunt that growth. It is disappointing. We would have liked to see the Liberal Party work with us and the government to try to get that threshold up. We cannot win all wars but we can certainly win battles along the way. This is a house of review and we would like to discuss this further with the government. In the future, we would like to discuss further dropping the payroll tax in regional areas with the government. The crossbench and the One Nation party will oppose any increases to the payroll tax.

In every other state across Australia, payroll tax is at a lower level. That is before this rise. Our payroll tax will be higher than that in the rest of the states. The thresholds in other states are often very much higher than this proposes. I am not asking for something that is difficult. I am not asking for something that other states have not seen the benefit of. We should be seeing the benefits of the changes in the amendments. We will be opposing this payroll tax increase.

HON MARTIN ALDRIDGE (Agricultural) [10.38 am]: I rise on behalf of the National Party to speak on the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and the Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017 in cognate debate. The titles of the two bills that we are discussing are interesting. A theme of debt and deficit remediation is developing in the government's naming of these budget measure bills. I will be interested to hear in the minister's reply which part of the debt will actually be remediated with the passage of these budget measures. As members know from the budget papers that were handed down only a few months ago, Labor will add \$11.1 billion to the state debt over the next four years. To me, it is a bit unusual to see a bill to remediate state debt when in the same period we are adding \$11.1 billion to it. Perhaps more appropriately, it should be called the "Pay-roll Tax Assessment Amendment (Tax and Spend) Bill 2017", because that is essentially what the passage of these bills will allow the government to do. Contrary to the view that was just put by Hon Colin Tincknell, who said that he was disappointed in the National Party for supporting the passage of this legislation, we will not be supporting the passage of this legislation, and I will outline the reasons for that.

We will not support the legislation nor a government that continues to rip government services and project and infrastructure delivery out of the regions while it pursues its metropolitan-focused agenda. This bill will essentially add to that as the government struggles to achieve the extravagant commitments that it took to the election that it now needs to find a way to fund. It will fund those things through increased taxation—one thing it said it would not do. The other way it will do it is by reallocating regional funding to the metropolitan area.

The National Party took a clear position to the election. I am not sure whether many parties took a policy on payroll taxation to the election, but we did. We will not be breaking our election commitment to facilitate the government breaking its election commitment to the people of Western Australia. As members would be aware, payroll tax is a great source of complaint. It is the biggest source of taxation that the Western Australian government relies upon.

It is also the greatest source of complaint, along with other taxes such as stamp duty or transfer duty. We have heard many speeches from members of Parliament about how abhorrent payroll tax is, yet we find ourselves in the chamber today dealing with a bill to increase payroll taxation in Western Australia.

One of the things that are quite interesting when we look at payroll taxation is bracket creep. We have heard a lot of comment in recent months and recent years about bracket creep as it applies to personal taxation income. Payroll taxation is one of those state taxes that is also impacted by bracket creep because the categorisation of the exemption threshold has not kept pace with rises in wages and payroll. I think we could argue that that is bracket creep on payroll taxation. The former Liberal–National government increased the exemption threshold twice—first, from \$750 000 to \$800 000 and then \$800 000 to \$850 000. Around the time of those increases, the diminishing threshold was introduced. If I am not mistaken, although the government increased the exemption threshold, the introduction of the diminishing threshold—if that is the right terminology—raised more money for the government, not less. Although I supported the continuing increase of the exemption threshold to remove many more small businesses from the requirement to pay payroll tax, there was no financial impact to the state because the diminishing threshold meant that the revenue to the state was maintained, if not increased.

I am often canvassed by a business in my electorate—a shearing contractor from Pingelly. Whenever I have a mobile electorate office in Pingelly, this gentleman turns up and tells me about the impact of payroll tax on his business. I do not think that anyone could argue that a shearing contractor in the wheatbelt of Western Australia is a large business. It is very much a small business. He talks to me about the difficulty of managing his business in the context of payroll taxation requirements. I want to be very clear that payroll tax applies to some very small businesses in Western Australia. I think that is because of the exemption threshold not maintaining pace with the increase in payrolls and in salaries over time.

Visitors — East Narrogin Primary School

The PRESIDENT: Member, while you take a breath, I take the opportunity to acknowledge the very special visitors in our gallery today. The leaders group from East Narrogin Primary School is visiting our chamber today as part of their school camp. I want to say welcome to the students from Narrogin today.

Hon MARTIN ALDRIDGE: It is good to welcome a school from my electorate into the Legislative Council. Welcome to all those boys and girls from Narrogin.

The PRESIDENT: I thought you would be happy with that.

Hon Tjorn Sibma: Why don't you take them to lunch, member?

Hon MARTIN ALDRIDGE: I am not sure I would fit them all on a table of 10 for lunch, but we will see.

Debate Resumed

Hon MARTIN ALDRIDGE: Back to payroll tax, like many members, I attended a briefing hosted by the Public Accounts Committee of the other place and the Treasurer about a week after the budget was handed down. I learned from that briefing that the increase in payroll taxation in Western Australia or through this budget measure and these bills will have no impact on our GST return. Unlike the proposed gold royalty by the state government whereby over time 60 per cent of that revenue was to be redistributed through the GST formula, the \$435 million increase in payroll tax over the next four years from this measure passing will not affect the GST return. The reason is that it will make us the highest payroll taxing jurisdiction in Australia. We are essentially being rewarded by the GST formula for being the highest payroll taxers in Australia. That is clear from the comparison of payroll tax that was provided to the National Party by Treasury in a briefing considering the legislation before us today. If members want to wear that with pride, they will support the passage of this bill and we will keep every dollar of that \$435 million and we will be the highest payroll taxing jurisdiction in Australia.

It was not that long ago that I saw in *The West Australian*—it was certainly in the last year—full-page advertisements by those parasites in South Australia. The South Australian government had full-page advertisements in *The West Australian* stating that businesses should reallocate to South Australia because of its much more favourable taxation regimes—namely, payroll taxation. I want to talk a little bit about that in my contribution this morning. We have had quite a bit of correspondence on payroll tax. I am sure that all members have engaged with the Chamber of Commerce and Industry, which has provided some economic analysis of this decision. The Chamber of Commerce and Industry advocated in its assessment of the impact of this change for an increase in the exemption threshold. My party took that policy to the last election, and we will pursue that during Committee of the Whole at a later stage today. That report suggested quite a few things, but if I could read from the results of the paper that I received, it states —

The study concludes that the proposed increase to payroll tax for large employers, as announced by the WA Government, will result in a loss of 1,334 jobs and will reduce economic output in industry by \$510 million in the first year.

This report suggests that there will be a \$510 million impact on economic output for a \$135 million gain to the state government in additional payroll tax raised. The results continue —

The cost of the Government's payroll tax increase will impact all businesses, including large corporations and SMEs. CCI modelling has identified that 32 per cent of job losses will occur directly in large businesses—the remainder will be lost across the wider economy. 426 direct job losses will occur in the large employers that are required to pay payroll tax, and a further 908 will be lost through the decline in aggregate demand for goods and services.

Critically, this outlines that job losses are not contained to the large employers liable to pay the tax.

The industries that will lose the most jobs are mining (269), construction (234), administrative and support services (120), and manufacturing (113).

The report goes on to provide a lot more information on the independent analysis that was undertaken to look at the impact of this decision on the business sector and jobs in Western Australia.

At this stage, I foreshadow that I will move an amendment during Committee of the Whole relating to the exemption threshold. That amendment has been sitting on the supplementary notice paper for a number of weeks. Some weeks ago I personally wrote to leaders of all parties in this place to bring that amendment to their attention for their further consideration.

On Tuesday, 17 October 2017, the Leader of the Opposition, Mike Nahan, issued a media release following a party room meeting at which the Liberal Party resolved to support the passage of this legislation. The media release states —

Dr Nahan said the business community had not suggested the legislation be opposed, but proposed increasing the threshold and it was incumbent on the Government to bring this consideration forward.

“We believe there is merit in providing a payroll tax rebate for businesses with payrolls up to \$1 million, and while the cost of it would represent a mere 0.1 per cent of total payroll tax revenue, it would support around 1100 small businesses by effectively removing their payroll tax liability,” Dr Nahan said.

We are doing exactly that: I foreshadow an amendment to one of these bills to increase the payroll tax exemption threshold to \$1 million.

If we make a comparison across Australian jurisdictions —

Hon Sue Ellery: Honourable member, will you take an interjection? Did you write to me or did you write to the Premier?

Hon MARTIN ALDRIDGE: No, I wrote to the Leader of the House.

If we look at an interstate comparison that was provided to us by, I think, Treasury, between Western Australia's current payroll tax regime versus those of every other jurisdiction, we see that a number of other jurisdictions, including Queensland, Tasmania, the ACT and Northern Territory, have an exemption threshold of \$1 million. It is not something that is radical in the Australian context. If we did some analysis on the issue of bracket creep, which I talked about earlier, we would see that that would be a more appropriate level for an exemption threshold to apply in Western Australia.

My colleagues and I have asked a number of questions on payroll tax this week and last week to try to get some information from Treasury about these bills. Third time lucky—we got that information on Tuesday, and I thank the Minister for Environment representing the Treasurer for delivering that information. My questions were basically about this year. I understand that the Treasurer is going to provide a section 82 notice. I am not sure whether he has already done so, but he made that commitment on 29 November. I may have to check whether he has indeed provided that notice. We were prevented access to Treasury's modelling for the next financial year, because apparently it was subject to cabinet consideration. For this financial year, the businesses that fall between the current exemption threshold of \$850 000 and \$1 million comprise 1 200 employers. Keeping in mind that approximately 17 000 employers pay payroll tax, a very small number of employers fall within the exemption threshold of \$850 000 and \$1 million. They contribute about \$4.2 million to the approximate \$3.2 billion raised in total Australia-wide annual payroll taxes; that is 0.0013 per cent, so a very small number. The passage of the amendment I foreshadow would have very little impact on the government's budget measures and would remove a number of taxpayers, the smallest of our businesses that are required to pay payroll tax, from the payroll taxation system. It will alleviate both financial and administrative constraints, because being in the payroll taxation system in Western Australia requires some level of administrative burden to comply with the requirements.

This proposition is sound and we will pursue it during Committee of the Whole consideration of these bills. I reiterate that the National Party will not support the passage of these bills. We will not break a commitment that we made at the last election to improve payroll tax, and in doing so, we will not be supporting the government breaking its own election commitments to the people of Western Australia.

HON DIANE EVERS (South West) [10.56 am]: The Greens' policy on payroll tax is that it should be removed. We do not agree with payroll tax and we do not think it is a good idea. It is a regressive tax and it affects many small business holders. But in this case, given the amendments that have been foreshadowed in the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and the Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017, we acknowledge that we are in a difficult financial situation and that the budget has been put forward taking into account the revenue that will be raised from this legislation. We also recognise that it is a temporary move; it will be there for only five years, it will affect only payrolls of more than \$100 million, and affect only 1 300 employers.

We often speak in this place about the royalties WA raises from the mining industry, and perhaps the lack of royalties we raise from that sector, and that maybe we should get more. I understand that we aim for about a 10 per cent return on the value of the resource. Some of us acknowledged during the election campaign that we should be getting more out of the mining sector and from the natural resources that are taken from our state and shipped overseas.

I asked a few questions earlier about mining royalties and it turns out that, of those 1 300 employers who will be affected by this, eight per cent—around 100—are in the mining industry. That means that 30 per cent of the \$435 million expected to be raised will come from the mining industry, so maybe this is a way in which we can claw back some of that wealth that is being taken out of our soil and sent out of the country for the profit of other people.

In this case, although the Greens do not broadly support payroll tax, we support the measure because the payroll threshold is to be brought in at \$1 million rather than the current \$850 000; so it will affect only those employers who I think are more able to manage and handle that sort of impost. The threshold of \$850 000 might capture businesses of as few as eight or 10 employees on an average wage, or even fewer, so they are quite small businesses. I encourage the government to review this, as was raised in the other house. I know it is not in the budget or the forward estimates, but the idea of raising the threshold to \$1 million seems to be a good idea. I am not currently prepared to go into it; I do not want to take anything more out of the budget as it stands. Of course, we have to recognise that if we reduce the income we are going to get from payroll tax, we will have to either make further cuts or we will have to impose further taxation of one sort or another, and that is something that needs to be broadly looked at; it is not something we can do in this house at this time.

To further the comparisons with other states, it should also be made apparent that there are other states with lower thresholds and other states with higher rates. The Australian Capital Territory has a rate of 6.85 per cent and Tasmania has a rate of 6.1 per cent. Sure, they are not the mineral resource wealthy, rich states that we are, but they still have payroll taxes that are at a higher rate than what we currently have. But as I said, I would rather see the end to it, but not until we are able to generate the revenue that the state needs to deliver the services that we believe are appropriate.

HON ROBIN SCOTT (Mining and Pastoral) [11.00 am]: I would like to begin my contribution to the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017 debate with a quote from a very valuable and great Western Australian, Gina Rinehart. An article in *The Australian* states —

Addressing *The Australian* and Visy's fifth Global Food Forum yesterday, Mrs Rinehart called on state and federal governments to urgently reduce the corporate tax rate, stamp taxes, payroll taxes, and regulations "if we are to see much needed investment rise in Australia".

I am very pleased to agree with Gina Rinehart on the basis of my business experience, on a very different scale of course. I would like to give members an example of my small business, which ran two divisions. It had a repair and maintenance division and a contracts division. We paid payroll tax for many, many years. An example, if I could go back 10 years, would be that if we wanted a small contract, say, \$500 000, I would borrow \$500 000 to finance that contract. The contract could be broken down into two parts—one would be for materials; one would be for wages. We would save \$300 000 for materials and \$200 000 for wages. To start the contract, I would need to buy all the materials. After a month, I would have to fork out \$300 000 to the wholesalers, because we have to pay them on time to maintain the best discount rate. This contract would have employed five electricians earning about \$3 000 each a week, so every week I would have an extra wage bill of \$15 000. The electricians would have to do at least four weeks' work before I could invoice them, making it \$60 000. After four weeks, I could then invoice and hopefully, very hopefully, I would get paid at the end of the next month. In that time, I would have paid out \$125 000 in wages with still no return from my \$500 000 investment. In some cases, some mines would drag it out to 90 days, which would then take it up to \$180 000. At this stage, I would have \$20 000 left of the \$500 000 I borrowed. Out of that \$20 000, I would still have to pay workers' compensation and public liability, and I would have to make sure the guys were all wearing high-vis clothing, safety glasses, helmets, gloves and boots. At the end of this time, just when we thought we were going to break even, in comes the bill for payroll tax. That used to be the poke in the eye from the government for employing an extra five people and going to the trouble of making an effort to make a profit.

If there must be an increase in payroll tax, the harm would be greatly reduced by making it a two-year term instead of five. I asked the government to accept my amendment and change the dates from 2023 to 2020. If I am wrong

and after two years the government can prove that there is a benefit to industry and business, the government can easily create another bill and extend it for a further three years. In any case, the tax on jobs puts downward pressure on investment and employment. The ALP Treasurer of South Australia, Tom Koutsantonis, supports payroll tax reduction; his new payroll tax rate structure will apply from 1 July 2017. He has proposed that for payroll between \$600 000 and \$1 million, South Australian businesses will pay only 2.5 per cent. For payroll between \$1 million and \$1.5 million, it will phase up from 2.5 per cent to 4.95 per cent, and above \$1.5 million, businesses will pay a maximum of 4.95 per cent. Tom Koutsantonis said —

Small businesses are the biggest employers in South Australia and are crucial to creating jobs in our economy.

By permanently cutting payroll taxes for small businesses we can give them the freedom and confidence to expand and take on more staff.

Repairing the budget is everyone's concern. Western Australia can expect to receive from GST revenue \$2 327.3 million, which equates to \$872 per head of population. By contrast, the ACT, the source of many of our problems, will receive \$1 224.6 million, which is \$3 028 per head. That is nearly four times what the people in our state receive, and we do all the heavy lifting.

I conclude that I have a motion in the system whereby businesses in Western Australia that are 100 kilometres from Perth and employ fewer than 100 people should have the payroll tax dropped by 50 per cent, and businesses 1 000 kilometres from Perth should have to pay no payroll tax. This is to encourage businesses to move out into the regions. Some people have told me that that is a bad idea because a lot of people will move their businesses into the regions. That is exactly what I want to happen. I cannot imagine BHP, Rio Tinto or Northern Star Resources moving their offices from West Perth to Wiluna or Halls Creek. That is not going to happen. But what I have realised is that if we put up payroll tax in Western Australia, what is stopping these big companies moving to South Australia or even to Queensland where taxes are lower? I hope that payroll tax is not raised.

HON COLIN de GRUSSA (Agricultural) [11.08 am]: I, too, rise to make a few brief remarks on the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017 before us today. It is a progressive change to the payroll tax to apply to large employers for a period of five years from 2018. I am not sure that this amendment will deliver while the government does not seem to want to wind back its own spending promises at the same time. The government has said that there have been writedowns to general government revenue of around \$5 billion, yet we still see funding of lavish election commitments. I would have thought that a modicum of discipline in fiscal management might have been appropriate. It does not really do much to address the debt levels because, as I said, expenditure is still increasing under this government. If it had a real commitment to fiscal responsibility, perhaps some of those election commitments would be scaled back. Others before me have said that this tax is an abhorrent tax and it is. It is a tax on jobs, a tax on employing people and a tax on expanding and growing businesses, which is contrary to what government should be doing, in my belief, and that is trying to encourage new business and expanding businesses in our state to make it better.

The Chamber of Commerce and Industry of Western Australia has said that, when faced with a sudden increase in costs such as a payroll tax hike, businesses are forced to make a choice. They can reduce wages, reduce their employee headcount, cut down on contracts to small and medium enterprises or pass the costs on to shareholders. Not many businesses will choose to pass those costs on to shareholders, so that downstream, flow-on effect is most concerning, particularly in regional areas, where a lot of small and medium enterprises are contractors to the bigger businesses. There is no doubt that they will be affected by a change to payroll tax, even if that change does not directly affect their businesses. It will affect them as a consequence of the flow-on effect from others. My colleague Hon Martin Aldridge has foreshadowed an amendment. It is appropriate to lift the exemption threshold just a little. It will not affect a lot of businesses, and it will not reduce the impact on those larger businesses, but it will mean that some businesses at the smaller end of the spectrum will be protected, which I think is a good thing.

Probably the most important thing that has come out of this debate, and other debates we have had in this place, is the fact that the Labor Party does not have a plan, and it was also elected on a lot of mistruths. It is quite interesting to go back and do a bit of research on some of the things that have been said about payroll tax in the past by members who are now ministers and Premiers. Hon Dave Kelly, back in 2015, was quite pointed in his assessment that most people agree that payroll tax has a negative impact on employment. He said that the then government was taking measures that would directly impact negatively on employment. The now Premier said, on the same day, in this debate —

... an increase on employers based upon the payroll will undoubtedly adversely impact employment in Western Australia.

The present government was elected on a mantra of creating jobs, and at the same time is now starting to increase taxes and charges that will negatively impact on jobs. Again we see the issue of a party that says one thing before an election and then does another once it is elected. I will go even further back, to 2013, when a motion was moved

in the other place condemning the government of the day for misleading the people of Western Australia in the lead-up to the state election—quite an interesting motion that we perhaps may end up debating in this place at a later time.

Hon Simon O'Brien interjected.

Hon COLIN de GRUSSA: A little bit of pot–kettle–black, I think, Hon Simon O'Brien.

I will keep my remarks fairly brief. Both this tax and the changes to the gold royalty proposed by this government are dishonest. It went to the election promising no new taxes, but as soon as it is elected it starts increasing taxes. It is merely fluffing around the edges here. It is not prepared to go and have the hard conversations with the big iron ore miners in this state to make them pay their fair share, and instead it penalises everybody else, while continuing to increase expenditure to fund election promises that perhaps need to be reconsidered. The Premier is out of touch with people in regional areas, affecting projects that are vital in those communities, such as aged care, post offices and CRCs. The Premier does not even appear to understand what a CRC is, calling it a cooperative resource centre rather than a community resource centre. Perhaps he needs to get over the Darling scarp every now and then and have a look around to see what these things do in our regional communities, and how important they are to the people of our regions.

Every budget comes down to choices made by government. Governments have to make difficult choices, absolutely, but it does not appear that those difficult choices are being made. It is easy to penalise the people out in the bush, which is what is happening, while at the same time not making the hard decisions to go and see the big end of town and ask it to chip in, instead of making mums and dads pay this tax on jobs. It will not be well received by the business community. It will not be a good thing for employment in our state at a time when creating jobs is critical. The government has said that that is its mantra, so it is a bit hypocritical to be espousing the idea of creating jobs at the same time as increasing a tax on those jobs.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [11.16 am] — in reply: I thank members for their contributions this morning, and Hon Simon O'Brien for his contribution late last night, to the debate on the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and the Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017. I intend to address at least some of the pertinent issues raised by each of the members. Obviously, we are going into committee, and that will provide a further opportunity for members, if they think I have not addressed the comments and questions that they raised, to ask those again.

I begin by thanking and acknowledging Hon Simon O'Brien for his contribution last night. He spoke about the three ugly sisters of taxation—payroll tax, stamp duty and land tax. That is an apt name for those three taxes. He was right to say that payroll tax in particular is generally viewed as a political football. He said that oppositions talk about it being a tax on jobs, and that governments talk about it being a means to raise further revenue, or to give relief to thousands of families. He also said that, in his estimation, payroll tax is one of the most equitable forms of taxation, if we have to have taxation. I recognise that a number of people in this space have indicated that they do not support payroll tax, although they see it as a necessary evil. I thank Hon Simon O'Brien for indicating that the opposition will not oppose the measures contained in these bills.

I also thank Hon Colin Tincknell for his contribution. He expressed disappointment with the Liberal Party on these bills. While expressing that disappointment, he obviously has concerns with the Labor Party and the government as well, since we are the ones progressing these bills in this place. He indicated that he completely opposes payroll tax and wants to see reductions in payroll tax in regional Western Australia. He raised a figure of about 400 000 Western Australians who will be affected by this, and he said that he thought that people would lose jobs and lose hours. I will come back to those issues in a second.

I thank Hon Martin Aldridge for his contribution to this debate, and for his letter about his amendments. I had not seen the letter previously, but I am aware of his amendments having been on the notice paper for a number of weeks. He said, tongue-in-cheek perhaps, that he did not agree with the title and the name of these bills, and that he thought they could more appropriately be named tax and spend bills. He also indicated that the National Party will not support the bills. He talked about the government making extravagant election commitments, and reallocating money from the regions to the city. He also accused us, although not in direct words, of not being focused on budget repair.

Having sat in this place on 7 September this year when I had the pleasure of delivering the Treasurer's budget speech, the member would know that the circumstances have changed dramatically since the *Pre-election Financial Projections Statement* was issued earlier in the year. Things have changed dramatically. We know from the speech that royalty income has dropped by \$1.8 billion due to lower iron ore prices and a higher United States–Australian dollar exchange rate; GST grants are down \$1.7 billion due to the impact of the 2016 census on WA's population and also a lower than forecast GST relativity for 2017–18; weaker taxation revenue has had an impact on the state's revenue, because it is down \$770 million due to lower collections of land tax, payroll tax and insurance

duty; and tied grants from the commonwealth are down \$572 million due to changes in funding arrangements, with less money for schools. I know that at the moment the Minister for Education and Training is trying to deal with those consequences and the fact that the feds have ripped significant amounts of dollars out of the budget for both education and training and are therefore giving Western Australia a lot less than was anticipated and budgeted for. That is \$5 billion in changes or writedowns since the PFPS. The government has worked hard to mitigate these impacts and it has put forward a \$3.5 billion package of budget repair measures.

The other point I want to make is that public sector net debt is expected to reach \$43.8 billion by June 2020. We are trying to work through those issues. We are trying to bring that figure down and also repair the budget that we have been left with. That is the reality of it; we have been left with the majority of this. We have had one budget this year. This situation is not of our making. We are trying to work through this methodically, because that is the way to do it. We do not want to scare the horses. We do not want to put significant numbers of people out of jobs. We want to turn the economy around, create jobs and expand industry in Western Australia. I also make the point that the GST system is broken, and that is one of the reasons we find ourselves in this situation.

The member also indicated that he will move an amendment to the thresholds. I know that a number of members spoke about the thresholds. Some of the One Nation representatives spoke about the \$850 000 threshold that exists at the moment. Both the Premier and Treasurer have indicated that the government will consider increasing the payroll tax threshold in the 2018–19 budget. Obviously, that issue requires careful consideration, but it is being considered through the budget process. I am not at liberty to say today what will come out of it, but both the Premier and Treasurer have indicated that; it is on the public record. It is under active consideration and will be considered during the budget process this year.

I want to touch briefly on the types of employers that will be affected by the bills before us. It is estimated that around 1 300 of the largest employers in Western Australia will be affected by the new payroll tax scale. That is less than one per cent of all businesses operating in Western Australia. A number of members, including Hon Colin de Grussa, made the point that this will hit everyone; it will hit the low end of town, small businesses and communities. It will not; it will hit those at the very top of the scale.

Hon Colin de Grussa interjected.

Hon STEPHEN DAWSON: The member has made his contribution. I am getting through my reply as quickly as I can, so I will not take interjections at the moment.

The types of industries that the bills will hit include the mining, construction, retail, transport and financial sectors. I take the banks as an example. Everybody in this place knows that the banks in this country are making multibillion-dollar profits on an annual basis. Companies like the banks will be hit by this. They can afford to pay. The reality is that we need everybody to help contribute to the state's finances at the moment and we believe that the big end of town has a role to play in budget repair.

I think Hon Diane Evers mentioned that about 30 per cent of the mining sector will be affected by the bills. It is estimated that large iron ore miners will make the largest contribution of nearly 20 per cent; the mining, oil and gas industries together will contribute around 35 per cent; the construction industry is expected to contribute a little over 10 per cent; and all other industries are expected to contribute less than 10 per cent. I just put those figures on the record.

Hon Martin Aldridge also spoke about the circumstances in other states across the country. I make the point that the finances are very different in Western Australia. I also make the point that the Northern Territory is a major beneficiary of WA's GST, so perhaps it can afford to have lower or better payroll tax rates.

Hon Martin Aldridge: I made that point.

Hon STEPHEN DAWSON: I did not hear the member say that. Excellent; I am agreeing with him! It does not happen very often, but I am glad to say that I agree with him now. The states are in very different circumstances and they can do that.

Hon Darren West interjected.

Hon STEPHEN DAWSON: I am not taking interjections from you either! It is the same rule for everybody!

The ACTING PRESIDENT: Order, members!

Hon STEPHEN DAWSON: Hon Diane Evers also indicated that she does not support payroll tax generally, but she is a realist and she recognises the circumstances that we find ourselves in at the moment. She acknowledged the budget circumstances that we find ourselves in and she also acknowledged the temporary nature of the amendments before us; that is, it is for a finite period and then it will be discontinued. She encouraged the government to review the threshold issue. I say to her that the Premier and Treasurer have acknowledged that this needs to be considered, and it is being considered as part of the budget process in 2018–19. She also mentioned the fact that other states have lower thresholds and higher rates. I appreciate her contribution and her indication that she will support the bills before us.

I thank Hon Robin Scott for his contribution. He took the opportunity to place on the record Ms Gina Rinehart's views on taxation matters. It was good of him to place that on the record so that we all know her views. I thank him for sharing his personal work history. It is always valuable to know where people are coming from and I think that adds to the level of debate in this place, so I thank him for that. He indicated that he believed the harm would be reduced if this measure were in place for only two years. Due to the budget mess that we find ourselves in, the government has made a decision that this measure is needed for five years. It will take time for us to get back on track and start paying down some of the debt that exists at the moment. The member also indicated that it would be easy for us to come back in two years and get another bill through this place. There is nothing easy about getting a bill through this place, so I refute that suggestion! He also spoke about South Australia's payroll tax rates. Its budget circumstances are very different from ours. I believe that it is a beneficiary of the federal government's largesse at the moment and perhaps, as a result, it can throw money away as it wants. It seems to get a great deal more than Western Australia from the federal government.

What will stop the companies from moving interstate? I do not believe that any of the approximately 1 300 companies that will be affected by these bills will move interstate. They are rooted in Western Australia and they are making significant profits in Western Australia, so I do not believe they will move interstate.

Hon Colin de Grussa spoke about the government's commitment to budget repair. Believe me, we are definitely committed. I have a significant number of conversations about these issues across government on a daily basis. He spoke about small and medium-sized enterprises. Again, they are not being targeted by these bills. This is simply about the bigger end of town and the companies that can afford to make a contribution to help with budget repair, bearing in mind that the Treasurer announced a suite of budget repair measures that will be spread across the community. We believe that larger industries in Western Australia have a role to play in fixing the financial situation we find ourselves in. The member also said that it is improper to raise the threshold at the lower end. I say again that the Premier and the Treasurer have indicated that they will consider the payroll tax threshold through the process. The Premier is a tremendous advocate for regional Western Australia.

Hon Martin Aldridge: Then you would have to bring the bill back to Parliament. Why don't we do it now?

Hon STEPHEN DAWSON: That is not what I said; I said it was not easy.

Hon Martin Aldridge: Let's make it easy!

Hon STEPHEN DAWSON: Perhaps I will take the member up on that at some stage in the future. Sorry, Mr Acting President; I will make my comments through you so that I am not taken off track.

The ACTING PRESIDENT (Hon Dr Steve Thomas): It is very hard to prevent you being interjected on if you take interjections.

Hon STEPHEN DAWSON: Indeed; I appreciate your guidance and I shall make my contribution through you, Mr Acting President.

Hon Colin de Grussa spoke about the Premier not caring about regional Western Australia. He cares about it. A significant number of regional members are in caucus—13 regional MPs in the Labor Party. It is the largest group in Parliament from regional WA. The Premier cares; he is out there regularly. He cares about regional Western Australia and that can be seen in some of the election commitments that were made. This is about hitting the big end of town. I thank members for their contributions. I understand a number of members have amendments to one of the bills. I commend the bills to the house.

Division

Question put and a division taken with the following result —

Ayes (18)

Hon Ken Baston	Hon Sue Ellery	Hon Alannah MacTiernan	Hon Matthew Swinbourn
Hon Robin Chapple	Hon Diane Evers	Hon Kyle McGinn	Hon Pierre Yang
Hon Tim Clifford	Hon Donna Faragher	Hon Michael Mischin	Hon Martin Pritchard (<i>Teller</i>)
Hon Peter Collier	Hon Nick Goiran	Hon Simon O'Brien	
Hon Stephen Dawson	Hon Laurie Graham	Hon Tjorn Sibma	

Noes (8)

Hon Jacqui Boydell	Hon Colin Holt	Hon Charles Smith	Hon Colin Tincknell
Hon Colin de Grussa	Hon Robin Scott	Hon Aaron Stonehouse	Hon Martin Aldridge (<i>Teller</i>)

Question thus passed.

Bill (Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017) read a second time.

PAY-ROLL TAX ASSESSMENT AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017*Second Reading*

Resumed from an earlier stage of the sitting.

Division

Question put and a division taken with the following result —

Ayes (20)

Hon Ken Baston	Hon Sue Ellery	Hon Alannah MacTiernan	Hon Matthew Swinbourn
Hon Robin Chapple	Hon Diane Evers	Hon Kyle McGinn	Hon Dr Sally Talbot
Hon Tim Clifford	Hon Donna Faragher	Hon Michael Mischin	Hon Darren West
Hon Peter Collier	Hon Nick Goiran	Hon Simon O'Brien	Hon Pierre Yang
Hon Stephen Dawson	Hon Laurie Graham	Hon Tjorn Sibma	Hon Martin Pritchard (<i>Teller</i>)

Noes (8)

Hon Jacqui Boydell	Hon Colin Holt	Hon Charles Smith	Hon Colin Tincknell
Hon Colin de Grussa	Hon Robin Scott	Hon Aaron Stonehouse	Hon Martin Aldridge (<i>Teller</i>)

Question thus passed.

Bill read a second time.

PAY-ROLL TAX AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017*Committee*

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

Clause 1: Short title —

Hon AARON STONEHOUSE: There are a couple of issues that I hope the minister might be able to address for me. During estimates hearings and a briefing I had with the Under Treasurer and Treasurer, I inquired with the Under Treasurer about the impact of the payroll tax increase. I was told during estimate hearings that an impact statement, study or report had been conducted by Treasury. When I asked the Under Treasurer to provide those figures, he did not give them to me; instead, he said that he predicted the impact would be minimal. Does the minister have any information that he could provide to me on the impact of the payroll tax increase? The Under Treasurer confirmed that a study was conducted into the impact on employment and business investment in the state. I concede that those impacts may be small in the grand scheme of things, but there must be some figures somewhere. I hope the minister can provide those to the chamber.

Hon STEPHEN DAWSON: Treasury did not undertake any detailed modelling of the economic or employment impact of the new payroll tax scale prior to it being announced in the 2017–18 state budget. However, Treasury did some analysis of the cost impact of the measure on individual employers and industry. I am advised that that informed the government's consideration of the proposal.

Hon AARON STONEHOUSE: The only measurement that Treasury has been able to provide us on the cost is the cost in payroll tax paid. No other cost is being measured. This place is considering this bill and weighing up the costs and benefits of increasing payroll tax, but we have been provided with very little information from the government. To compound that, we have also been given little justification for the need to raise this revenue, given that the government is continuing to increase the deficit and increase spending over time and has not undertaken any real effort to drastically reduce spending in its first budget. As I understand it, Treasury has no numbers, predictions, modelling or analysis of any jobs being lost as a result of this bill. Can the minister clarify that at least?

Hon STEPHEN DAWSON: I will say again that no detailed modelling of the economic or employment impacts of the new payroll tax scale was undertaken. As I said, some analysis of the cost impact on individual employers was looked at. Perhaps the honourable member was out of the chamber on urgent parliamentary business when I provided my response to the second reading debate. I reminded members of this place about the changes since the *Pre-election Financial Projections Statement* earlier this year. Government revenue estimates have been revised down by a massive \$5 billion over the 2016–17 to 2019–20 years. There have been significant writedowns and issues that the government has had to deal with. The \$5 billion that we thought we had was no longer there. As part of that, we worked hard to mitigate the \$5 billion worth of impacts through a \$3.5 billion package of budget repair measures, and this is obviously one of those.

Hon AARON STONEHOUSE: I am new to budgets, to how taxes pass through this place and to how Treasury operates. Can the minister tell me whether it is standard practice for Treasury to propose a revenue-raising measure and to conduct no detailed analysis of the impacts on the economy of that measure? Does Treasury come up with thought bubbles and put those through to cabinet or does it undertake a detailed analysis of every measure it proposes to the Premier, cabinet or wherever it goes? I ask the minister to clarify that for me.

Hon STEPHEN DAWSON: For the member to suggest that this might be a thought bubble means that he is totally off track. As I said earlier, in this case, no detailed modelling was undertaken on the economic or employment impact of the new payroll tax scale. However, some analysis of the cost impact on individual employers and industries was undertaken and that informed the government's consideration of the proposal. From time to time, different things are done on different bills.

Hon AARON STONEHOUSE: With respect, some—"some" was the word I think the minister used—modelling was done on the cost to individual employers. That does not give us any indication of how many jobs this measure might cost. We could argue the costs and benefits of this measure and the minister can mention the writedown in revenue that the government faces, which is no doubt a difficult situation that the Treasurer has been put in, but we are not able to accurately measure the true cost of this measure on employment and business investment in this state. I am sure other members have mentioned that it is not just the impact on direct employment; it is also about investment and projects getting off the ground in the first place, as people look at different jurisdictions in Australia in which they might decide to invest their money. Without being able to understand the true cost, I am having trouble making any kind of real judgement of the efficacy of this measure. Just so I have it right: Treasury does not always undertake detailed analysis of tax increases that it recommends? Is there any process that Treasury undergoes when deciding which tax increases are given detailed analysis and which tax increases are not given detailed analysis? I am an amateur; I do not know how Treasury works. Surely, it has some internal process to decide what gets proper scrutiny and what does not get proper scrutiny. Could the minister speak to that?

Hon STEPHEN DAWSON: First of all, the words used earlier were that Treasury provided some analysis—not some modelling—of the cost impact of the measure on individual employers and industries. I am advised that Treasury provides detailed analysis but it does not always provide economic modelling of the impacts of legislation. I will take the opportunity now to debunk the issue of the number of jobs that could be lost that people are throwing out there. I understand that the Chamber of Commerce and Industry of Western Australia had used a figure of about 5 000. It has gone down to 1 300 by other people. I am advised and can say with confidence that far fewer than 1 300 jobs will be lost. In fact, I am told that the direct impact of this change is much more likely to be zero. Given that these are the bigger businesses in Western Australia with significant annual turnovers, the impact is likely to be very low.

Hon AARON STONEHOUSE: If the job losses are expected to be fewer than the CCI has predicted and it is more likely to be zero, I wonder what that is based on. Some analysis has been done; that is fair enough. But the analysis has shown only the cost to individual businesses in a dollar figure. I am wondering who determined that it was more likely to be zero. Is it just an assumption or is it based on the analysis? If it is based on the analysis, can we please see those figures?

Hon STEPHEN DAWSON: I am advised that the Treasurer has indicated that it is much more likely to be zero. I am also advised that businesses that will be affected by the proposed payroll tax changes will have several choices about how to absorb the additional cost, including accepting lower profits. Most of the choices that will be available to businesses are not likely to significantly impact employment.

Hon AARON STONEHOUSE: The Treasurer said so? That is comforting! What is informing the Treasurer's prediction? Are numbers just popping into his head? Is he looking at analysis provided by Treasury? Is he guided by some ideological view about how the economy runs? What is informing the Treasurer's decision? If it is true that the businesses that will be impacted by this will have other options available to them, was that also included in the "some analysis" that Treasury undertook or, again, is this an assumption made by the Treasurer?

Hon STEPHEN DAWSON: I am advised that this measure will affect fewer than one per cent of Western Australian businesses and it will apply for only five years. This is advice from Treasury. The Treasurer's views on this are based on advice from his agencies. Payroll tax is one of the most efficient taxes available to the state government. It is widely considered to have a similar economic impact as efficient broad-based taxes such as a flat personal income tax or a consumption tax. The advice from Treasury is that the increased payroll tax from hiring an additional employee on average wages will be only 0.5 per cent of that employee's salary for businesses with a payroll between \$100 million and \$1.5 billion. For businesses with a payroll above \$1.5 billion, it will be one per cent. It is unlikely that the marginal increase in employee costs will lead to a significant reduction in employment. As I said earlier, businesses affected by the payroll tax changes will have several choices, including accepting lower profits. This advice was provided to the Treasurer by his agencies.

Hon AARON STONEHOUSE: One of the options available to businesses faced with increased payroll cost through an increased payroll tax is to accept less profits? That is a very interesting take! In the comments made by Hon Simon O'Brien last night he indicated that in his experience as Minister for Commerce he found that larger employers had an easier time cutting payroll than smaller businesses. A few dollars here or there does not impact their behaviour in hiring and firing staff. The figure of "more likely to be zero" jobs lost by this measure is based on advice given to the Treasurer by his agency. When the minister says that it is more likely to be zero, does he mean literally zero or a number of close to zero? Are we talking about five or 10 jobs being lost—or 20 or 100? What margin of error are we dealing with when the Treasurer says that it is more likely to be zero?

Hon STEPHEN DAWSON: I am advised that the likelihood is that it is more likely to be a lot closer to zero than it is to 1 300. The other options that will be available to businesses, aside from accepting lower profits, are that they can seek to maintain their profit margins by passing on the impost to customers. That would have little or no impact on employment, but I do not think that these companies will do that in the current environment. The companies could accept to reduce profit and pay a lower dividend to their shareholders, in which case the increase would have little or no impact on employment. In the case of the banks that operate in Western Australia and across the country that have multibillion-dollar profits, they could certainly accept a reduced profit margin. The other option is to pass the cost on to employees through lower wages. Again, I do not believe that that will happen in this case. Other options are available and I think the most likely option that businesses will accept is to lower profits and not reduce staff numbers.

Hon AARON STONEHOUSE: I appreciate the minister's effort in trying to answer those questions for me. It is certainly more information than I have got out of the Treasurer or the Under Treasurer in all my undertakings to glean from them what analysis has been done on the impact of this payroll tax increase. We are starting to hear that there will be some costs, and not just a dollar figure to employers, but that costs may be passed on to customers. Dividends to shareholders and pay to employees may be reduced, but the Treasurer still makes the claim that it is more likely to be, now closer, to zero jobs lost. However, there is the admission that costs may be absorbed by lowering pay to existing employees. The government is conceding that there may be an impact on payroll. I am looking at the comment that the number of jobs lost is more likely to be closer to zero, whereas the CCI said it would be about 1 300 jobs. Some people are talking about something in the middle—650 jobs maybe, give or take a few. It is hard to tell. Treasury is being very tight-lipped about what is in its "some analysis" of the impact of this payroll tax increase. I would have thought that something as impactful as a \$435 million revenue-raising tax increase would warrant more than just some analysis and that we might be able to see some detailed modelling. I suspect that it is because, politically, the results of that analysis might shine a light on the real impact of this payroll tax increase. If not, I do not see why more details have not been released about the analysis that Treasury undertook. Surely, it would back up the argument being made by the Treasurer; that is, there will be very little impact and that businesses will be able to absorb the costs. With the lack of analysis and with the CCI being the only group willing to do any real research into the impact of this payroll tax increase, it is hard for me to see that the benefits of this tax increase outweigh the costs. Again, I thank the minister for his undertaking to try to answer these questions for me, but as it stands I am certainly not impressed.

Hon MARTIN ALDRIDGE: I have a couple of questions for the minister, but I do not seek to delay the passage of this bill. The minister mentioned ad nauseam that the reason we are dealing with this —

Hon Stephen Dawson: Ad nauseam.

Hon MARTIN ALDRIDGE: Ad nauseam. The reason that we are dealing with this budget measure is because of the \$5 billion writedown since the *Pre-election Financial Projections Statement*. The minister has talked about all the ways that businesses, in his view, can manage this additional cost. Did it ever occur to the government that another way of managing this might have been reflecting on the extent of its commitments at the last election and considering how the scope and delivery time frame of those commitments might assist in accommodating the situation in which the government finds itself?

Hon STEPHEN DAWSON: First of all, I take issue with the member's use of the words "ad nauseam". I certainly indicated a number of times the difficult situation in which the state has found itself since the PFPS. The government has undertaken quite a lot of reflection since the election and continues to do so. Some of our election commitments will be staged over a number of years to enable us to deliver those. Just as the member has indicated today that the National Party is not going to break its election commitments, we are not going to break the commitments that we have made to regional communities. In this case, we have found ourselves in a difficult financial situation. This is one of the tools that we have been forced to use to fix the financial mess that we are in. The government has decided that it will not change the course of those projects that we have committed to build in regional communities, be they train lines or sporting facilities.

Hon MARTIN ALDRIDGE: I find it quite staggering, minister, that the so-called government for jobs has done no modelling on the impact of this budget measure on jobs in Western Australia. I am sure the minister, or at least the minister's advisers, is familiar with some modelling that was done by the Chamber of Commerce and Industry. It used an economic model that was built by independent consultant group PRAXIS in 2016 and suggests that the \$135 million raised by the payroll tax in its first year will be offset by a \$510 million loss in economic activity. Is that model wrong?

Hon STEPHEN DAWSON: I am advised that the model used potential economic impact by using Australian Bureau of Statistics national accounts input-output table-derived multipliers. It is widely recognised that input-output multipliers grossly overstate economic impacts as they assume that the relevant economic activity takes place in an unconstrained environment and do not take into account any substitution possibilities associated with price changes in both production and demand.

Hon ROBIN SCOTT: The minister said that only one per cent of businesses would be affected by this payroll hike. Can the minister tell me the percentage of employees affected by it?

Hon STEPHEN DAWSON: No, the Office of State Revenue does not collect that data, so we cannot give the member any accurate information on that.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 5 amended —

Hon ROBIN SCOTT: I move —

Page 3, line 4 — To delete “30 June 2023” and substitute —

30 June 2020

Hon STEPHEN DAWSON: Unfortunately, we are not in a position to accept the member’s amendment. The member has a number of fairly similar amendments on the notice paper at 1/6, 2/6, and 4/7 to delete “2023” and substitute it with an earlier date. I addressed this issue in my second reading reply earlier. We have inherited high debt and deficits and we have introduced this measure to help with the task of budget repair. We have decided to do it on a temporary basis, albeit over five years, and for that reason I cannot accept the member’s amendment.

Amendment put and negatived.

Hon ROBIN SCOTT: I withdraw my requests to amend any dates in this bill.

The DEPUTY CHAIR: Thank you.

Hon ROBIN SCOTT: I move —

Page 3, after line 14 — To insert —

(5) Subsection (6) applies to an employer who —

(a) lodges a payroll-tax return; and

(b) in the month of December pays wages that include a Christmas bonus.

(6) Commencing 1 July 2018, the employer’s liability to pay pay-roll tax in respect of the return period is reduced by the amount, not exceeding \$1,000 for an individual employee, of each Christmas bonus paid in the month of December.

(7) In this section —

Christmas bonus means an amount paid to an employee, as a Christmas bonus, which is in addition to the employee’s entitlement to wages;

Employee means a person to whom wages are paid.

Hon STEPHEN DAWSON: Again, I am not in a position to accept the member’s amendment and I do not want to be called a Christmas Grinch in the *Kalgoorlie Miner*, but for the reasons that I indicated earlier, we have inherited high debt and deficits and this measure is part of the task of budget repair. Introducing a concession for Christmas bonuses would impose an additional cost on an already strained budget. Furthermore, although it is a nice idea to exempt Christmas bonuses, it is not really a good reason to introduce a payroll tax exemption for Christmas bonuses because the benefit of such an exemption would go to employers, not necessarily employees. A number of administrative issues would also be raised if a proposal such as this were to be passed. For example, it could create opportunities for companies to reduce their payroll tax liability by paying Christmas bonuses and lowering ordinary wages in December to claim a deduction for the bonuses. There are complications attached to the amendment. I appreciate the sentiment of what the member has brought forward, but, unfortunately, we cannot support his amendment.

Amendment put and negatived.

Clause put and passed.

Clause 7 put and passed.

Title put and passed.

PAY-ROLL TAX ASSESSMENT AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017

Committee

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

Clauses 1 to 3 put and passed.

New clause 3A —**Hon MARTIN ALDRIDGE:** I move —

Page 2, after line 12 — To insert —

3A. Section 8 amended

- (1) Delete section 8(1)(b) and insert:
 - (b) the financial years beginning on 1 July 2016 and 1 July 2017 is \$850,000; and
 - (c) a financial year beginning on or after 1 July 2018 is \$1,000,000.
- (2) Delete section 8(2)(b) and insert:
 - (b) the financial years beginning on 1 July 2016 and 1 July 2017 is \$70,833; and
 - (c) a financial year beginning on or after 1 July 2018 is \$83,333.

In moving this proposed new clause I will make some brief remarks, because I already outlined in my contribution to the second reading debate the position of the National Party on this amendment. I remind members that this amendment will give effect to the raising of the payroll tax exemption threshold in Western Australia from \$850 000 to \$1 million. This will cost the state \$4.2 million in revenue forgone in the context of a payroll tax collection of some \$3.2 billion. It will remove seven per cent of payroll tax-paying businesses from the payroll taxation system and will amount to some 0.13 per cent of total payroll tax revenue collected by the state.

I do not for one minute believe that if the Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017 passes unamended, its impact will be limited to only large businesses with payrolls exceeding \$100 million or more. The impact will be felt far more widely than that. This amendment is a modest one and one that will, in some part, offset the impact on small to medium-sized enterprises, particularly small businesses, of the government's intention to increase payroll taxation in Western Australia.

I am not comfortable with Western Australia's reputation of being the highest payroll-taxing jurisdiction in Australia. Members have pointed out that some other jurisdictions have a higher rate of payroll taxation, but we must look at the relevant policies that exist in those jurisdictions, because there are varying exemption thresholds. I think it was mentioned during debate that the Australian Capital Territory has a payroll taxation rate of 6.5 per cent, but it has an exemption threshold of \$2 million—the highest in the nation.

I think this amendment has merit. It would in part match the arrangements in Queensland, Tasmania, the ACT and the Northern Territory, which similarly all have an exemption threshold of \$1 million or more. As I said, the ACT has a threshold of \$2 million. It will not cost the budget significantly. As I also said, \$4.2 million equates to 0.13 per cent of total payroll taxation received by the state. The National Party and I believe that this amendment has merit; the Leader of the Opposition, Mike Nahan, believes it has merit and has said so in a media statement. I commend the amendment to the chamber and I seek members' support in making sure that some of our smallest businesses in Western Australia remain competitive with other jurisdictions and are, to some extent, shielded from the impacts of this increase.

Hon AARON STONEHOUSE: I will speak briefly to advise members that I will support this amendment. It is a well-thought-out and practical amendment to what is otherwise a job-destroying tax. I would rather see no increase to payroll tax; I would rather see payroll tax abolished entirely. I completely disagree with the minister and his assertion that it is an effective tax. I think it is a very ineffective tax. Any activity in the market that is taxed is going to be disincentivised, and any activity that is subsidised is going to be encouraged. Some members may scoff at this, but a tax on payrolls is quite literally a tax on jobs.

Raising the threshold is a great idea; Hon Mike Nahan said so himself back in February when he made an election promise to raise the threshold from \$850 000 to \$900 000. What a fantastic idea. I have a lot of respect for Mike Nahan; he is a very smart guy. I wish Liberal members in this place had the same view and maybe the same guts—maybe not guts, since Mike Nahan is not supporting the amendment either—or at least the same economic outlook, and had stood up to this tax like they did with the gold royalty increase proposal. Unfortunately, it seems that unless they are lobbied hard enough, they are not willing to throw their support behind something. I guess, in this case, it means that the bill will be passed unamended, but, anyway, I am in full support of this amendment and I hope other members will join me in that support.

Hon COLIN TINCKNELL: Once again, I am in full support of this amendment. Pauline Hanson's One Nation made it quite clear in the second reading debate that if the government was serious about repaying debt, it would not need this payroll tax increase. We do not think the government is serious about repaying debt because its overspending continues and increases on a regular basis. We are 100 per cent in support of this amendment.

Hon STEPHEN DAWSON: I say from the outset that we are not in a position to support this amendment today, Hon Martin Aldridge. A number of members have made a contribution so I had better say, for the record, who I am

addressing, first of all. That \$4.2 million is tax paid by employers with wages between \$850 000 and \$1 million. Increasing the threshold will flow through to all taxpayers with wages up to \$7.5 million at a cost of \$139 million over the forward estimates. That is \$45 million in 2018–19, \$46 million the year after, and \$48 million the year after, totalling \$139 million over the three years.

Hon Martin Aldridge: You did not answer it last week because it was cabinet-in-confidence.

Hon STEPHEN DAWSON: This is the advice I am now given. I am also advised that the Treasurer gave this information in the Legislative Assembly. Member, I just want to place that on the record. In terms of the consideration of an increase in the payroll tax exemption threshold, I have said a number of times today but I will also say it again that both the Treasurer and the Premier have indicated that the government will consider increasing the payroll tax threshold in the 2018–19 budget. Increasing the threshold needs careful consideration and the government's view is that it is best considered through the budget process. The cost to revenue would be ongoing; it would not be limited to five years like the revenue raised from this measure. It would therefore, over time, more than offset the revenue that is raised from the measure. If we were to increase the exemption threshold, we would have to borrow money to cover its lost revenue. If we are going to do that, we need to make sure that we deliver the best economic outcome for the state. That may be a threshold increase, or it may be a rebate of some other measure, but if we are going to borrow money to fund a tax cut, we need to ensure that we get the best economic outcome that we can possibly get. Therefore, again, from my and the government's perspective, the best way forward is to allow Treasury the time to consider the threshold increase and do analysis in the lead-up to the budget next year. Then the government will make a decision at that time.

Hon SIMON O'BRIEN: I understand we are addressing the question that the words proposed to be inserted be inserted, which is the amendment substantively from Hon Martin Aldridge. I am just wondering whether the honourable member could briefly explain for the record the two parts of the proposed new section 8(1) and (2) that he wants to insert. The first is self-explanatory: he wants to increase the threshold at which the payroll tax becomes payable from \$850 000 to \$1 million. That is pretty straightforward. But I am just wondering for the record whether the member could explain what the proposed new section 8(2)(b) is trying to achieve?

Hon MARTIN ALDRIDGE: This amendment seeks to amend section 8 of the Pay-roll Tax Assessment Act 2002. I do not expect everyone to have that section of the act or the act itself in front of them, but section 8(1) and (2) breaks down the annual threshold into an amount. At the moment section 8 states —

- (1) The annual threshold amount for —
 - (a) the financial years beginning on 1 July 2014 and 1 July 2015 is \$800 000; and
 - (b) a financial year beginning on or after 1 July 2016 is \$850 000.
- (2) The monthly threshold amount for —
 - (a) the financial years beginning on 1 July 2014 and 1 July 2015 is \$66 667; and
 - (b) a financial year beginning on or after 1 July 2016 is \$70 833.

Basically the two subsections of section 8 of the act reflect both an annual threshold and a monthly threshold and that monthly is simply the annual threshold divided by 12, as I understand it. In amending the annual threshold, we also have to amend the monthly threshold to ensure that both subsections of section 8 of the act reflect each other.

Hon SIMON O'BRIEN: I thank the honourable member for that; it is important to get it on the record. I do not have the principal act immediately to hand, so I thank you for that. I want to comment on both of those things. Firstly, I make a general comment. At the second reading vote, the policy of this bill was decided. I am now moved to contemplate: What does that mean? What is the policy of the bill? It could be argued that the policy of the bill is to impose certain higher rates of payroll tax for two new categories with their own thresholds for a five-year period and to also provide the administrative machinery to make that policy work. Those amounts are obviously in the bill. Is that, short and sweet, the policy of the bill or is it something more sweeping like we just change around the payroll tax arrangements? If it is the former, I am not so sure that we are able to contemplate this desire to tweak details, and were I to raise it formally, it might create some real head scratches for people.

The DEPUTY CHAIR: Including the Chair!

Hon SIMON O'BRIEN: I was going to say, sitting not too far away from the Chair, the sort of question that might say, "Jeez, they are worth their money and should not have their wages frozen!" But I digress. I am not raising that except for the sake of debate but it is something that people might like to contemplate. What is the policy of this bill? If the policy is to enable something simpler than that, something less precise and less restrictive, it might be that we are going to amend the Pay-roll Tax Assessment Act. That would then enable people to say, "I reckon it should be \$750 000", "I reckon it should be \$500 000", "I reckon the rate should be tuppence ha'penny", or whatever else people want to say. It is an interesting point is it not? Perhaps I will quickly address both.

The DEPUTY CHAIR: I think you should really be working on addressing a question to the minister.

Hon SIMON O'BRIEN: We already have a question, and the question is that the words proposed to be inserted, be inserted. I am addressing that of course, Mr Deputy Chair, and as you suggest, I will definitely be looking to the minister to respond. In that sense it very much characterises a question. That should keep everyone happy!

The first observation I make on the policy of the bill is that if such an amendment as is being contemplated were to be made, what happens then? The government has already indicated from the committee table that it is not acceptable, but anyway, a suggestion to amend this bill would go down to another place in which we would find, not to our surprise, that the government is not amenable to this amendment. We know that because it has told us so in this place. The government in the Legislative Assembly, virtually by definition and certainly it is the case in this Parliament, has the numbers. The government in February, when the Legislative Assembly will meet again, will very politely say no, and when we come back in March, we would have a message stating, very politely, that the government declines the amendment. Then what happens? Firstly, for months there would be uncertainties for the very broad sector affected by payroll tax. Secondly, without the provisions contained in this statute, the Commissioner of State Revenue would be constrained from putting into place all the machinery that is proposed to be put into place, because there is no lawful basis for doing so. The Commissioner of State Revenue is a pretty cunning character, I believe, and he can get around most things, but if some black letter law relating directly to the government's amended payroll tax policy is denied to him, even he would not be able to overcome that. We would have an unfortunate hiatus for at least three months. Then we would have to consider what we were going to do about it here. If we were to insist on our amendment—I do not know whether we would get up a head of steam to do that—then what happens? It goes down via a message to another place, and we start getting into rarely experienced territory, with conferences of managers and the like. If that is the case, that is something we need to consider as well as the matters that have been put forward by the mover and the other speakers on this amendment. As I said, I am not so sure that it is within the policy of the bill, so I am a bit nervous about that. The other things that need to be addressed are: what would this deliver, and is the government right in its position of rejecting the amendment?

The DEPUTY CHAIR (Hon Robin Chapple): One assumes, member, that that is the nature of the question to the minister.

Hon SIMON O'BRIEN: Among others, but if he wants to respond to what I have said so far, he is welcome to do so. I have a few more things to say, but I will sit down for now if someone else wants to have a go.

Hon STEPHEN DAWSON: I thank the member for his contribution and his question. The explanatory memorandum for the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 states —

This Bill seeks to amend the Pay-roll Tax Act 2002 to introduce a temporary progressive payroll tax scale for five years commencing on 1 July 2018 and concluding on 30 June 2023.

It goes on to state another few things—obviously members can read an explanatory memorandum—but it also states that its intent is to give effect to the new progressive payroll tax scale. Further on, it states —

... formulas have been devised which take into account all relevant factors, such as whether the employer operates interstate, operates as part of a group, or operates for only part of a financial year, and which apportion relevant thresholds according to the proportion of Western Australian wages to Australian taxable wages. The rate determined by the formula is then applied to the employer's Western Australian taxable wages.

In relation to the member's question earlier on about the policy of the bill, and what was decided, I would contend that the policy of the bill is to impose a certain higher rate of payroll tax for a five-year period, but it is also to provide the machinery to make that work.

Hon SIMON O'BRIEN: The question is that the words to be inserted be inserted. In considering that, we must consider the policy of the bill. It seems that the minister and the government agree with what I have postulated. That then raises a procedural question about what we can do with it as a house, and I have left that one hanging in the air. I was commenting just now that, if we do contemplate making amendments that have nothing to do with the policy of the bill, then what happens? How fruitful is that action going to be? I could imagine Hon Nick Goiran arguing whether these amendments are within the policy of the bill. He could go on at very great length, but fortunately the chamber will only have to put up with me, in very brief bursts. If there is a bill about payroll tax, and we come up with another amendment about an aspect of it that the government is not contemplating, is not brought forward in his budget and is not brought forward in this machinery bill to give effect to those budget measures, should we entertain it? As a private member, and I think on behalf of the opposition, I would suggest probably not. That is not to say that I am suggesting that this amendment should have been ruled out of order, but there is a case for that to happen. However, we are dealing with it and it has not been ruled out of order. I recognise that the proposition is debatable, so let us at least get on with it and dispose of it one way or the other.

In contemplating this, we have a proposition that the mover has decided that payroll tax is evil, and if we can moderate its application somewhat, that will bring all sorts of benefits to people who would otherwise be hit up for these increased amounts of payroll tax. The minister tells us it is a minor impost on the budget and the total

payroll tax take, but at four point something million dollars, that is some minor impost. I can almost imagine what the Treasurer would be saying about this. There would be a wailing and a gnashing of teeth, I would expect. Anyway, what are the impacts, and what benefits would it provide? Let us do a weighing up of costs and benefits. I alluded to this in my brief second reading contribution, and I suggested then that I might have to say a little more during the Committee of the Whole. Let me repeat the observations that I alluded to, so that we understand this amendment, its motivation and its context. With payroll tax, governments have to make sure that they maximise what they can get into the coffers without frightening and upsetting the horses too much. If the government wants to change it around, depending on whether it comes from the left or the right side of centre, it can be characterised in a couple of ways. A slightly left-of-centre government would want to attack the big end of town—the corporations. We all know they are nasty, despite the fact that most of their labour force is heavily unionised, which surprises me a bit. Such a government will up the payroll tax impost for the larger employers. We have seen this before. Hon Nick Griffiths was sitting opposite, on the old benches, but in the same place, as Minister for Finance, going through the same process that we are seeing now, quite unapologetically. That is what they do—hit them up because then they get maximum bang for their buck. Governments also make sure that they appeal to people as sympathetic, so that even though they will continue to charge payroll tax, and try to refine it, they will try to present it in a press release—worthy way.

Hon Martin Aldridge gets it. I hope he will not take offence, but I almost see his amendment as proof that he is indeed a minister in waiting. I hope he does not think I am referring to him as precocious in that sense in any offensive way, but he gets it. If the government is going to increase the threshold and there are good reasons for doing so, it should highlight the fact that thousands and thousands of employers will benefit. Of course they will; they will benefit to the tune of \$5 500 per annum if the threshold is increased by \$100 000—\$100 000 multiplied by 5.5 per cent is \$5 500. What is more, a whole lot of other employers with payrolls between \$750 000 and the proposed new threshold of \$850 000 will not pay anything. The government can put a figure on that; there will be thousands of them: “Look at the benefits we are bringing to small business here in Western Australia.” How much difference will it actually make? Let us say that a small business is hovering around the \$750 000 payroll mark and then it goes over that amount by \$1 000 through bracket creep or a growth in the business. It still has the \$750 000 threshold and then it has to pay payroll tax on the \$1 000 by which it has exceeded the threshold. How much is that? It is \$55. Does our Office of State Revenue, like the commonwealth, just write off relatively small amounts? Not on your nelly! It will collect that \$55. I have to tell members that that is not the sort of bill that will stop anyone who is thinking of employing a new staff member from doing so. It will not require any small business to lay off a staff member it has on its books. It is wrong to suggest that it is somehow a tax that stops jobs being created by small business. It is not a tax on jobs; it is a tax on payroll. I have contemplated a business that is \$1 000 over the current threshold. Of course, a business at the top end with a \$850 000 threshold, which is a reasonable sized business, could save \$5 500 a year. It would be really nice for the owner of that business to take up to \$5 500 of tax and stick it back in their pocket or put it towards their bottom line. However, I wonder whether it will really deliver the benefits that have been suggested.

Hon Colin Holt: Should we have left it at \$700 000?

Hon SIMON O'BRIEN: What I am saying, Hon Colin Holt, is that people have looked at this for a very long time and they have contemplated these things, regardless of whether they are in government or in opposition. Governments will do what governments do now; that is, they will say that they have to do this and they will call it budget repair or something. But oppositions will tend to say that it is all about a tax on jobs, it is evil and all the rest of it. At all times, Treasurers or ministers for finance will contemplate this and they will put up their proposals through the cabinet processes based on the sorts of factors that I am outlining: how much will it bring in to help balance our budget, how much of a good news story is it to put out and how much can we afford to give? It comes down to hard dollars and cents. The minister at the table has already indicated that that will be contemplated as the government enters the next budget round. He did not have to tell us that, because it is a factor that is contemplated and comes up every single year.

The DEPUTY CHAIR: Members, we are dealing with the amendment.

Hon SIMON O'BRIEN: I thought that members might benefit from that information to help guide their decision on this amendment.

In summary, it is possibly debatable whether the amendment is within the scope of the bill, but if the government and the processes of the chamber have not picked up on that, perhaps it can be contemplated; and so we are contemplating it. How are we going to dispose of it? The member can make a very compelling case about the benefits of this amendment, but if we look at the problems it will cause, it does not stack up. Nobody wants to put up taxes. Everybody involved in government processes wants to find ways of delivering tax relief, but when someone has to take responsibility for doing it, it is a different matter from simply saying, “Gosh, this would be a very good idea.”

I want to make one final observation before I sit down. I have heard all sorts of comments about this bill. I was out of the chamber briefly when the minister concluded the second reading debate, but I have heard a lot of

references to how this bill is all about mums and dads and small businesses. The scope of this bill at the moment is about applying new rates of payroll tax to two classes of business: those with payrolls of \$100 million plus per annum and those with payrolls of \$1.5 billion plus per annum. I suggest that that is not mum-and-dad-operation stuff—unless you are Nicola and “Twiggy”! Quite correctly, though, it will affect all sorts of little people, but it is clearly targeted at big concerns. I just wanted to make that point so that we know what the government has proposed. For all the problems that this could potentially cause, and although the opposition would love to see thresholds raised all the time, as Mike Nahan has indicated, on this occasion, for a whole range of reasons, it is not practicable to do so. Regretfully, we will not be able to support the amendment.

Hon MARTIN ALDRIDGE: I think a point of order might have been a quicker way of dealing with some of those issues.

The DEPUTY CHAIR: It is fairly broad.

Hon MARTIN ALDRIDGE: Nevertheless, we are still debating the amendment. I want to address some of the matters that were raised in the contribution by Hon Simon O’Brien. He mentioned a couple of the reasons why he and the Liberal Party oppose this amendment. One reason was that this amendment would benefit from some analysis. If anything, we have found out today that the government’s bill seriously lacks any significant analysis of its impact. We learnt that no modelling has been done by Treasury or the government on the impact of this bill. They are relying on the Treasurer’s view that the impact of this bill on jobs will be closer to zero than it would be to another number. The analysis that has been done seems to be constrained to businesses with payrolls of \$100 million or more and does not consider modelling of the impact on the broader economy. I remind the member that he is supporting a bill that lacks any serious or proper analysis of the impact of this measure on our business community, jobs and other things.

The other aspect of the member’s contribution was about certainty in the other place. I am not sure about other members, but I am not here to deliver the wishes of the other place and I am certainly not here to deliver the wishes of the government on every occasion.

Hon Simon O’Brien interjected.

Hon MARTIN ALDRIDGE: I think the same could be said about a lot of other decisions that are made in this place. In terms of certainty, this bill will not come into effect until 1 July next year, so there is time for the bill to return to and be considered by the lower house. I would have thought that if the chamber agreed to my amendment, the same proposition would weigh on the mind of the government in the other place in that if the will of this place is that we should lift the exemption threshold to \$1 million in part to offset the economic impact of the decision to increase payroll tax in Western Australia, simply shoving a bill back to us that does not have this amendment included and passed by the Legislative Assembly would quite reasonably meet the same fate. It is an interesting argument that we should make our decisions based on the likely outcome in the other place. We are a sovereign place of Parliament in our own right and the impact that this measure passing would have on the other place does not weigh strongly on my mind. That would be a matter quite rightly for the Legislative Assembly.

I go back to the issues that I raised when I moved the amendment. I thought that the honourable member who spoke before me and his party would be in support of this given that he and his party took the position to increase the exemption threshold to the election. That was announced by the then Treasurer, Mike Nahan, in February at a Chamber of Commerce and Industry of Western Australia event. In announcing the Liberal Party’s position to support the government’s budget measure of payroll tax increase, Mike Nahan said in the exact same media statement that he supported an increase of \$1 million to the exemption threshold. I find it quite bizarre that we are now in this position in the chamber on the last day of sitting. It is almost like we are grappling at straws to try to justify a position when we are going to vote against the intent of the Leader of the Liberal Party.

Hon AARON STONEHOUSE: I will just take a minute to point out how passionately Liberal members debated aspects of the budget right up to this point and now it has stopped caring. How many hours did we spend on the Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017 in the last two days? Hon Simon O’Brien took only 12 minutes to provide his second reading contribution.

In any case, “No new taxes under this government—period”, is the quote that is constantly repeated in this place about Mark McGowan and his pledge to not increase taxes. The same pledge was made by Hon Mike Nahan at the same time in February in the lead-up to the election. The Liberal Party puts so much pressure on the McGowan government because the Premier has broken his promise on no new taxes, but Hon Mike Nahan made the same pledge on payroll tax—not to not increase it but to increase the threshold at the very least, which is what this amendment will do—and now Liberal Party members in the Legislative Council are silent. The only real contribution they gave was mostly full of technical and procedural musings about the policy of the bill and what will happen if we send it back to the other place and so on and so forth. I have not heard anyone properly address the pledges made by Hon Mike Nahan.

Hon Simon O’Brien interjected.

Hon AARON STONEHOUSE: I thank the member, but I am not taking interjections at the moment, honourable member. I just wanted to point that out. I might address it more in my third reading contribution. I reaffirm that I am in support of the amendment and I look forward to the division to see who is willing to be consistent in their views and uphold the principles that they professed during the election when it comes to the grind and it actually matters.

Division

New clause put and a division taken, the Deputy Chair (Hon Robin Chapple) casting his vote with the noes, with the following result —

Ayes (8)

Hon Jacqui Boydell
Hon Colin de Grussa

Hon Colin Holt
Hon Robin Scott

Hon Charles Smith
Hon Aaron Stonehouse

Hon Colin Tincknell
Hon Martin Aldridge (*Teller*)

Noes (22)

Hon Ken Baston
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Peter Collier
Hon Stephen Dawson

Hon Sue Ellery
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran
Hon Laurie Graham
Hon Kyle McGinn

Hon Michael Mischin
Hon Simon O'Brien
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot

Hon Darren West
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

New clause thus negatived.

The DEPUTY CHAIR (Hon Robin Chapple): A further amendment stands in the name of Hon Robin Scott. Given the previous position, does Hon Robin Scott want to continue with that amendment?

Hon ROBIN SCOTT: I withdraw my request.

Clauses 4 to 10 put and passed.

Title put and passed.

PAY-ROLL TAX AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017
PAY-ROLL TAX ASSESSMENT AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017

Report

Bills reported, without amendment, and the reports adopted.

Sitting suspended from 1.03 to 2.00 pm

PAY-ROLL TAX AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017

Third Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [2.01 pm]: I move —

That the bill be now read a third time.

Division

Question put and a division taken, the Deputy Chair (Hon Matthew Swinbourn) casting his vote with the ayes, with the following result —

Ayes (23)

Hon Ken Baston
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Peter Collier
Hon Stephen Dawson

Hon Sue Ellery
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran
Hon Laurie Graham
Hon Alannah MacTiernan

Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Matthew Swinbourn

Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Noes (8)

Hon Martin Aldridge
Hon Jacqui Boydell

Hon Colin de Grussa
Hon Colin Holt

Hon Robin Scott
Hon Charles Smith

Hon Colin Tincknell
Hon Aaron Stonehouse (*Teller*)

Question thus passed.

Bill read a third time and passed.

PAY-ROLL TAX ASSESSMENT AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017

Third Reading

Bill read a third time, on motion by **Hon Stephen Dawson (Minister for Environment)**, and passed.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES*Forty-fifth Report — “Outstanding Matters from the 39th Parliament” —
Recommendation 1 — Motion*

Resumed from 24 August on the following motion moved by Hon Adele Farina —

That recommendation 1 contained in the forty-fifth report of the Standing Committee on Procedure and Privileges, entitled “Outstanding Matters from the 39th Parliament”, be adopted and agreed to.

The PRESIDENT: My notes say that it is the continuation of the remarks of Hon Adele Farina, but I will give the call to Hon Simon O’Brien.

HON SIMON O’BRIEN (South Metropolitan) [2.08 pm]: Thank you, Madam President. Hon Adele Farina, who is away on urgent parliamentary business, was our Chair of Committees at a material time when a lot of these matters were considered. She initially gave notice of the motion. I want to move, without notice, to amend the motion.

The PRESIDENT: Hon Simon O’Brien, you are ahead of yourself. You will be amending the second motion. We will, hopefully, just put the first motion.

Hon SIMON O’BRIEN: That is right; they are both labelled as the forty-fifth report because there are several aspects to it.

The PRESIDENT: That is correct.

Hon SIMON O’BRIEN: As I said, in due course I look forward to moving a motion to amend one of the motions moved by Hon Adele Farina. For now, I simply say that I support the recommendation. This recommendation relates to members having unlimited periods of 10 minutes per report to consider committee reports. We have tried it in practice. The current arrangements still need to be fine-tuned in the manner suggested by the Standing Committee on Procedure and Privileges. I am sure I speak for all members when I thank the members of the Standing Committee on Procedure and Privileges for all the work and effort they put into bringing this to the house. I support the motion.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.10 pm]: I also rise to speak on order of the day 29, the forty-fifth report of the Standing Committee on Procedure and Privileges, “Outstanding Matters from the 39th Parliament”. I indicate that the government will support this. For the benefit of members and for the historical record in *Hansard*, this matter and the next item listed in the orders of the day involve the house making a decision about a couple of standing order matters for which the arguments have been well ventilated and set out in the forty-fifth report of the Standing Committee on Procedure and Privileges, “Outstanding Matters from the 39th Parliament”, which was presented to the house, Madam President, by you in August 2017. The one that we are dealing with now about temporary orders was also ventilated and all the arguments put and explored in the thirty-seventh report of the Standing Committee on Procedure and Privileges, “Temporary Orders — 2016”, which was presented to the house by the then President, Hon Barry House, in November 2015. The arguments have been well put and members have had access to the reports for some time now. I am pleased to indicate that we will support the recommendations set out in the forty-fifth report and the thirty-seventh report about temporary orders.

Question put and passed.

Recommendation 3 — Motion

Resumed from 24 August on the following motion moved by Hon Adele Farina —

That recommendation 3 contained in the forty-fifth report of the Standing Committee on Procedure and Privileges, entitled “Outstanding Matters from the 39th Parliament”, be adopted and agreed to.

Amendment to Motion

HON SIMON O’BRIEN (South Metropolitan) [2.11 pm] — without notice: I move —

To insert after “to” at the end of the motion —

except for that part that deals with recommendation 1 of the thirty-ninth report of the Standing Committee on Procedure and Privileges, which is in regard to parliamentary privilege and contempts of Parliament

In addressing this briefly, I should explain to members that if they have the Business Program to hand, they will find this order of the day on pages 4 and 5. Initially, the reference is to recommendation 3 contained in the forty-fifth report of the Standing Committee on Procedure and Privileges. As they read on, members will reacquaint themselves with the fact that three recommendations are contained under recommendation 3. It gets a little bit complicated until we analyse the way that this has been constructed. The reason for the amendment I have moved is to postpone consideration of matters arising from the Standing Committee on Procedure and

Privileges report, “Review of the Report of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament”. In short, we will be taking out the first recommendation and will just be considering the second and third recommendations for reasons that will become apparent. I think that is probably sufficient explanation, given that the remaining two recommendations, as I understand it, are not controversial. Members may wish the PPC to contemplate the recommendation we are about to exclude a little more before going down that path. Finally, the reason we are using this convoluted means is that if Hon Adele Farina were here, she might be able to simply seek leave to amend the motion but she is not here. The motion is in her name, so I cannot seek leave to do that. That is why I have moved an amendment in the terms I have. I hope that is crystal clear.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.15 pm]: I thank Hon Simon O’Brien for moving the motion and for his explanation of what is before us. The government agrees with the motion and will support it. If this is successful today, we will be making changes to the standing orders about strangers in the house when a division is called and to witness entitlements. As I indicated in my speech about the last matter, the arguments for those changes are set out in the forty-fifth report of the Standing Committee on Procedure and Privileges, “Outstanding Matters from the 39th Parliament”, presented by the President in August 2017 and based on those in the thirty-ninth report, which was tabled by the then President, Hon Barry House, in June 2016. The arguments are well set out in those reports and members have had access to those for some time. I am happy to commend the motion moved by Hon Simon O’Brien and indicate that we will support the substantive motion.

The PRESIDENT: Before I put the motion I want to alert members to the fact that there is a small typo on the notice paper today. It states that recommendation 2 is —

That Standing Order 97(2) be deleted and the following inserted —

- (1) When a division is called strangers shall withdraw unless otherwise ordered by the President.

It has (1); that should read (2). I just wanted to correct that.

HON COLIN HOLT (South West) [2.17 pm]: I have no issues with the recommendations put forward on the notice paper, but I want to point out that we are not dealing with all outstanding matters raised in the Standing Committee on Procedure and Privileges reports from the thirty-ninth Parliament. Recommendation 4 and recommendation 5 continue to be not dealt with. Recommendation 4 is about e-petitions. I know that the Leader of the House commented not long ago about agreement on standing orders and that the preferred way forward is to ensure that there is an agreement on standing orders so that we do not have protracted debates without a way forward. I can appreciate that, but at some point the Standing Committee on Procedure and Privileges went through the process of developing a report to present to this chamber. I have no recollection of having an opportunity to debate its fortieth report, which is about e-petitions. We have just been through a process whereby, I think it was you, Madam President, talked about acknowledgement of country and the development of a process that will suggest a form of words at some point for this house to adopt. I am sure that there is a variety of views about that idea and they will be good to debate. I think that is the role of the Standing Committee on Procedure and Privileges—that is, to debate the issues of standing orders and the proper procedures of this house. I want to point out to members that we are not dealing with all the outstanding issues from the thirty-ninth Parliament as set out in the forty-fifth report. I hope we get to discuss that unfinished business at some point.

Amendment put and passed.

Motion, as Amended

Question put and passed.

SALARIES AND ALLOWANCES AMENDMENT (DEBT AND DEFICIT REMEDIATION) BILL 2017

Committee

Resumed from 6 December. The Deputy Chair of Committees (Hon Matthew Swinbourn) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 2: Commencement —

Progress was reported after the clause had been partly considered.

Hon NICK GOIRAN: Last night, we adjourned Committee of the Whole after partly considering clause 2. Members have had the opportunity to review clause 2 and it is readily apparent that the government, for no reason, has sought to leave this very important new law that it wants to implement to freeze the salaries of a range of people, including every member of this chamber, which last night the minister told us was necessary. One of the reasons that it is necessary is to send a message to the rating agencies, yet the government has sought to leave this law at the whim of the member for Rockingham. When he has finished opening his Christmas presents and enjoying his luxurious salary, which is double his normal salary, the highest amount that he has ever earned in his

life, he might decide to run down to the Governor's office and have this law implemented. To me, that seems contradictory to what the minister was indicating to the house yesterday. I have little confidence in the shiftiness of this government, so I have given notice to the house of an intention to move an amendment that will address this issue. Since the government is very enthusiastic to make sure that the rating agencies are given a strong message, I think they should be given that message as soon as possible. Since a range of members in this place are enthusiastic to see their pay frozen and since I am ambivalent on the issue, it seems to me that this should happen as soon as possible.

I move —

Page 2, lines 8 and 9 — To delete the lines and substitute —

(b) the rest of the Act — on the day after that day.

Hon SUE ELLERY: I made a commitment to the house last night that I would follow up on whether we could agree to amend clause 2, "Commencement". Though I do not accept any of the assertions in the honourable member's preamble, I am pleased to report that we are happy to support the amendment.

Amendment (deletion of words) put and passed.

Hon NICK GOIRAN: I draw it to members' attention that if the part of my amendment to substitute the words is not supported, the whole bill will fall down because all that would be left is —

(a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;

There would be no further words. I leave it at that.

Amendment (insertion of words) put and passed.

Clause, as amended, put and passed.

Clauses 3 to 6 put and passed.

Clause 7: Section 8 amended —

Hon NICK GOIRAN: I foreshadowed yesterday evening that I have some questions on clause 7 and I indicated to the minister that I also had questions on clauses 8 and 9. I am pleased to indicate that I no longer need to ask my question on clause 8. I have questions only on clauses 7 and 9. I note that clause 7 seeks to amend section 8 of the act. I draw to the Leader of the House's attention clause 7(2) of the bill, specifically, where it indicates that the tribunal is not required to make an annual determination or an annual report. Is the minister able to confirm for the house that, therefore, this is a discretionary provision for the tribunal?

Hon SUE ELLERY: I confirm that that is the case.

Hon NICK GOIRAN: Proposed section 8(2)(b) indicates that the tribunal must not make a determination under section 7C(2). Why is this a mandated provision, yet proposed section 8(2)(a) is a discretionary one?

Hon SUE ELLERY: The member is right to draw the distinction. Proposed section 8(2)(b) states —

the Tribunal must not make a determination under section 7C(2) that comes into operation while section 10F applies.

I take the member back to the act; I do not know if he has it open in front of him.

Hon Nick Goiran: I do.

Hon SUE ELLERY: Section 7C, "Determinations as to remuneration of certain executive officers of Government entities", relates to government trading enterprises. That is why there is the difference. The details for government trading enterprises are yet to be brought in under the Salaries and Allowances Tribunal, and that is why there is the difference. I am not sure whether the member asked this question, but I have additional information if he would like it. Section 10F, referred to in proposed section 8(2)(b), relates to the provisions under which the tribunal will deal with the GTEs during the freeze, once they are brought in.

Hon NICK GOIRAN: I thank the minister. I understand from that that a different regime will apply in respect of those two things, and that although the government trading enterprises have a different regime, it is still addressed by way of section 10F. So section 10F will temporarily apply and subsequently things will return to normal.

I refer again to clause 7(2) which also seeks to insert proposed section 8(3), which states —

Subsection (2)(a) does not prevent the Tribunal from making a determination or report referred to in that subsection if the Tribunal considers the circumstances require it.

The minister advised the house earlier that proposed subsection (2)(a) is discretionary; if it is discretionary, why is proposed section 8(3) necessary?

Hon SUE ELLERY: To make it explicit that it is not prevented from making a determination.

Hon NICK GOIRAN: Would that not already be obvious from the fact that proposed subsections (2)(a) and (2)(b) use different language—one provides that the tribunal is not required to make an annual report, and the other one provides that it must not make a determination? It would seem obvious, on the face of it—the minister and I have agreed in the short course—that proposed subsection (2)(a) is discretionary and (2)(b) is mandated, so proposed subsection (3) is not necessary.

Hon SUE ELLERY: I see the point that the honourable member is making. However, he asked the question in the first instance about whether it was discretionary or not. Parliamentary counsel's advice is that it is to make it absolutely clear to anyone else who chooses to read this and is looking for an explicit explanation—that is why proposed subsection (3) states "Subsection (2)(a) does not prevent". That was put in there for the purpose of making it completely explicit that the tribunal is not prevented from making a determination.

Hon NICK GOIRAN: I am concerned here; lines 21 to 24 will probably invoke the wrath of Hon Aaron Stonehouse because we are now going to have additional legislation that is unnecessary. It is plain that proposed subsection (3) is not needed; it has been provided for superfluous reasons. The government does not need it, and the bill would be improved if lines 21 to 24 were to be deleted.

Hon SUE ELLERY: I cannot accept that the lines are not needed. The advice from parliamentary counsel is that it is to make it explicit. One could argue that it is not necessary, and, clearly, that is what the member is arguing, but the advice from counsel is that it is to make it explicit to the tribunal and anyone else who is interested that it does no damage to add that, to make it clear.

Hon NICK GOIRAN: I will make my last comment on this point and indicate to the chamber that had the bill been referred to the Standing Committee on Legislation, I would like to think that the committee would have looked at this provision, amongst other things, and recommended that those lines be deleted. That is not going to happen. The government wants to rush this legislation through today in the remaining hours we have, despite the fact that we have already passed an amendment to clause 2, so the bill will have to go back to the Assembly anyway, which is not sitting again until February. I do have a proposed amendment ready to delete those lines, but it seems unnecessary for me to move it because I get the impression from the minister and the government that they are not enthusiastic about it. They prefer to have larger legislation than is needed, and since it will do no harm to have it in there, and since we are enthusiastic to finish today rather than tomorrow or some other later stage, I suggest we leave it at that.

Hon MARTIN ALDRIDGE: Clause 7 amends section 8 of the act. Section 8 provides for the tribunal's requirement to report and make a determination annually. Could the minister tell me how the tribunal issues or presents those determinations?

Hon SUE ELLERY: Could the member be more explicit about the information he is seeking?

Hon MARTIN ALDRIDGE: The tribunal is required to issue a determination, with not more than a year elapsing between one report and another under section 7(1). I am just wondering how the tribunal issues its determinations. How does it publish its determinations?

Hon Sue Ellery: You don't know?

Hon MARTIN ALDRIDGE: I am asking the question.

Hon SUE ELLERY: It is required to be gazetted.

Hon MARTIN ALDRIDGE: I assume the minister is referring to the requirement under section 6(3) of the act, which states —

A copy of every determination made by the Tribunal, shall be published in the *Government Gazette*.

Is the minister or her advisers aware of any occasion on which the tribunal has been in breach of that provision?

Hon SUE ELLERY: No, my advisers are not aware.

Hon MARTIN ALDRIDGE: I have an issue with the answer the minister provided, although I agree with it. On 16 May 2017 in this place the minister provided an answer to my question without notice 18. I was pursuing a matter relating to motor vehicle allowances that had been paid to ministers of the Crown. In her response, the minister said —

The determination by the Salaries and Allowances Tribunal was made on 1 December 2016 under the previous government, the government to which the honourable member belonged, and was not made public.

The minister went on to say —

It is disappointing that this was kept secret and it is disappointing that this government has been forced to clean it up.

Is that statement correct?

Hon SUE ELLERY: This is the time when we examine in detail the provisions of the bill that is before the chamber. There are other mechanisms through which the member may pursue an answer that I have given during question time if he does not believe it to be correct, and I am happy for him to do so. I do not have in front of me the question the member just referred to and I would have given that answer in a representative capacity in any event. I am not sure that I can take this much further, other than to say that if the member wants to have a conversation with me behind the Chair or if he wants to raise the matter in the other ways available to him in this chamber, if he believes I have given an incorrect answer, I am happy for him to do so. I am not sure this is the time to argue about that and I am not sure that I can provide the member with much more information about that.

Hon MARTIN ALDRIDGE: The minister may argue that, but I am confused because I am presented with two different answers from the minister about the way in which the Salaries and Allowances Tribunal issues its determination. On one occasion in May this year, the minister said to me that the tribunal issued a determination that the government at that time kept secret. The minister has just told me in an answer to this place that all the determinations of the tribunal are required to be gazetted in the *Government Gazette* and made public and that she is not aware of any occasion when that has not been followed. At this point we are dealing with clause 7 of the bill, which amends section 8, the requirement for the tribunal to issue a determination, and I am confused about which answer is correct.

Hon SUE ELLERY: As I have said, I answered the question that the member just asked about the provisions of the bill before us based on the advice that I was given by the advisers. I was asked whether I was aware of any occasions on which the tribunal did not do that. If the member wants to take issue with the answer he was given to a question, which clearly he does, there is another mechanism and another way—probably several ways—for him to do that, and I invite him to do that. The discussion in Committee of the Whole about the provisions before us in the bill is not the place to have the argument about that and how I might address it if I gave an incorrect answer. I have answered the member's question about the provisions in the bill before us based on the information available to me. I am not sure that I can give the member anything further, other than the information that is available to me. If that confirms in the member's mind that he was given an incorrect answer from me in a representative capacity at an earlier date, I invite the member to use the mechanisms available to him to pursue that. I will give him my undertaking that I will check whether that was the case and report back to the chamber in due course. But I cannot take it any further in a discussion about the provisions of the bill that we are debating today.

Hon MICHAEL MISCHIN: I have just a couple of questions regarding clause 7 of the bill, leaving aside proposed subsection (2)(b) and focusing on proposed subsection (2)(a) in clause 7(2) of the bill. Proposed subsection (2)(a) states —

the Tribunal is not required to make an annual determination under section 6(1), or an annual report under section 7(1), before 1 July 2021;

However, proposed subsection (3) states —

Subsection (2)(a) does not prevent the Tribunal from making a determination or report ... if the Tribunal considers the circumstances require it.

In the minister's second reading reply, she mentioned some of the circumstances that the tribunal considers might require a determination, but that is to be read with proposed section 10D(3), as I understand it, which is one of those new sections introduced into clause 9, which states —

The Tribunal must not make a determination under which the remuneration to be paid or provided in respect of an office or other position referred to in section 6(1) is more than the remuneration paid or provided in respect of the office or position immediately before commencement day.

I understand how that is meant to work, but given the breadth of the definition of remuneration in the act, would the minister agree that apart from salary, it also includes allowances, fees, emoluments and benefits, whether in money or not? What sort of circumstances might require the tribunal to make a determination, notwithstanding that there is a limit to the determinations that it can make?

Hon SUE ELLERY: I did spell out in my second reading reply that the bill provides that the tribunal is not required to make a determination but may do so if the circumstances require it. That is to ensure that during the freeze, the tribunal may still issue determinations when new offices are created, when the tribunal sees fit to reclassify a special division office based on significant changes in work value, and when the tribunal needs to vary its determination to account for changes in office holders. The tribunal may also see fit to adjust the amounts of remuneration without increasing the overall remuneration provided to an office holder. It is put there as a safeguard to ensure that the tribunal is not prevented from issuing determinations if they are needed in the circumstances that I have just outlined.

Hon MICHAEL MISCHIN: Can the minister hear me out and give me an idea of how the tribunal might think it necessary to adjust the amounts of remuneration without increasing remuneration?

Hon SUE ELLERY: Without being prescriptive, the kinds of examples that have been given to me are, for instance, when part of the component of the office holder's remuneration package is determined by an external body. Say there was some particular superannuation arrangement, for example, or other part of their package that is set outside the provisions of the state. The tribunal may consider it necessary—this is hypothetical; this is “may”, not “will”—to adjust the package to take account of that. I am not able to give the member a more specific example than that, other than it was put there to ensure that the tribunal has the flexibility to deal with occasions such as the one that I have just set out whereby it is seeking to balance out a component of the remuneration that is set externally. The example I have been given is that there has been an instance in which there was some issue around superannuation in particular, and I am advised that this clause is to give flexibility to the tribunal to deal with that if it is necessary, but it is not envisaged that it would be something that would be frequently relied upon.

Hon MICHAEL MISCHIN: Theoretically, would that involve, say, salary sacrifice opportunities—some additional ability to sacrifice salary that would give a benefit or reduce the taxation burden and the like?

Hon SUE ELLERY: I am not sure that I am able to be any more specific. Salary sacrifice arrangements, for example, exist now, so I am not sure that I can give the member anything more specific than that. As I said before, I am advised that it was to give flexibility for what I am told might be the odd circumstance in which, because some external component of the package needs to be taken into account, the tribunal has the flexibility to deal with it.

Hon MICHAEL MISCHIN: Just to take that a little further, let us say the commonwealth was to remove tax deductibility for some specific item, resulting in an erosion or an increase in one's taxable income, and increases the amount of tax that is drawn from one's income, hence effecting a reduction in remuneration. The tribunal can look at that and do a determination, but it cannot increase remuneration, so we are just going to have to suffer, especially if that affects our electorate allowance. We could end up with people being significantly worse off, with no way of addressing the problem. Would it be fair to say that?

Hon SUE ELLERY: I am not trying to be difficult, or to prevent the member from getting information that he needs, but I do not think that I can give him any more information. The proposition he just put to me is hypothetical. I am advised that this was not inserted into the bill before us with a view to being able to do a double shift around taxation changes. That is not why it was inserted into the bill. I am not sure that I can provide the member with any more information about that, and I am not in a position to respond to the particular hypothetical proposition that he has just put.

Hon MICHAEL MISCHIN: In substance, the tribunal still has a function. It can decide that circumstances have changed significantly, and it needs to do a determination based on a need for some kind of look at remuneration, but it cannot be additional remuneration, to address a particular problem. That would be right, would it not?

Hon SUE ELLERY: In a general sense, yes. I have already set out, in my second reading reply and again when I answered the member's question a few minutes ago, the circumstances in which it is envisaged these provisions would be relied upon by the tribunal. It goes to reclassification, new positions and the various other things that I set out when I gave my response on both those occasions.

Hon MICHAEL MISCHIN: I move —

Page 3, line 16 — To delete “2021” and substitute —

2019

I do not intend to speak much on this amendment, but simply refer to the comments I made about the arbitrary nature of the four-year time limit that has been set. It is inflexible and does not accommodate changing circumstances. As the bill currently stands, there is no prospect of any sensible review of changes in circumstances, which would be the case with the Western Australian Industrial Relations Commission and other matters. I indicate that if this amendment fails, I will abandon the similar amendments. The amendment proposes a reduction in the period of time to 2019.

Hon SUE ELLERY: Effectively, the amendment moved here and the one proposed for clause 9 would extend the freeze for 18 months only, from February 2018 to 30 June 2019. That is too short a period, from the government's point of view. For that reason, as I indicated in comments last night and in my second reading reply, the government will not support the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Part I Division 4 inserted —

Hon NICK GOIRAN: As I foreshadowed yesterday evening and earlier this afternoon, I have a number of questions on clause 9. I take the minister to page 5 of the bill. This clause seeks to insert a new division 4 into the act, including new section 10C, which deals with the freezing of the Governor's remuneration for the next four

years. I specifically draw the minister's attention to proposed section 10C(4), which refers to the tribunal specifying in a determination a method of altering, from time to time, the remuneration payable to the Governor. That is a power that exists under the act at the moment, and the purpose of the provision that the government wants to insert into the act is that, if the tribunal has specified a method, it must not specify a method that allows for the remuneration to be increased for the next four years. Does such a method currently exist?

Hon SUE ELLERY: The answer is yes. If the member has a copy of the act in front of him, the relevant provisions are set out in section 5A, "Inquiry into and determination of remuneration of Governor".

Hon NICK GOIRAN: The act gives the power for that to happen, but I want to be clear that there is actually a method in place at the moment. I understand that the act provides that, before the government appoints a Governor, the tribunal has to make a determination in respect of the Governor. That is fine, but it can also make a determination to specify a method for altering that from time to time. My question is: has the tribunal gone to the second stage, and is there currently a determination in place that specifies a method for altering the Governor's remuneration from time to time?

Hon Sue Ellery: So that I understand the question, have they used their variation powers?

Hon NICK GOIRAN: Section 5A(3) of the act states —

The Tribunal may, in complying with a request made under subsection (1), in its determination specify a method of altering from time to time the remuneration payable to the Governor during the subsistence of the appointment referred to in that subsection.

The tribunal does not have to do that; it can do that if it wants to. This provision that the government wants to insert into the act places, to use the Leader of the House's language, a fetter on that for the next four years. I would like to know whether that is in place at the moment.

Hon SUE ELLERY: I thank the member for clarifying the question. Yes, within the current determination for the Governor there is a method of altering the remuneration. It is linked to the arrangements in place for the judiciary. That is the method that is in place.

Hon NICK GOIRAN: What does that mean for the current Governor? The Governor is obviously entitled to a level of remuneration. The tribunal has specified a method for altering that, which the Leader of the House has said is linked to the judiciary. During this four-year period, the method that is linked to the judiciary will continue. What is the Governor's remuneration at the moment and how will it change over the next four years?

Hon SUE ELLERY: This bill will effectively freeze the remuneration arrangements for the current Governor because they are linked to the judiciary, and the freeze applies to the judiciary. I am advised that that link is how we give effect to the freeze.

Hon NICK GOIRAN: Has the government got advice on this specific point?

Hon SUE ELLERY: I have just got advice on that specific point. Is the member asking me whether the Public Sector Commission sought advice?

Hon Nick Goiran: What advice have you got on this particular point, other than the verbal advice you have just received—none?

Hon SUE ELLERY: I am advised that the specific question was considered between the Public Sector Commission and the Parliamentary Counsel's Office. If the member's question is about whether they sought some external advice outside government, I am advised that the answer is no. The advice to me is that this specific issue was discussed and considered between the Parliamentary Counsel's Office and the Public Sector Commission.

Hon NICK GOIRAN: I think that is going to be a problem. It is not my problem; it is the government's problem. I find it rather interesting that this particular provision is abundantly unclear on that point, yet moments ago we dealt with clause 7, to which Parliamentary Counsel has decided to add an extra point to make sure that it is crystal clear to anybody who cannot read the English language. It is totally unnecessary, but Parliamentary Counsel wanted to do it on that one. However, it is not at all clear for the Governor's remuneration and the method, and the apparently secret link between that and the judiciary, which will freeze it over the next four years. I am not sure there is the power to do that in the bill, but that is not my problem. If it becomes a problem, it will be because, firstly, the government chose not to consult with the Governor on this matter—in fact, it consulted with nobody—and, secondly, it decided, in its wisdom with its other friends in this place, to ensure that this matter never went to a committee to ensure that it was done properly. As I say, it is not my problem. When the Governor has questions about this, I recommend that the Governor have a chat to the Leader of the House.

Hon MARTIN ALDRIDGE: I have one question on this clause. This clause will insert proposed section 10D, "No increases in remuneration under s. 6 before 1 July 2021". It basically refers to the remuneration determined by the tribunal. Remuneration is obviously defined in part I of the act, and includes salary, allowances, fees, emoluments and benefits, whether in money or not. I refer to the tribunal's annual determination for members of

Parliament. It determines a whole range of things, including salaries, allowances and entitlements for members of Parliament. It determines a number of things that are specific to the costs incurred by regional members of Parliament. To what extent did the government consider the impact on regional members that will not be felt by metropolitan members because they do not receive those travel and accommodation entitlements?

Hon SUE ELLERY: Yes, they were considered and I am advised that that is why proposed section 10D(9) has been inserted. It states —

The regulations may prescribe a kind or class of remuneration to which this section does not apply.

It is there as a safety net. If it becomes clear to the tribunal that there is some reason—for example, travel costs —

Hon Nick Goiran: Not the tribunal—the government.

Hon SUE ELLERY: The regulations will set out how it is to be done.

In the example that the member used, if there is an increase in travel costs, members can put a case that a determination ought to be issued in respect of that because something extraordinary has happened—for example, a member can get around their electorate only by plane. That was what was envisaged with the provision in proposed section 10D.

Hon MARTIN ALDRIDGE: If I am correct in interpreting what the Leader of the House has just said, the passage of this legislation will likely impact regional members to a greater extent because they have a greater number of entitlements that will be impinged upon by the passage of this legislation and we will need to make an argument to the government under the provision that she has identified to exempt the transport and accommodation-related provisions in particular from the determination, rather than making the case to the tribunal—the independent body that determines and assesses whether the entitlements that are provided are reasonable.

Hon SUE ELLERY: There are two ways in which this can be taken into account. I preface my remarks by saying that the government has a large number of regional members. I imagine that our regional members will let the government know quick smart if there is a serious problem. In any event, there are two ways. The tribunal can still receive submissions. That avenue has not been blocked —

Hon Martin Aldridge interjected.

Hon SUE ELLERY: Let me finish. The tribunal can still receive submissions. The government might decide that a prescription of regulations needs to be made to take account of it. The government can consider advice from the tribunal if it has received submissions about that. It can go two ways. A submission can be made to the tribunal and a submission can be made to government. The government, in its consideration of a matter such as the one that Hon Martin Aldridge used as an example, can ask the tribunal whether it has received any submissions and whether it has any advice to give on the matter. It is still possible for issues of the kind that the member identified to be dealt with, if it is necessary, during the period of the freeze.

Hon AARON STONEHOUSE: I move —

Page 5, after line 11 — To insert —

10CA. No increases in remuneration for Members of Parliament until General Government Sector Net Operating Balance is in surplus

(1) In this section —

General Government Sector Net Operating Balance means the measure, in accrual terms, of the difference between the government's expenses and revenue for a given financial quarter or financial year.

- (2) This section applies to a determination made by the Tribunal under Section 6 after 1 December 2017, other than a determination made under Section 6(1)(c), (d), (ea) and (e).
- (3) The Tribunal must not make a determination under which the remuneration to be paid or provided in respect of an office or other position referred to in Section 6(1) is more than the remuneration paid or provided in respect of the office or position immediately before commencement day unless and until the General Government Sector Net Operating Balance is in surplus.
- (4) The Treasurer must within 30 days of the end of each financial quarter cause to be tabled in both Houses of Parliament a report containing the General Government Sector Net Operating Balance for that financial quarter.
- (5) If either House is not sitting during the 30 day period referred to in subsection (4) the Treasurer may transmit the report containing the General Government Sector Net Operating Balance for that financial quarter to the Clerk of that House.

- (6) A copy of a report transmitted to the Clerk of a House is to be regarded as having been laid before that House.
- (7) The laying of a copy of the report regarded as having occurred under subsection (5) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

It is great to see some more enthusiasm, scrutiny and interrogation now that we are back on the salaries and allowances bill. I wish I saw this level of scrutiny and passion from the Liberals during debate on the payroll tax bills. Nonetheless, my amendment is simple; it is designed to freeze the pay of parliamentarians until the state budget is balanced. During my second reading contribution, I drew on public choice theory, or at least one aspect of public choice, which explores the relationship between economic self-interest and politics. To summarise my argument, although most MPs agree that spending should be cut and the budget should be balanced, they lack the necessary incentives to take action. The benefits of spending are enjoyed right now while the costs are spread out over the future. MPs are currently incentivised to spend in their own electorates while spreading the costs across the entire state, and we wonder why we have trouble passing budget saving measures. Few MPs would vote to cut spending in their electorate or to cut a program that is popular with their constituency. They are addicted to other people's money. Let us not forget that. It is other people's money after all—taxpayers' money. I am reminded of one of my favourite quotes from TV libertarian character Ron Swanson, who said —

It's never too early to learn that the government is a greedy piglet that suckles on a taxpayer's teat until they have sore, chapped nipples.

My amendment will give MPs an incentive to do the right thing—to rein in government debt and hold the government accountable for its management of the state's finances. The Premier has spoken about implementing new key performance indicators for the public sector and tying director general and chief executive officer pays to their performance. It is time that we adopted the same principle for MPs. Shortly after I was elected, I gave an interview to Andrew Burrell from *The Australian* in which I said, firstly, that I would oppose any tax increase, which I have done at every opportunity; and, secondly, that the government's plan to freeze MPs' pays did not go far enough and that MPs' pays should be frozen until the budget is back in surplus. I said that in June and I meant it. I am willing to put my pay on the line in an attempt to repair the budget and hold MPs to account. The record will show which MPs cared about the taxpayers of Western Australia and which MPs cared more about their own pay cheque.

Hon NICK GOIRAN: I will be opposing the amendment moved by Hon Aaron Stonehouse, a member of Parliament whom I hold in high regard. On this occasion, I strenuously disagree with him and I disagree with his assertion that somehow however I vote on this might be a reflection of my care for this job or for the people of Western Australia. I say to Hon Aaron Stonehouse, if he is so serious about this, let us make sure that members of Parliament get paid nothing—starting tomorrow, let us get paid nothing. We will all do it pro bono; I am happy with that. Is Hon Aaron Stonehouse happy with that? Then we will see how serious he is about this. I strenuously oppose any suggestion that because some of my colleagues might vote against this particular amendment they somehow care less about the people of Western Australia and more about themselves. Nothing could be further from the truth. This amendment is wrong in principle. For starters, members of Parliament do not have control over the state of the budget; government members and those in cabinet have a say about that. The rest of us, particularly those of us in the Legislative Council, have no say. I will vote against this amendment, and I hope that however the vote is cast, there will be a division.

Hon PETER COLLIER: I could not have said it more articulately than Hon Nick Goiran, and for those reasons, all of the above, the Liberal Party will definitely oppose this amendment.

Hon ALISON XAMON: As I indicated in my second reading contribution, I am also very unsupportive of this amendment. I disagree with the whole premise of this amendment, which is that effectively the sorts of things that we advocate for in this place are driven only by what is in our pay cheque. I am not quite sure about the sorts of people the honourable member surrounds himself with who are clearly motivated by that incentive. However, it makes no difference to me and my advocacy. I am only interested in being here to uphold values that support people, particularly vulnerable people, and issues of integrity in government and environmental protection. They are the things that I will advocate for regardless of what is done with my wage and regardless of the state of the budget. It is a cynical and sad amendment because of the assumptions behind why people decide to come to this place and what they advocate for. I certainly will not support this amendment and that is because, for the record, I am here to advocate for human beings and what is best for human beings. I am not driven simply by what is in my pay cheque.

Hon SUE ELLERY: The government cannot support the proposition moved by Hon Aaron Stonehouse. The government's position is that the freeze should apply to all affected parties consistent with our commitment to sharing the burden. This amendment would have the effect of terminating the freeze in a particular set of circumstances, but only for members of Parliament. To that extent, the government is not in a position to support it.

I put on the record that I understand that marriage equality has passed the federal Parliament, and that means, apart from anything else, that Hon Stephen Dawson can actually get married!

Division

Amendment put and a division taken, the Deputy Chair (Hon Matthew Swinbourn) casting his vote with the noes, with the following result —

Ayes (3)

Hon Robin Scott Hon Colin Tincknell Hon Aaron Stonehouse (*Teller*)

Noes (28)

Hon Martin Aldridge	Hon Stephen Dawson	Hon Colin Holt	Hon Matthew Swinbourn
Hon Ken Baston	Hon Colin de Grussa	Hon Alannah MacTiernan	Hon Dr Sally Talbot
Hon Jacqui Boydell	Hon Sue Ellery	Hon Kyle McGinn	Hon Dr Steve Thomas
Hon Robin Chapple	Hon Diane Evers	Hon Michael Mischin	Hon Darren West
Hon Jim Chown	Hon Donna Faragher	Hon Simon O'Brien	Hon Alison Xamon
Hon Tim Clifford	Hon Nick Goiran	Hon Samantha Rowe	Hon Pierre Yang
Hon Peter Collier	Hon Laurie Graham	Hon Tjorn Sibma	Hon Martin Pritchard (<i>Teller</i>)

Amendment thus negatived.

Hon MICHAEL MISCHIN: I want to ask a question about the minister's comments on the operation of proposed section 10D where the tribunal, in combination with the amendments to section 8 of the act, may, if the circumstances require it, make a determination or, in the case of judicial salaries and allowances, a report, but under 10D(3) must not make a determination under which the remuneration to be paid or provided is more than that immediately before the commencement date of this bill. The minister goes on to say, though, that regulations may be prescribed to exempt a kind or class of remuneration. We heard a lot over the last couple of days about how it is up to Parliament to determine the parameters for the Salaries and Allowances Tribunal to do its function, and that this is not an interference in its independence; yet, to the extent regulations can be prescribed by the minister and government of the day, it takes it out of the hands of Parliament, does it not, and puts it in the hands of the responsible minister? Rather than simply affecting the independence of the tribunal in that respect by putting a broad cap in the hands of Parliament when it was meant to be out of the hands of Parliament, it goes further to allow certain exemptions in the event the government of the day would like to make those exemptions—would the minister agree?

Hon SUE ELLERY: No, the minister would not agree. We have already debated several times whether this constitutes political interference. In any event, the specific example that the member gave this time was a regulation. The honourable member is well aware that a regulation is a disallowable instrument. The matter would come back before the Parliament if that is what a single member or other members of the Parliament wanted to happen.

Hon SIMON O'BRIEN: Further to that point, I am not sure that the validity of the power of Parliament in disallowing regulations in recent years or even recent decades has not been seriously undermined. I have referred to that in the past, so I note that in passing. I have a far less hostile question to ask. There are several occasions in the proposed new sections for division 4 that provide a head of power to make regulations. I am sorry if it has been alluded to before in this very protracted debate, but can the minister give any indication of any regulations that are contemplated, perhaps in a more general rather than a specific sense, I should think; and/or can she give me examples of the sort of thing the government anticipates might be employed by these regulations?

Hon SUE ELLERY: I thank the member for the question. I am advised that discussions have already begun and advice has been sought from the tribunal about how regulations might be put in place for superannuation and fringe benefits tax, for example; bearing in mind I am advised that the conversations so far have been about how there might be regulations around external components over which the state government has no control.

Hon SIMON O'BRIEN: Further to that, and briefly—to help my leader's ulcer subside a little!—there is reference to those sorts of things, of course, in some of the explanatory material that was provided when the Leader of the House read the bill in, and I think it might even be in the second reading speech. That seems to say to me that we are pretty sure there are going to be unforeseen consequences that will need to be addressed, so it is prudent to provide some mechanism for that flexibility. That is what the Leader of the House has just asserted, and I would not disagree with that. One might also take the point of view that this is further evidence that the matters under consideration have not been adequately explored and the government has rushed to issue a press release and then contemplated what it can do about fixing the policy. That is a consistent theme throughout this debate. I am not going to labour that point anymore, but here is some further evidence of why it is necessary to refer this matter to a committee for examination in plenary session if it were to fall to the house when it came back.

Hon MICHAEL MISCHIN: The minister has explained that any regulations exempting certain types of remuneration from the cap that is going to be prescribed in proposed section 10D can be disallowed. I again

emphasise that we are talking about not only salaries, but also various allowances that enable us to do our jobs. Can the minister indicate anything in the legislation that allows or requires the Salaries and Allowances Tribunal to independently turn its mind to any anomalies or unforeseen circumstances that might require an exemption under the regulations that is not going to be solely in the hands of the relevant minister? It might very well be that by some informal process the tribunal comes to realise that there is a problem with some element of remuneration—some kind or class of remuneration for which it is prohibited from making a determination that increases it—but all that can stop with the Premier, who can decide that this works in favour of government members but not other members and that he will not make any regulations to submit to Parliament to exempt that kind or class of remuneration. Does the minister agree?

Hon SUE ELLERY: I do not agree with the assertions made by the honourable member, and I have said that before. The tribunal will still have the power to conduct inquiries itself and to provide advice and reports to the government. Nothing in the bill prevents the tribunal from doing that. We have debated the essential assertions behind the member's proposition on a number of occasions and I do not accept the assertions that he makes.

Hon MICHAEL MISCHIN: Lastly, on that point, is it correct that doing anything about those recommendations and reports lies solely in the hands of the Premier? He can choose whether to make regulations.

Hon SUE ELLERY: Correct.

Hon MICHAEL MISCHIN: I simply rise now to indicate I will not be proceeding with the other amendments on the supplementary notice paper—that is, serials 4/7, 5/9, 6/9, 7/9, 8/9, 9/9, 10/9, 11/9, 12/9, 13/9, 14/9, 15/9, 16/9 and 18/9.

Hon SUE ELLERY: I move —

Page 10, lines 11 to 17 — To delete the lines and substitute —

- (2) The Tribunal must not make a determination under section 5A, 6 or 7C, or a report under section 7, which —
 - (a) has the effect of providing for the payment or provision of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10C, 10D, 10E or 10F (as the case requires); or
 - (b) takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.

Clause 9 of the bill in its current form inserts a new section 10G into the Salaries and Allowances Act 1975 that will apply to determinations or reports of the tribunal that come into operation on or after 1 July 2021—that is, once the freeze has concluded. New section 10G explicitly prevents the tribunal from providing for compensatory remuneration to recover or recoup amounts that may have been paid but for the freeze, which is the new section 10G(2). As now structured, from 1 July 2021, the tribunal would resume being required to consider for certain officers government financial matters, including the *Government Mid-year Financial Projections Statement*, the “Government Financial Strategy Statement”, any submissions made by the government to the tribunal and any public sector wages policy statement issued by the government. The tribunal would otherwise be unrestricted subject to the non-compensatory measure under proposed section 10G(2) in taking into account all changed economic circumstances when making future determinations or recommendations once the freeze ceases. The proposed amendment seeks to ensure that changes to cost of living that may have occurred over the four-year freeze period cannot be taken into account by the tribunal in determining a remuneration increase with effect from 1 July 2021 onwards or determinations that are made at any time thereafter. When remuneration for an office has been determined on the basis of a long-established nexus or to other roles not subject to the freeze, new relativities will be established. The conclusion of the freeze will establish a new base from which to move forward for the remuneration of those officeholders dealt with by the tribunal.

Hon SIMON O'BRIEN: I did not realise that the vote was going to collapse so quickly, so I am glad I just caught your eye, Mr Deputy Chair. Members have to understand what this does. I referred to this provision in my earlier remarks, and I did not refer to it very kindly. When this bill was created, read as per the bill we have in front of us—bill 34–1, on page 10, lines 11 to 17—we saw what was substantially paragraph (a) of proposed section 10G(2). To that has been tacked the new paragraph (b), which states —

takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.

To put this in colloquial terms, I think it is to prevent any catch-up after the freeze is over. What does “catch-up” mean? Let us say for argument's sake that there was a 1.5 per cent increase in the consumer price index for each of the four years contemplated by this bill. Without compounding in any way, let us call around

six per cent the difference in base pay for whichever class of officer, from the Governor down, will have their wages frozen. What happens at the end is that some sort of parity is pegged back by whatever benchmark the tribunal may have used in the past such as federal members, members in other states or what judges get in South Australia or New South Wales—I do not know. We would think that after the freeze has been done and completed we would then return to that sort of parity that has always existed and is one of the reasons that we have the Salaries and Allowances Tribunal. That is provided for in bill 34–1 as drafted. Someone got hold of the media—I think it might have even been the opposition—and said, “Hang on, what’s going on here?” It then became a big thing and the Premier, on the run, said that this is the bit that it would amend in the upper house. How is that for policy on the run? The government has put forward this proposal, which basically inserts the words —

- (b) takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.

Let me be clear about this; I do not agree with the bill full stop. Members know that and I have spoken about why. But when it comes to catch-up clauses, obviously, there is something here that needs to be avoided. If we get to the end of, say, the fourth year and everything returns to normal, it would be nonsense to then give everyone subject to this freeze four years’ back pay as a lump sum as though nothing had ever happened. That clearly is not a wage freeze, and I think that what was in the bill, as drafted, respected that. This now goes far beyond that—correct me if I am wrong—because, in effect, after the wage freezes over for all time, the notional six per cent, or whatever it is, is going to be welded in to all future Salaries and Allowances Tribunal determinations. It will be not only a freeze, but also a reduction in all pay and remuneration for all classes of officer—from the Governor down—for all time. That is absolutely silly and it is completely unsustainable.

It used to be that the salaries of members of Parliament in this state were actually tied, I believe, to the salaries of magistrates. Gee, that would be a long time ago! It was probably a reasonable thing to peg them to. However, because there is an insistence that members’ entitlements—I am talking about members of Parliament rather than judges or Governors, because that is what I am more familiar with—have to be chipped away for all time, then this government, too, is joining the rush and wants to do it to itself and its members and all those who will follow. It will not be sustainable for a future tribunal, after this reign of terror is over, when it contemplates striking a reasonable balance for the remuneration of judges, Supreme Court judges, members of Parliament and all the fat cats in whatever department Hon Sue Ellery has at that stage. Its starting point will be the contemplation of four years of CPI. It will say, “Right, there’s a permanent reduction. That’s not sustainable.” That, in a nutshell, is the amendment that is before us right now. It is this amendment that members really must reject. Even if I could not appeal to the judgement of all my colleagues on the second reading, it is this one in particular that should not be agreed to, and I think everyone probably knows it.

Hon PETER COLLIER: This issue was identified in the other place after the horse had bolted. It identified an oversight on the part of the government that the SAT, having had its authority removed for four years, would have a capacity to play catch-up. The government wanted to make sure that did not occur, based again on the optics of ensuring, as I keep saying, that according to the government we are all going to do our bit. That is purely what this is all about. The government could not give back the SAT its legitimate authority, but in fact has removed that authority once and for all. I have to say I agree with Hon Simon O’Brien. This identifies yet again the flawed logic behind this whole legislation. We, reluctantly, did not oppose this legislation.

Having said that, one of the major contributing factors in getting this legislation through this place and getting it through the Parliament was of course to ensure that if the opposition opposed it, the government would not have the great opportunity to go out and bleat on about how we were going to have our noses in the trough. It is nothing more and nothing less than that. That is exactly what a lot of this is all about. As I said, when I made my very lengthy second reading contribution, I commented on this particular aspect of the bill and said that we reluctantly did not oppose it. Likewise, with this particular amendment—we will reluctantly support it. But we will only reluctantly support it because, if anything, it reinforces how flawed this whole bill is. It is nothing other than a cosmetic stunt and it really will do nothing to contribute to budget repair whatsoever.

Hon SUE ELLERY: I do not accept all the assertions that have been made. I do accept, though, that very late in the piece consideration was given to ensuring that the original construction of clause 9 needed to go further; that was, to ensure that the freeze was indeed a real freeze and not just a freeze that could be overturned the minute we got to the end date of the freeze. We are not going to be able to agree on some assertions that have been made, but I will ask the chamber to consider supporting the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10 put and passed.

New clause 11 —

Hon MICHAEL MISCHIN: I move —

Page 10, after line 22 — To insert —

11. Section 13 inserted

After section 12 insert:

13 Review of Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2017

- (1) The Minister must carry out a review of the operation and effectiveness of the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2017* as soon as practicable after the 2nd anniversary of the day on which this section comes into operation.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of the Parliament.

This new clause provides for a review period. The importance of this new clause has been emphasised on a couple of occasions now. Firstly, this new clause does not affect the policy of the bill in the slightest, but will monitor its effectiveness and operation. Secondly, the minister has said on numerous occasions that this is a relatively short freeze—only a matter of four years—yet, we have just heard that, in fact, with the last amendment, it could go well beyond the four years specified in the legislation. In fact, it is a permanent freeze below whatever the changes in circumstances might be into the future and indefinitely. Indeed, not just salary, but also, equally if not more importantly, the allowance necessary for us to serve our electorates will always be set at a figure below the current calculation of the consumer prices index. That is not a sensible way for the tribunal to do its job, which is to strike an appropriate level of remuneration by way of not only salary, but also allowances. The only way to determine whether anything is going to have that, rather than at the whim of the government, is to have an appropriate review period. I have moved the amendment so that will be the case rather than leaving it to the discretion of a minister who, quite plainly, when this matter was even before the Assembly, realised that he had overlooked something that might look good in the media and the public. He then rushed in an amendment in this place and was not prepared for the Parliament to have any scrutiny of this bill.

Hon SUE ELLERY: The government will not be supporting this proposed new clause. The requirement to review the operation of the freeze, effectively as at February 2020, would appear to serve little purpose since it would be scheduled to run for only a further 18 months. I am not sure that a review would have any real impact. For those reasons, we will not be supporting the proposed new clause.

New clause put and negatived.

Title put and passed.

Report

Bill reported, with amendments, and, by leave, the report adopted.

Remaining Stages — Standing Orders Suspension — Third Reading

On motion without notice by **Hon Sue Ellery (Leader of the House)**, resolved with an absolute majority —

That the standing orders be suspended so far as to enable the bill to be read a third time.

Third Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.52 pm]: I move —

That the bill be now read a third time.

HON Dr STEVE THOMAS (South West) [3.53 pm]: I will be very short. Members will be aware that I have asked a fair number of questions in recent weeks to mine information, via the Minister for Environment, from Treasury and the Leader of the House regarding the Public Sector Commissioner. I know the Minister for Environment is particularly interested in economic debate and I would hate to deprive him of the information. I know that most members do not have the time to go through it in such detail. I seek leave to table, in chart form, the results of that information relating specifically to public service wages increases over time.

Leave granted. [See paper 994.]

Bill read a third time, and returned to the Assembly with amendments.

DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL 2017

Committee

Resumed from 8 November. The Deputy Chair of Committees (Hon Laurie Graham) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clauses 1 to 8 put and passed.

Clause 9: Schedule 1 Part C clause 3D inserted —

Hon MICHAEL MISCHIN: During the course of the second reading debate I made mention of certain complaints that the then opposition made about the operation of the Dangerous Sexual Offenders Act 2006. It claimed that certain amendments that were passed last year after considerable consultation and refinement, and having due regard to substance rather than form, were inadequate. I also mentioned that the then opposition, in the course of its manifestos on law reform initiatives before the last election, made certain undertakings to the public about how it would strengthen the legislation. I have already touched on the particular claims of what it would do. One of its claims concerned bail. In light of certain offenders being arrested or otherwise summonsed to court for breaches of supervision orders, no matter how trivial they may have been in the scheme of things, the then shadow Attorney General opined that Labor would be tougher. The Labor Party's election manifesto stated —

WA Labor will cease the immediate re-release into the community by providing that there will be no bail applicable to dangerous sex offenders against whom there is a credible allegation they have breached a Community Supervision Order. This means they will remain in custody until the allegation of breach has been dealt with by the Supreme Court.

I move —

Page 5, line 4 to page 6, line 7 — To delete the lines and substitute —
jurisdiction is vested must refuse to grant bail.

This amendment is a precursor to a number of amendments; a couple of which deal with the question of bail. This bill proposes —

Several members interjected.

Hon MICHAEL MISCHIN: Sorry, am I interrupting something?

Hon Jacqui Boydell interjected.

Hon MICHAEL MISCHIN: The proposed amendments to the bill impose a limitation on bail but nowhere near what was promoted by the Labor Party prior to the election; indeed, it was not what the Labor Party promoted in a raft of proposed amendments to the Dangerous Sexual Offenders Legislation Amendment Bill 2015. My amendments propose to reinstate what Labor insisted at the time was essential for the protection of the public, achievable for the protection of the public, just for the protection of the public and necessary for the protection of the public. This amendment is the first step towards achieving that. I would appreciate the minister's response to also advise or confirm whether what the government proposes meets the election commitment that there be no bail for someone against whom there is a credible allegation of a breach of a community service order, and whether the government's amendment, without the benefit of mine, will mean that those people remain in custody until the allegation of breach has been dealt with by the Supreme Court.

Hon SUE ELLERY: Australia has ratified the International Covenant on Civil and Political Rights, which sets out, amongst other things —

It shall not be the general rule that persons awaiting trial shall be detained in custody, ...

It is important to note that the provisions in respect of dangerous sexual offenders set out in the Dangerous Sexual Offenders Legislation Amendment Bill 2017 are similar to the way that bail for murder is dealt with, so it is the strongest way in our system to deal with bail. We want to ensure that we treat this in the same way we treat murder—considered to be a very serious crime—but still meet our international obligations. Effectively, the provisions will allow that only in exceptional circumstances will bail be approved. Of course, these provisions need to be read in conjunction with the reversal of the onus of proof, which puts the obligation on the offender to demonstrate the reasons bail should be granted. They need to demonstrate that they are not an ongoing risk to the community.

Hon MICHAEL MISCHIN: That may well be, but does the minister agree that the amendments put forward by Labor last year that it insisted ought to be passed and that it criticised the then government for not accepting also contravened this convention that the government is now relying on?

Hon SUE ELLERY: It has been a while since we debated this, but I remember us having numerous exchanges across the chamber. I remember that the honourable member wanted me to place on the record or acknowledge in some way that the criticism made against him when we were in opposition was somehow unreasonable or unfair. I do not intend to revisit that argument. I am happy to entertain questions about the specifics now before us, but I really do not see the purpose in revisiting what we explored when we were debating clause 1 in the chamber last time.

Hon MICHAEL MISCHIN: All right. We will get back to it. Does the amendment meet the promise that there will be no bail applicable, and that dangerous sex offenders accused of a breach will remain in custody until the allegation of breach has been dealt with by the Supreme Court? Does it do that? This is the government's proposal. Does it do that? Does it ensure that?

Hon SUE ELLERY: I understand that essentially the member wants me to acknowledge that there is some broken promise. We canvassed this matter while canvassing clause 1 when the chamber was last considering this matter. I also made the point in my second reading reply that the question of the constitutionality of the legislation is pertinent. Lessons were learnt in the matter before the High Court in respect of that Queensland case. We have had advice in government about how best to ensure that we achieve the policy objective of continuing detention in custody or supervision in the community of dangerous sexual offenders when their unconditional release from custody would present an unacceptable risk of them committing a serious sexual offence, and we have to do that in such a way that does not go beyond the constraints of the constitutional law. That is what we have tried to do in the provisions before us.

Hon MICHAEL MISCHIN: That is an admission, then, that the election promises exceeded what was achievable; correct?

Hon Sue Ellery: That is your characterisation.

Hon MICHAEL MISCHIN: How would the minister characterise it?

Hon Sue Ellery: I just have.

Hon MICHAEL MISCHIN: No, the minister explained, but has not actually in simple terms admitted that what was promised could not be achieved; correct?

Hon Sue Ellery: Honourable member, I have nothing further to add on this.

Hon MICHAEL MISCHIN: I am sure the minister has not.

Hon Sue Ellery: We canvassed this extensively during the clause 1 debate when we were last in the chamber considering this bill.

Hon MICHAEL MISCHIN: A media article of 14 June reads —

Removing the court's discretion to release an offender on bail during proceedings relating to a supervision order breach, until those proceedings conclude, will also be included.

Is that correct? Is that being done?

Hon SUE ELLERY: Honourable member, we are repeating the debate we had while considering clause 1 previously; Hon Michael Mischin referred to the media article then. I answered those questions when we were dealing with clause 1 when the matter was last before the house. I have explained to the member the reasons for not supporting what we are actually debating right now, which is the member's amendment. I am not sure that I can add anything further.

Hon MICHAEL MISCHIN: I have moved the amendment standing in my name that reflects the amendments the Labor Party put forward last year and insisted be passed, and which the Labor Party reaffirmed in its election commitment and which it has reaffirmed since then in media announcements foreshadowing this bill, and which it now tells us it is not going to do and will not do. I have moved the amendment standing in my name.

Division

Amendment put and a division taken, the Deputy Chair (Hon Laurie Graham) casting his vote with the noes, with the following result —

Ayes (15)

Hon Martin Aldridge	Hon Colin de Grussa	Hon Simon O'Brien	Hon Aaron Stonehouse
Hon Jacqui Boydell	Hon Donna Faragher	Hon Robin Scott	Hon Colin Tincknell
Hon Jim Chown	Hon Colin Holt	Hon Tjorn Sibma	Hon Ken Baston (<i>Teller</i>)
Hon Peter Collier	Hon Michael Mischin	Hon Charles Smith	

Noes (15)

Hon Robin Chapple	Hon Diane Evers	Hon Samantha Rowe	Hon Alison Xamon
Hon Tim Clifford	Hon Laurie Graham	Hon Matthew Swinbourn	Hon Pierre Yang
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Dr Sally Talbot	Hon Martin Pritchard (<i>Teller</i>)
Hon Sue Ellery	Hon Kyle McGinn	Hon Darren West	

Pairs

Hon Nick Goiran	Hon Alanna Clohesy
Hon Dr Steve Thomas	Hon Adele Farina

Amendment thus negatived.

Clause put and passed.

Clauses 10 to 15 put and passed.

Clause 16: Section 17 amended —

Hon MICHAEL MISCHIN: What this clause proposes is a realisation—allegedly—of “WA Labor’s Law Reform Initiatives”, which were published in its policy manifesto of February this year. That said, among other things, and against a background of criticism over the last several years about how the legislation was intended to operate, and I quote —

WA Labor will strengthen the Dangerous Sex Offender laws to better protect the community by reversing the onus of proof —

Which it does, but I will talk later about whether it will make any material difference —

which will require dangerous sex offenders to satisfy the Court that on the balance of probabilities they will comply with each and every condition stipulated by the Supreme Court as part of a community supervision order.

Progress reported and leave granted to sit again at a later stage of the sitting, on motion by Hon Sue Ellery (Leader of the House).

[Continued on page 6726.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

MCGOWAN MINISTRY — CHINA VISIT

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

I refer to the recent delegation to China that the Premier led.

- (1) Who accompanied the Premier on the trip and what position do they hold?
- (2) What was the total cost of airfares for each person on the delegation?
- (3) What was the total cost of accommodation?
- (4) What was the total cost of meals and alcohol, listed separately?
- (5) What was the itemised total of all other costs of the trip?
- (6) Will the Premier table a copy of the itinerary of each of the ministers who accompanied him on the trip and that of himself; and, if not, why not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. Given the nature of the question and the resources required to provide this information, I request that the member put the question on notice.

Hon Peter Collier: Oh, dear.

Hon SUE ELLERY: There were a lot of people.

Hon Peter Collier: I know there were a lot of people; that’s why I asked the question.

MINISTERS OF THE CROWN — MOTOR VEHICLE ALLOWANCE

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

I refer the Premier to his response to question without notice 619 asked on Thursday, 14 September 2017. I refer to those ministers who have continued to be paid a motor vehicle allowance since 18 May 2017 for the entire period or part thereof.

- (1) Have any ministers had access to the use of vehicles within the Government Garage since 14 September 2017?
- (2) If yes, which ministers, when and for what purpose did they use vehicles within the Government Garage?

Hon SUE ELLERY replied:

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

- (1) Yes.
- (2) The answer is within a table, so I seek leave to have the table incorporated into *Hansard*.

[Leave granted.]

The following material was incorporated —

Minister	Date	Reason
Johnston	23/09/2017	Airport Pickup/Drop off
Johnston	24/09/2017	Airport Pickup/Drop off
Johnston	1/10/2017	Airport Pickup/Drop off
Johnston	5/10/2017	Airport Pickup/Drop off
Saffioti	6/10/2017	Personal vehicle was broken into, smashed windscreen, sent for repair
Saffioti	20/10/2017	Airport Pickup/Drop off
Johnston	21/10/2017	Airport Pickup/Drop off
Saffioti	24/10/2017	Airport Pickup/Drop off
McGurk	30/10/2017	Personal vehicle was new, no insurance details provided to ETS
Quigley	14/01/2017	Airport Pickup/Drop off
Johnston	15/11/2017	Airport Pickup/Drop off
McGurk	21/11/2017	Airport Pickup/Drop off
Quigley	1/12/2017	Airport Pickup/Drop off

Hon SUE ELLERY: Airport pick-ups and drop-offs are often conducted in government vehicles in order to be more efficient with the time of government drivers as it allows the drivers to return direct to the garage without returning the minister's car to their place of residence.

PATHWEST — CONFIDENTIAL PERSONAL INFORMATION — DISCLOSURE

976. Hon MICHAEL MISCHIN to the parliamentary secretary representing the Minister for Health:

I refer to the minister's answer yesterday about the Public Sector Commissioner's report titled "PathWest's management of a complaint about disclosure of confidential personal information", which stated —

The report found that none of the patient data systems used by either PathWest or the Department of Health keep an audit log of when a user logs into the system or when a user views a patient record.

- (1) Where precisely in the report does that finding appear?
- (2) Given page 44 of the report states, "The allegations that the Respondent may have engaged in unauthorised access of information were never fully explored", what actions have since been taken to explore those possibilities and what has been the outcome?
- (3) If the system used by PathWest and the Department of Health did not at the material time keep an audit log, what action has since been taken to remedy the position?

Hon SAMANTHA ROWE replied:

On behalf of the parliamentary secretary representing the Minister for Health, I thank the honourable member for some notice of the question. I am advised of the following.

- (1) I wish to make a correction to the statement provided yesterday. This finding is not in the Public Sector Commissioner's report titled "PathWest's management of a complaint about disclosure of confidential personal information". Information on audit logs for data systems has been the subject of a separate examination by the North Metropolitan Health Service and is referred to in answer (2).
- (2) The NMHS is conducting a separate investigation concerning claims of unauthorised access to confidential patient information.
- (3) PathWest is in the process of replacing its laboratory information system. The new LIS will incorporate tracking and audit functions to meet contemporary public expectations and business needs.

SCHOOL CHAPLAINCY SERVICES

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

I refer to the minister's answer given to question without notice 917, asked last Thursday, about school chaplaincy programs in Western Australia. Given the minister's statement that the agreements with YouthCARE cease on 30 June 2018, will the minister confirm that she intends to ensure that funding to YouthCARE continues beyond 30 June 2018 and at an amount similar to the funding agreements currently in place?

Hon SUE ELLERY replied:

I thank the member for the question. The agreements that expire on that date are commonwealth agreements.

Hon Donna Faragher: No. You have an agreement with YouthCARE, in addition to the other two. I agree with the other two, but there is an agreement with YouthCARE.

Hon SUE ELLERY: If the member had given me some notice, I would have been able to check the facts.

Hon Donna Faragher: You should know; you gave me the answer last Thursday.

Hon SUE ELLERY: Right; so I have been doing nothing today!

Several members interjected.

Hon SUE ELLERY: In any event, I am a big supporter of YouthCARE, as is the Premier and as is the Treasurer. We support the programs that they provide in our schools and, indeed, our schools are big supporters of YouthCARE and chaplaincy services. We will endeavour to do our very best to make sure that YouthCARE can continue to deliver those programs. I am also interested in making sure that the commonwealth continues to meet its obligations.

COMMUNICARE BREATHING SPACE

978. Hon NICK GOIRAN to the Leader of the House representing the Minister for Prevention of Family and Domestic Violence:

I refer to the answers to additional questions provided by the Department of Communities following the 2017–18 budget estimates hearings confirming the information received by the committee that the government's commitment to establish two specialised one-stop hubs was subject to a different process from the process being undertaken to fulfil a separate commitment to establish another Communicare Breathing Space.

- (1) In which calendar month will the process be determined?
- (2) Which key stakeholders have been consulted about this process?

Hon SUE ELLERY replied:

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

- (1)–(2) A project plan to guide the development of the one-stop hubs is being prepared. The project plan will include consideration of consultation processes and timetables.

DEPARTMENT OF TRANSPORT — METRONET — ADVISERS

979. Hon JACQUI BOYDELL to the minister representing the Minister for Transport:

- (1) Does the minister's office employ a policy adviser or advisers specifically related to Metronet?
- (2) If yes to (1), what is the adviser or advisers' official title in the office?
- (3) If yes to (1), which government department or agency has the adviser been seconded from?
- (4) If yes to (1), what is the policy adviser or advisers' salary classification level?
- (5) If yes to (1), is this a permanent or temporary position in the minister's office?
- (6) How many full-time equivalents in the Department of Transport and LandCorp have been seconded from their ordinary role to work on Metronet?
- (7) Does the minister's office employ a policy adviser or advisers specifically dealing with regional transport matters?
- (8) If yes to (7), what is the adviser or advisers' title?

The PRESIDENT: Just before I give the minister the call, I am not too sure which part of the word “concise” that question fitted.

Hon STEPHEN DAWSON replied:

- (1) No.
- (2)–(5) Not applicable.
- (6) There were 3.6 full-time equivalents from the Department of Transport. LandCorp is providing assistance to the Metronet office; however, no formal secondments are in place.
- (7) No. The minister governs for the whole of the state. For example, the minister was successful in securing more funding for regional roads than what was achieved under the previous Liberal–National government.
- (8) Not applicable.

COLLIE FUTURES FUND

980. Hon COLIN HOLT to the Minister for Regional Development:

- (1) Will the Collie futures fund implement the recommendations of the Collie Economic Development Task Force report?
- (2) When will the project commence?
- (3) Has a Collie futures fund committee been established; and, if so, who are its members?
- (4) How will local stakeholders be consulted?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1) The report's recommendations will be considered in the planning for the allocation of the Collie future fund. But I note that the report was produced in the dying days of the last government and it purports to build on the success of the SuperTowns project, so I am not sure how much value it will add to our deliberations.
- (2)–(3) Governance arrangements for the fund are being finalised with funding available this financial year.
- (4) Local stakeholder engagement will be a core component of the fund governance arrangements. It is anticipated there will be a specific community reference group.

VENEREAL DISEASE — TREATMENT

981. Hon AARON STONEHOUSE to the parliamentary secretary representing the Minister for Health:

I note that section 311 of the Health (Miscellaneous Provisions) Act 1911 mandates that any medical practitioner in receipt of a salary from the state is to treat a person's venereal disease free of charge to that individual. I note also that the current health minister is a doctor, and, indeed, has presumably been a medical practitioner in receipt of a state salary as the member for Kwinana for almost 10 years now.

- (1) Can the minister confirm whether he, or any other member that he is aware of, has been called upon to provide treatment under section 311 of the aforementioned act in recent memory?
- (2) If yes to (1), how often has this occurred and how much money is it likely to have saved or cost the WA taxpayer?
- (3) If no to (1), does the minister agree with me that it might be time to amend, tighten or delete this section if only to free up his potential and valuable parliamentary time?

Hon SAMANTHA ROWE replied:

On behalf of the parliamentary secretary representing the Minister for Health, I thank the honourable member for some notice of the question.

I am advised as follows.

- (1)–(3) Not applicable. The Minister for Health is not a medical doctor. Please note that section 311 of the Health (Miscellaneous Provisions) Act 1911 has been repealed as part of updating public health legislation and no longer applies. The repeal came into effect on 20 September 2017.

PAYROLL TAX-FREE THRESHOLD

982. Hon COLIN TINCKNELL to the minister representing the Treasurer:

In an interview with the ABC yesterday, the Chamber of Commerce and Industry of Western Australia chief economist, Rick Newnham, once again highlighted the main issues the government has with the budget. In his expert analysis he highlights that the government does not have a revenue problem; it has a spending problem. WA has the highest spending per person in the nation and the government has increased spending by \$700 million since the budget was announced. The gold royalty increase was going to plug only a \$100 million gap in its first year—\$400 million over four years.

- (1) From where did the government think it would get the additional \$600 million to spend?
- (2) Will the government implement the CCIWA's recommendation to raise the payroll tax threshold from \$850 000 to \$950 000 or more?
- (3) Is the government aware that this measure is estimated to create 880 jobs and would generate over \$200 million for the economy while reducing the government's revenue by only \$37 million in the first year?
- (4) Is the government willing to consider implementing a discounted payroll tax rate for regional businesses in an effort to help stimulate our regional economies?

Hon STEPHEN DAWSON replied:

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

- (1) The 2017–18 budget reported that this government reduced total general government expenditure by \$884 million relative to the *Pre-election Financial Projections Statement*. The assertion that government expenditure has increased by \$700 million since the 2017–18 budget is speculation regarding the 2017–18 midyear review outcome. The midyear review will be released on 20 December and it will provide updated estimates to the budget time projections, including for recurrent expenditure. The focus of the government’s budget repair task will continue to be around managing expenditure growth.
- (2) As the Treasurer has answered on number of occasions, this will be considered as part of the 2018–19 budget. The Treasurer has noted that the solution proposed to resolve the state’s financial predicament by the Western Australian Chamber of Commerce and Industry, and now advocated by the member, is to permanently erode the state’s tax base. This is in addition to the member voting to disallow a 1.25 percentage point increase in the royalty rate for an industry that demonstrably does not return its fair share to the Western Australian community. The Treasurer also notes the answer provided yesterday to a question without notice that showed that total general government salaries were \$11.6 billion in 2016–17. This means the whole Western Australian public sector would need to cease for around three years in order to pay down the debt left by the former government. The problem is an expenditure and revenue mismatch and both need to be addressed. This remains the focus of this government.
- (3) The Treasurer has commissioned the Department of Treasury to estimate not only the costs but also the economic impacts of changes to the payroll tax–free threshold. The Treasurer has indicated that he is sceptical of research from an interest group that purports economic benefits from tax breaks that will directly benefit its members.
- (4) No. The proposal would further erode the state’s revenue base and worsen state finances.

PRIVACY LEGISLATION

983. Hon ALISON XAMON to the Leader of the House representing the Premier:

- (1) Does the government intend to introduce privacy legislation this term?
- (2) If yes to (1), when?
- (3) If no to (1), why not?
- (4) If yes to (1), which individuals or organisations have been consulted in the development of a bill?

Hon SUE ELLERY replied:

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

- (1)–(4) The government is preparing data-sharing legislation that will also address privacy. The Department of the Premier and Cabinet is leading the project, which will be a priority in 2018. Interest groups will be consulted in the development of this bill.

BROOME NORTH WASTEWATER TREATMENT PLANT

984. Hon ROBIN CHAPPLE to the minister representing the Minister for Water:

I refer to a licence and works approval application from the Department of Water and Environmental Regulation for the Broome north wastewater treatment plant.

- (1) Has there been groundwater monitoring of the area since the plant was constructed?
- (2) If no to (1), why not?
- (3) If yes to (1), will the minister table the groundwater monitoring data?
- (4) If no to (3), why not?
- (5) Has the Broome north wastewater treatment plant had an impact on nutrient levels in Roebuck Bay?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1) Yes. There is a network of 30 groundwater monitoring bores on and around the premises.
- (2) Not applicable.
- (3) Yes. A summary of the 2016–17 groundwater monitoring data is provided. I table the attached document.
[See paper 995.]
- (4) Not applicable.
- (5) Based on the groundwater monitoring data, it is considered that the impacts on groundwater are minor, have not extended to Roebuck Bay and are unlikely to do so.

MEMBER FOR DARLING RANGE — PERSONAL EXPLANATION

985. Hon TJORN SIBMA to the Leader of the House representing the Premier:

I refer to the answer provided yesterday to my question without notice 966, which advised that the Premier learnt the broad content of the member for Darling Range's 30 November statement immediately preceding its delivery, and that Mr Mark Reed in his office was provided with a version of the statement for noting prior to its delivery.

- (1) When exactly did the Premier become aware of the broad content of the member for Darling Range's statement, which was delivered at 9.01 am on Thursday, 30 November?
- (2) When exactly did Mr Mark Reed receive a version of the member for Darling Range's statement?
- (3) What did Mr Reed do with that statement?
- (4) Is the version delivered by the member for Darling Range on 30 November 2017 different from the version that Mr Reed was provided?

Hon SUE ELLERY replied:

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

- (1)–(4) Mr Mark Reed received a version of the statement on the morning of Thursday, 30 November. Mr Reed subsequently relayed the contents of that statement verbally to the Premier, also on the morning of 30 November. As with all written speeches, they should be checked against delivery.

PUBLIC SECTOR — STAFF AND WAGES

986. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Public Sector Management:

I refer to question without notice 908, which I asked on Thursday, 30 November 2017. Given that the answer reflects that 2 853 FTEs were added to the general government public service in one year, from 2015–16 to 2016–17, can the Premier please provide a breakdown of which departments those employees or FTEs were added?

Hon SUE ELLERY replied:

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

The Public Sector Commission has provided a table, which I seek leave to have incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Entity	2016–17 FTE	FTE change from 2015–16
Western Australian public sector total	110 662	+2 853
Department of Education	39 069	+1 398
Department of Health	35 084	+934
Department of Corrective Services	4 414	+254
Western Australia Police (Police Service) ¹	2 050	+178
Department for Child Protection and Family Support	2 192	+30
Housing Authority	1 670	+147
Public Transport Authority of Western Australia	1 635	+32
Department of Fire and Emergency Services	1 616	+73
Department of Parks and Wildlife	1 450	+38
Department of the Attorney General	1 442	+19
Disability Services Commission	1 373	-85
Department of Transport	1 353	+28
North Metropolitan TAFE	1 171	+151
South Metropolitan TAFE	1 110	-283
Department of Agriculture and Food	1 007	+79
Department of Finance	1 012	+24
Main Roads WA	1 015	+5

¹ Sworn officers are employed by the Police Force (a non-public sector entity as defined in the *Public Sector Management Act 1994*), separated from the Police Service.

Entity	2016–17 FTE	FTE change from 2015–16
Department of Commerce	770	+26
Department of Culture and the Arts ²	622	-19
Department of Mines and Petroleum	746	-24
Landgate	528	-96
Department of Training and Workforce Development	496	+16
Department of the Premier and Cabinet	454	-22
Department of Fisheries	462	-8
VenuesWest	241	-6
South Regional TAFE	342	-32
Department of Water	424	-21
Department of Planning	420	-17
Central Regional TAFE	328	-21
Insurance Commission of Western Australia	358	+15
Mental Health Commission	292	0
Legal Aid Commission of Western Australia	279	+17
Department of Environment Regulation	301	-2
North Regional TAFE	260	+16
Department of Treasury	264	-35
Department of Local Government and Communities	239	-19
Lotterywest	244	+24
Office of the Director of Public Prosecutions	226	-2
Department of Lands	226	+19
Forest Products Commission	204	+24
Department of Sport and Recreation	159	-15
Zoological Parks Authority	160	-2
Public Sector Commission	115	-13
Country High School Hostels Authority	120	+11
Department of Regional Development	148	+2
School Curriculum and Standards Authority	136	-20
Metropolitan Cemeteries Board	147	+12
Botanic Gardens and Parks Authority	125	+2
Office of the Auditor General	140	+5
WorkCover Western Australia Authority	129	-4
Department of State Development	133	-14
Chemistry Centre (WA)	133	+19
Metropolitan Redevelopment Authority	125	-6
Department of Aboriginal Affairs	125	-2
Corruption and Crime Commission	115	-8
Department of Racing, Gaming and Liquor	100	-1
Rottneet Island Authority	96	+7
Department of Education Services	96	-4
Office of the Environmental Protection Authority	89	+7
Tourism WA	81	-1
Department of the State Heritage Office	66	+4
Ombudsman	70	+4
Animal Resources Authority	58	-4

² The Department of Culture and the Arts includes the Art Gallery of Western Australia, Perth Theatre Trust, State Library of Western Australia, and the Western Australian Museum.

Entity	2016–17 FTE	FTE change from 2015–16
Western Australian Electoral Commission	54	+8
Economic Regulation Authority	52	+2
Western Australian Meat Industry Authority	26	+16
Small Business Development Corporation	48	-2
Legal Practice Board	39	-6
Government Employees Superannuation Board	40	-6
The National Trust of Australia (W.A.)	28	-4
Department of the Registrar Western Australian Industrial Relations Commission	34	+4
Road Safety Commission	26	+9
Equal Opportunity Commission	21	+1
South West Development Commission	19	-3
Pilbara Development Commission	19	+1
Office of the Commissioner for Children and Young People	17	+1
Construction Training Fund	19	-1
Healthway	17	+2
Health and Disability Services Complaints Office	16	-2
Office of the Inspector of Custodial Services	16	-2
Peel Development Commission	13	+2
Wheatbelt Development Commission	14	0
Mid-West Development Commission	14	0
Goldfields-Esperance Development Commission	12	0
Great Southern Development Commission	11	-1
Office of the Information Commissioner	11	0
Keep Australia Beautiful Council (W.A.)	10	+1
Gascoyne Development Commission	11	+2
Kimberley Development Commission	7	-1
Veterinary Surgeons' Board	4	0
Burswood Park Board	4	0
Minerals and Energy Research Institute of Western Australia	3	+1
Salaries and Allowances Tribunal	3	-1
Architects Board of Western Australia	2	0
Law Reform Commission of Western Australia	2	0

Note: The numbers above do not add up precisely to the totals provided due to rounding.

EMERGENCY SERVICES VOLUNTEER FUEL CARD

987. Hon COLIN de GRUSSA to the minister representing Minister for Emergency Services:

We are now almost halfway through the 2017–18 financial year, well into the fire season, and applications for the emergency service volunteer fuel card scheme are still not open.

- (1) When will eligible brigades, groups and units have the opportunity to re-apply for the reduced value cards?
- (2) What is the expected processing time for applications?
- (3) When will officers in charge of brigades, groups and units have these funds to disburse to volunteer members?

Hon STEPHEN DAWSON replied:

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

The Department of Fire and Emergency Services advises the following.

- (1) Applications are anticipated to open during December via the online application form on the DFES website.
- (2) The application period will be open for one month to allow sufficient time for the officers in charge to apply. Processing of the applications will take approximately three weeks from the close of the application period.
- (3) It will be in February 2018.

LOCAL SERVICE DELIVERY WORKING GROUP

988. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

Page 54 of the “Working Together One Public Sector Delivering for WA Service Priority Review: Final Report to the Western Australian Government”, released by the Premier yesterday, references an unpublished report from the local service delivery working group that investigated and identified possible efficiencies and cost reductions. With reference to this, I ask the following.

- (1) Will the Premier release the “Better government service delivery in regional Western Australia” report delivered to him in September 2017?
- (2) If no to (1), why not?
- (3) What were the 13 recommendations contained in the report?
- (4) Does the Premier agree with the local service delivery working group panel’s support of these recommendations?

Hon SUE ELLERY replied:

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

- (1)–(2) The Premier intends to release the report of the local service delivery working group in the near future.
- (3) The recommendations in the report cover regional office accommodation and government service delivery.
- (4) The government will consider the recommendations in light of the recommendations made by the service priority review.

HAWTHORN RESOURCES — PINJIN PASTORAL STATION

989. Hon ROBIN SCOTT to the minister representing the Minister for Mines and Petroleum:

I refer to Pinjin station and the answers provided to question without notice 903 asked on 30 November 2017.

- (1) Can the minister quote the full text and table a copy of the specific information that has been requested by the Department of Mines, Industry Regulation and Safety from the company Hawthorn Resources Limited on protecting the rights of the pastoralist from breaches of regulation 98 of the Mining Regulations 1981 in blocking roads and access tracks?
- (2) Can the minister advise how many days DMIRS is prepared to allow for Hawthorn Resources to achieve compliance with tenement condition 28 on mining lease 31/79, 24 on mining lease 31/78 and 28 on miscellaneous licence 65?
- (3) Can the minister explain why a stop-work order has not been placed on Hawthorn Resources to protect the residents of occupied buildings from significant levels of dust still being generated by Hawthorn Resources in contravention of a DMIRS directive to achieve compliance by 25 November 2017?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following answer has been provided by the Minister for Mines and Petroleum.

- (1) An excerpt from correspondence sent from the Department of Mines, Industry Regulation and Safety on 29 November 2017 to tenement holders of M31/17 and M31/79 relating to blocking of tracks states —

A number of tracks have been cut off by the construction of the haul road on Mining Leases 31/17 and 31/79 ... These tracks are used for access along pastoral fence lines and to access pastoral watering points. Please ensure that access is not impeded.
- (2) A response is required by 8 December 2017 for M31/78 and M31/79.
- (3) I am advised that DMIRS is meeting with Hawthorn Resources Limited representatives on Friday, 8 December 2017, when verification on dust mitigation measures implemented will be reviewed. Should the department not be satisfied with the actions taken by the tenement holder, alternative compliance actions will be considered.

STATE DEVELOPMENT — ALCOA — STATE AGREEMENTS

990. Hon DIANE EVERS to the minister representing the Minister for State Development, Jobs and Trade:

I refer to question on notice 488 asked on 1 November.

- (1) Noting that the additional jobs expected to be created by exports of up to 2.5 million tonnes per annum of raw bauxite over and above jobs in Alcoa’s existing operations are only in construction and fabrication supply of equipment and building materials, what does the minister consider to be the main benefits to WA of the planned raw bauxite exports, in terms of regional development?

- (2) In relation to (1), what does the minister consider to be the main negative consequences, if any, of the raw bauxite exports, in terms of the region?
- (3) What reason did Alcoa give for requiring the use of berth 8 at Bunbury port for the shipping of the raw bauxite in addition to the use of Kwinana Bulk Terminal?
- (4) Will shipping raw bauxite out of Bunbury port require rail upgrades; and, if so, will the minister please give details?
- (5) In relation to (1), what is the expected construction period in years or months?

Hon ALANNAH MacTIERNAN replied:

The following information has been provided by the Department of Jobs, Tourism, Science and Innovation.

- (1) Longer term, the benefits will be the provision of additional revenue streams for both Alcoa and the state that will be beneficial for Western Australia, including additional royalty streams. Regionally, the project will provide for the maintenance of local jobs and the opportunity for local business to provide services to Alcoa, including regional transport services.
- (2) The department is not aware of any.
- (3) Insufficient shipping slots at the Kwinana Bulk Terminal required bauxite to be shipped through the multi-user Bunbury berth 8 facility.
- (4) Yes, a rail loop and train unloader is proposed to be constructed within the Bunbury port area.
- (5) It is expected to be approximately 12 to 18 months.

WATER FOR FOOD PROGRAM — MYALUP–WELLINGTON WATER FOR GROWTH PROJECT —
INFRASTRUCTURE AUSTRALIA

991. Hon Dr SALLY TALBOT to the Minister for Regional Development:

I refer to the Infrastructure Australia media release from 30 November 2017 relating to the Myalup–Wellington water project. Can the minister update the house on the progress of the project and the funding contribution from the commonwealth government?

Hon ALANNAH MacTIERNAN replied:

I really thank the member for this question. I know she is very concerned about the progress in the south west of the state. We note that we do not want to say anything controversial in a ministerial statement.

Several members interjected.

The PRESIDENT: Order, members! I am finding it difficult to hear the minister.

Hon ALANNAH MacTIERNAN: A recent media release put out by Infrastructure Australia acknowledged the real benefit of that Myalup–Wellington water project, which I believe has bipartisan support in this chamber. However, it was extremely disappointing that Infrastructure Australia said this was unlikely to get federal government funding because there will be benefits flowing back primarily to the agricultural producers in WA and that that is not a good use of public funds. I encourage the members opposite to get on to their federal counterparts and remind them that the federal government has supported similar projects in the past, most recently the Tasmanian immigration projects, and indeed that is the model on which we based our project here in WA. We also need to remind them that of the \$450 million in the national water infrastructure development fund, \$293 million has been allocated to projects over east. We need the help of members opposite. We need them to get on to the Liberal–National government federally and tell it that we need support for this very important project so we can double horticultural production in this state.

DEPARTMENT OF EDUCATION — “FOCUS 2018”

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

- (1) Has the department released its “Focus 2018” policy document?
- (2) If yes, will the minister table a copy of the policy document?
- (3) If no, why not and when will it be released?

Hon SUE ELLERY replied:

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

- (1) No. “Focus 2018” is not a policy document. It is a summary of areas for schools, support services and central office to focus on for a particular year, based on the strategic plan for public schools. Schools, support services and central office use the document, along with the strategic plan and their own business plans, to guide their efforts. Although “Focus” is usually available in November or December of the previous year, releasing it in January 2018 will not affect the work of schools, support services and central office.

- (2) Not applicable.
- (3) Given the machinery-of-government changes, structural changes, consideration of the voluntary targeted separation scheme and the state budget being delayed due to the election year, the decision was made to release “Focus 2018” at the beginning of 2018.

MEMBER FOR DARLING RANGE — POLICE — WORK HISTORY

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

I refer to a memo from Western Australia Police Force, dated 29 November 2017, which was read and tabled by the minister in the Legislative Assembly on 30 November and which concluded —

At this point in time the WA Police Force do not intend to undertake further investigation into this matter unless evidence of criminality is established.

I further refer to a story on page 22 of *The Sunday Times*, which stated —

WA Police is still probing the police employment file of disgraced MP and former cop Barry Urban in a bid to verify some of his claims and documents,

It attributed to the Commissioner of Police the comments that Mr Urban’s personnel record was “incomplete”, that police were “waiting on further documentation” and that “We don’t have the full particulars”.

- (1) Has the Commissioner of Police been accurately quoted in these remarks?
- (2) If yes to (1), when did the Commissioner of Police make the comments, and to whom?
- (3) If no to (1) how precisely are the quotes wrong?
- (4) Is WA Police currently inquiring into any aspects of the employment history of the member for Darling Range and, in particular, any claims pertaining to the qualifications and/or work experience that he used as the basis of his employment applications to his party and the voters of his electorate?
- (5) If yes to (4), what specific matters are WA Police inquiring into?
- (6) If yes to (4), will WA Police announce the outcome of its inquiries?
- (7) If yes to (6), when does it expect to do so?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force provided the following answer.

- (1) Yes.
- (2) The commissioner was asked about this matter at a media conference on 2 December 2017, which was attended by representatives from Seven West Media, Channel 9 and the ABC.
- (3) Not applicable.
- (4)–(7) The WA Police Force has conducted an assessment of the personnel record of Mr Urban that documents his time with the agency. That is the current status of the WA Police Force process unless and until there is further information from overseas education institutions. The assessment at this time has not identified anything overt that would require police to commence a criminal investigation. The WA Police Force is simply seeking verification of some of the documentation and claims contained in the personnel file. The police work being undertaken is an assessment of Mr Urban’s file. That assessment is not complete at this time and the WA Police Force will not conjecture when that might be the case. No further information will be made publicly available at this time.

DEPARTMENT OF FINANCE — PASSWORD PROTECTED DOCUMENTS

994. Hon ALISON XAMON to the minister representing the Minister for Finance:

I refer to the “Primary School Brief” and the “Secondary School Planning Guide” held by the Department of Finance as online password-protected documents.

- (1) Why are these documents password protected?
- (2) May I have access to these documents?
 - (a) If no, why not?
 - (b) If yes, may I share this access with interested constituents and community groups?

Hon STEPHEN DAWSON replied:

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

- (1) The “Primary School Brief” and “Secondary School Planning Guide” are password protected for document control purposes. The purpose of these documents is to guide project teams responsible for building new school facilities. As these documents provide information related to the layout and design of these buildings, access is limited for security reasons.
- (2) Parties with legitimate reasons for viewing the documents, including the honourable member, may arrange for access to these documents through the Department of Finance.
 - (a) Not applicable.
 - (b) Yes.

SOIL AND LAND CONSERVATION COUNCIL

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

I refer to the minister’s announcement on Tuesday that the Soil and Land Conservation Council will be revived through a ministerial advisory committee.

- (1) What is the cost of the ministerial committee?
- (2) How many people sit on the committee?
- (3) What groups will be represented on the committee?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1)–(2) The composition and cost will be determined over the next month. It is not anticipated there will be substantial costs. It will certainly be less than the cost of the proposed wild dog alliance that now would not be government funded. However, I suggest that the member reflect on the central importance of soil quality to agricultural productivity and the need to intensify our efforts in this area.
- (3) We will be asking all industry groups to suggest people who can make a real contribution to advancing the cause of conserving and improving our understanding of our fragile soils. If the member is aware of anyone that could add value here, I would be happy to consider them.

DEPARTMENT OF REGIONAL DEVELOPMENT — COMMUNITY RESOURCE CENTRES —
JOHN CURTIN INSTITUTE OF PUBLIC POLICY NETWORK REPORT**996. Hon MARTIN ALDRIDGE to the Minister for Regional Development:**

I refer to a study into the community resource network commissioned by the Department of Regional Development in July 2015 and the subsequent report produced by John Curtin Institute of Public Policy.

- (1) Does the minister intend to make the report publicly available?
- (2) When did the minister first know about the report and has she read it?
- (3) Is there any anticipated crossover between the data produced in the John Curtin report and the terms of reference in the new CRC network review that has been commissioned by the state government?
- (4) At what cost is the new review of the CRC network being undertaken?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1) Yes. I table a copy of the report. It does not appear to have been published by the previous government.

[See paper 996.]

- (2) I was recently provided with a copy of this report and have been briefed on its key findings. I am advised that the evaluation was commissioned to inform the development of the business case for future funding of the CRC program but was not able to be used for this purpose as it took over 15 months to complete and by the time it was finalised a funding decision had already been made by the previous government.
- (3) The report findings will be considered in the context of the current review. But I note that the review did not look at the functions or locations of CRCs. I believe the department was very disappointed in the review, particularly as it provided very little insight into the cost of running a CRC.
- (4) Any costs of our future inquiry will be undertaken within the existing departmental budget.

**CORRECTIVE SERVICES FACILITIES — HOSPITAL TREATMENT
CANAL ROCKS BOAT RAMP — CLOSURE**

Questions without Notice 929 and 968 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.05 pm]: On behalf of the Minister for Corrective Services, I table an answer to Hon Peter Collier's question without notice 968, asked yesterday.

In accordance with standing order 109(2)(c) I now table specific advice on potential liability provided by RiskCover as requested in (2) of Hon Dr Steve Thomas' question without notice 929.

[See papers 997 and 998.]

QUESTIONS ON NOTICE 415, 439, 442, 463, 465, 468, 485 AND 490

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Stephen Dawson (Minister for Environment)**.

MINISTERS OF THE CROWN — MOTOR VEHICLE ENTITLEMENTS

Point of Order

Hon MARTIN ALDRIDGE: On 16 May, I asked question without notice 18 of the Leader of the House representing the Premier. I was pursuing an issue about ministers claiming the motor vehicle allowance, arising from a determination of the Salaries and Allowances Tribunal on 1 December. The minister's response advised the house that the issue arose from the former government keeping the determination secret and not making it public. Today in Committee of the Whole on the Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017, the minister confirmed that it is a statutory requirement for the tribunal to publish its determination in the *Government Gazette*. The minister, on advice, today also confirmed that there was no knowledge of the SAT not meeting its statutory obligations, which raises doubt over the veracity of the minister's statement in response to my question without notice 18 as well as others. I ask that the minister revisit the answer provided to this house.

Hon SUE ELLERY: I am happy to give an undertaking to revisit the issue the honourable member has just raised.

ASBESTOS AWARENESS MONTH — ASBESTOS DISEASES SOCIETY OF AUSTRALIA

Statement by President

THE PRESIDENT (Hon Kate Doust): I wanted to say something before we move on. About a week ago, we held a fundraiser for the Asbestos Diseases Society of Australia. I want to advise members that as a first-time event, we raised more than \$450. That has been provided to the Asbestos Diseases Society of Western Australia. The society has asked me to pass on its thanks to you, and it is very pleased with the outcome.

BUSINESS OF THE HOUSE

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.10 pm] — without notice: I move —

That so much of standing orders be suspended as to enable the Legislative Council on this day's sitting —

- (1) to sit beyond 5.20 pm in order to consider the Dangerous Sexual Offenders Legislation Amendment Bill 2017; and
- (2) that members' statements be taken at 5.55 pm.

If I may, by way of explanation, there was an agreement behind the Chair that I would move this motion and that members' statements would be taken at 5.45 pm. Given where we are now, I ask members to consider extending that to 5.55 pm for the purpose of dealing with the Dangerous Sexual Offenders Legislation Amendment Bill 2017. The Council will then take members' statements at 5.55 pm today.

Question put and passed with an absolute majority.

DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL 2017

Committee

Resumed from an earlier stage of the sitting. The Chair of Committees (Hon Simon O'Brien) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 16: Section 17 amended —

Progress was reported after the clause had been partly considered.

Hon MICHAEL MISCHIN: I will not go over what I have already said on this clause but I had identified a passage that was a repeat of other mantras that have been issued by the Australian Labor Party over the course of the last several years about how dangerous sex offender applications should be dealt with and that the Labor Party, if in office, would require dangerous sex offenders to satisfy the court that, on the balance of probabilities, they would comply with each and every condition stipulated by the Supreme Court as part of a community supervision order. In case there was any doubt about what was meant, a further passage emphasised that it would be up to an offender —

... to satisfy the Court on the lower civil standard, that is, upon the balance of probabilities, that they can be trusted to obey all requirements and provisions of the Community Supervision Order.

However, clause 16 requires that an offender simply needs to satisfy the court on the balance of probabilities that they will substantially comply with the standard conditions of the order. That departs not only from the Australian Labor Party's manifesto issued in February this year, but also from Labor's previous utterances and, once again, the amendments that were moved in this place last year by the now Attorney General, which we were criticised for not accepting. They required compliance with each and every condition of an order before an offender could be released. I ask first why the clause has been diluted in this fashion and why it does not meet the repeated demands of the Labor Party to date. I note it has nothing to do with conventions on human rights. Secondly, I ask whether the government will accept the amendment that will fulfil its election commitment.

Hon SUE ELLERY: The government will not be supporting the amendment. The reason is not dissimilar to the reason I gave previously. The question of the constitutionality of such legislation is pertinent. Lessons have been learnt from the Queensland case that was before the High Court. The advice to us in government on how to best achieve the policy objective—which is about continuing detention in custody or supervision in the community of a dangerous sexual offender when their unconditional release from custody would present an unacceptable risk that they would commit a serious sexual offence—is that it is best done in a way that does not go beyond the constraints of constitutional law. The provisions set out in the bill before us meet that requirement. The formulation under the proposal requires the court to be satisfied, to a high degree of probability, that every condition of a supervision order will be met by the offender.

Hon Michael Mischin: No, it doesn't; that's the problem.

Hon SUE ELLERY: Sorry; that is what I thought. I thank the member; I thought I had read that out. The formulation of the test under the opposition's proposal requires a court to be satisfied, to a high degree of probability, that every condition of a supervision order will be met by the offender. Essentially, it could create a situation in which a court would almost never be able to make a supervision order. I take the member's point. I know the argument that the honourable member has put about the Labor Party's position last year. We are in government and the advice to us in government is that the best way to achieve the objective of keeping the community safe is in the terms of the bill before the chamber today.

The CHAIR: Hon Michael Mischin, at this stage, did you want to formally move your amendment?

Hon MICHAEL MISCHIN: I will, but I want to inquire about the constitutional aspect, which I am curious about. When the Attorney General was in opposition, he told us that firstly, the Attorney General has the power and should be able to appeal when the Director of Public Prosecutions does not, and that bail orders ought be denied until the hearing. He is now resiling from that. He said that an offender, before release, should satisfy the court that they will satisfy each and every condition of an order. He is now also resiling from that. Has the Attorney General accepted that he got it wrong on those three points?

Hon SUE ELLERY: We are kind of repeating ourselves here. I responded to this issue in my second reading response. I responded to it on numerous occasions when we debated clause 1 when the matter was last before the chamber. I responded to it in debate on the first amendment moved in the member's name. I have just responded to it again in debate on this amendment. I do not think I can add anything more about the point the member wants to make that this constitutes, from his point of view, a breach of promise or a broken promise because the Attorney General has taken a different position to that which he held as shadow Attorney General. We are in government. Advice has been provided to us about the best and safest way, constitutionally, to achieve the objective of keeping the community safe from dangerous sexual offenders. Those provisions are set out in the bill before us. For those reasons, I am not able to agree to the member's proposed amendment.

Hon MICHAEL MISCHIN: All right. I will take that as an admission that the promises cannot be met.

Hon Sue Ellery: You take it however you want.

Hon MICHAEL MISCHIN: It flows from it, does it not, minister? When in government, it is different from what was promised before.

The minister mentioned that there is a constitutional bar. Why is there a constitutional bar to being able to ensure that someone will meet each and every condition?

Hon SUE ELLERY: The advice from the Solicitor-General is to the effect that the combined effect of the three changes, particularly the requirement of a high degree of satisfaction that the person would not commit even an insubstantial breach, would be vulnerable to a constitutional challenge.

Hon MICHAEL MISCHIN: So it looks like I was right all along last year, minister, and the now government's Attorney General was wrong. I was right and he was wrong, yet it did not stop him from continuing to promise that at the time of the election and criticising our government for being weak in this area. I will take that as an apology. Very well.

In those circumstances, I move —

Page 9, lines 15 to 20 — To delete the lines and substitute —

- (3) A court cannot make an order under subsection (1)(b) unless it is satisfied that the offender will comply with the conditions of the order.
- (4) The offender has the onus of satisfying the court as described in subsection (3), and the court must be satisfied —
 - (a) by acceptable and cogent evidence; and
 - (b) to a high degree of probability.

I move that amendment to give the Labor Party the opportunity to do what it was frustrated in doing last year, which was essential for the safety of the community, and to fulfil its election commitment. I hope that the government will support my good faith offer to allow it to do what it set out to do earlier this year and has been arguing for for the last several years.

Amendment put and negatived.

Hon MICHAEL MISCHIN: I have one further question about the reversal of the onus of proof, as it is called, requiring the offender to satisfy the court on the balance of probabilities that he or she will substantially comply with the standard conditions of the order. I know that the formulation is different, but in terms of results, would that be materially different, given that the court needs to be satisfied as a paramount consideration that an offender can be dealt with satisfactorily in the community and in a manner that keeps the community safe, and does so on the basis of all the evidence? Will that not achieve the same result as the current formulation?

Hon SUE ELLERY: It is not the same; there is a difference. We might argue about the extent of the subtlety of the difference, but the onus of proof as to these matters is on the offender, and the court must be satisfied that each condition set out in proposed section 18(1)(a) through to (g) will be substantially complied with. The court does not have sufficient information before it from the Director of Public Prosecutions to be positively satisfied that an offender will meet the conditions as required. The offender will have to adduce the appropriate evidence. Importantly, because the onus is on the offender, if an offender chooses not to give evidence or adduce evidence, the court may in certain circumstances draw the inference that the evidence the offender would have given would not have assisted him or her. That is referred to as a Jones v Dunkel inference, and generally applies with the onus of proof of proving a particular matter resting with a party. Under the current law, a Jones v Dunkel inference—I am going to keep reading because I am not going to say something stupid about that—could only ever be drawn against the DPP, not the offender. Consistent with this, there does not appear to be any decision of the Supreme Court under the Dangerous Sexual Offenders Act referring to Jones v Dunkel. The Dangerous Sexual Offenders Legislation Amendment Bill 2017 will change that.

Hon MICHAEL MISCHIN: I understand what it claims it will do. Under the current provision, if the court is not satisfied that an offender will meet all the conditions essential in the court's view to be satisfied, the court simply will not release that person into the community. That is what the current act requires, is it not?

Hon SUE ELLERY: The provisions set out in the bill, with the description I just gave, essentially place more pressure—put more obligation, if you like—on the offender to adduce or provide evidence. That is important to increase the opportunity for that evidence to be tested. As I said in answer just before, we might disagree about the level of subtlety about the difference, but it is about adding additional pressure to ensure that we give every opportunity to test the evidence to make an informed decision about the extent to which a risk is posed to the community if that person were to be released.

Hon MICHAEL MISCHIN: If the evidence before the court was such that the commitment or ability of the offender to comply with conditions and the paramount considerations was inadequate, the offender would not be released but would be held in custody. However, if on all the evidence there was sufficient evidence that the offender would comply, the court could achieve that necessary level of satisfaction. If there was some doubt about any of it, the court would not release the offender. It is still possible, is it not, that an offender will not go into evidence and give oral testimony, and yet all the evidence before the court can satisfy the court that the offender will meet those conditions? So there is no obligation, is there, even with the onus of proof being placed on the offender, that a court could not be satisfied on the balance of probabilities that the offender is one suitable for release?

Hon SUE ELLERY: The member is correct. There is no obligation. This will provide, if you like, another lever to apply some pressure. Whether the person succumbs, if that is the correct word, to that pressure is entirely up to them. This will apply one more level of pressure—one more lever that can be pulled—to try to extract information to assist the court to determine the extent to which or otherwise the person constitutes an ongoing risk to the safety of the community.

Hon MICHAEL MISCHIN: I have two more questions on this clause. Firstly, would the minister then accept that there is no guarantee that any court would come to a different decision in any specific case that would be different from what a court would come to under the current law?

Hon SUE ELLERY: There is no iron-clad, rock-solid guarantee. However, as I have said, it provides an additional lever and an additional pressure point. It increases the likelihood that a decision will be made not to release the person because, based on an examination of their evidence, they pose an ongoing risk to the safety of the community.

Hon MICHAEL MISCHIN: My final question is about the offender DAL, who was released relatively recently, I think in early September. I quote the comments of the Attorney General when he was questioned about the release of this offender —

Quizzed on the man’s release, Mr Quigley said it had occurred “because his case was decided under the slack laws of the Liberal Party.”

“The test used to be, could he be managed in the community,” he said. “The new test will be, has he convinced the Supreme Court under his burden, his onus, that he will not commit another sex offence.

I have no doubt this has been analysed and looked at very carefully by the minister’s advisers and the like. Can the minister help me by pointing out which parts of the decision of the Supreme Court would have been decided differently had these new laws been in place? Is there any part of that judgement that would have been influenced by this so-called reform?

Hon SUE ELLERY: I cannot take the member to a specific part of that judgement. I can say that if these laws had been in place, DAL may have given evidence that would have been able to be cross-examined, and that may have led to a different decision.

Hon Michael Mischin: May.

Hon SUE ELLERY: I have already answered the question about guarantees or no guarantees. I have made the point that this legislation provides an additional pressure point and an additional lever to be pulled to test the proposition about whether a dangerous sexual offender constitutes an ongoing risk to the community.

Hon MICHAEL MISCHIN: This is germane to the amendments in clause 16, which seeks to amend section 17 of the Dangerous Sexual Offenders Act. The government has argued that this is an important reform. The Attorney General has said that the reason that the offender DAL was released was because of the Liberal Party’s slack laws, and that by reversing the onus of proof and requiring the court to be satisfied on the balance of probabilities that the offender could be managed adequately in the community, things would have been different—it is the Liberal Party’s fault, apparently. The minister might like to ponder the judgement of the Supreme Court in *The State of Western Australia v DAL* [No 3] [2017] WASC 260. The judgement states at paragraph 96 —

The State continued to hold ‘enduring concerns’. However, the State properly acknowledged that the ‘preponderance of the evidence tends to support the respondent’s contention that he can be adequately managed on a supervision order despite his high risk of sexual reoffending’.

The preponderance of the evidence—after he had given evidence, or presented evidence—still led to the conclusion that he could be managed in the community. Would it have made any difference had there been a reversal of the onus of proof and had he been required to prove on the balance of probabilities that he could meet the standard conditions, or would there have been no difference at all in the court’s conclusion?

Hon SUE ELLERY: The critical issue here is that he did not give evidence.

Hon Michael Mischin: Whether or not he did does not matter.

Hon SUE ELLERY: His evidence was not able to be examined. Under the bill that is before us, he may give evidence, and that evidence will be examined, and that may result in a different outcome. We are hypothesising here. I have made the point several times that the policy of the bill is about providing an additional lever and an additional pressure point to test the extent to which the offender constitutes an ongoing risk to the safety of the community.

Hon MICHAEL MISCHIN: Whether or not he gave evidence is immaterial. The fact is that the preponderance of the evidence persuaded the judge that he could be managed. Regardless of whether there is a reversal of the onus of proof, the preponderance of the evidence still lay with the offender being properly managed. It seems that the Attorney General has shot his mouth off once again, without understanding what he is talking about. However, since the Attorney General has assured us that things will be different under these laws, we will wait and see. That

is all that can be usefully explored with this great reform. It is disappointing that the government is not prepared to do what it promised the public it would do and now finds that it has over-reached itself yet again. This is another case of the government promising far more than it is capable of achieving—mandatory sentencing for drug traffickers was one, and the no body, no parole legislation will be another. We will see what other things the government has in store. I have nothing to contribute further in respect of this clause.

Clause put and passed.

Clause 17: Section 20 amended —

Hon MICHAEL MISCHIN: I move —

Page 10, lines 6 and 7 — To delete “substantially comply with the standard conditions” and substitute —
comply with the conditions

This amendment seeks to do what the Labor Party attempted to do last year, and what it promised the public over the last several years, and also before the last election and since that time, that it would do.

Hon SUE ELLERY: For the reasons I have outlined previously, the government will not be supporting this amendment.

Amendment put and negatived.

Clause put and passed.

Clause 18: Section 21 amended —

Hon MICHAEL MISCHIN: I move —

Page 10, after line 27 — To insert —

(4) At the end of section 21 insert:

- (6) Despite anything in the *Bail Act 1982*, a person who is arrested under a warrant issued under subsection (2) in respect of a suspected contravention must not be granted bail but must be detained in custody until brought before the Supreme Court.

This amendment will have effect of requiring what the Labor Party has promised—that is, that a person who is arrested for a breach or suspected contravention must not be granted bail and must be detained in custody until such time as the court deals with that breach. I have covered on several occasions what the Labor Party attempted last year and insisted was necessary to provide for community safety, and what it has promised and reaffirmed since the election.

Hon SUE ELLERY: Under section 21, the warrant directs a member of the police force to arrest the offender and bring the offender before the Supreme Court for consideration of orders under the act. This offender is thus in custody until they appear before the court. The question of bail does not arise in this context, so bail is not applicable. For that reason, the government will not be supporting the amendment.

Amendment put and negatived.

The CHAIR: I would appreciate it if more members could exercise their vote when I put the question.

Clause put and passed.

Clause 19: Section 22 replaced —

Hon MICHAEL MISCHIN: As I have pointed out, the remaining proposed amendments reflect what was proposed and insisted on by the Labor Party when it was in opposition last year in dealing with amendments. They were argued for by the Labor Party for years. The last government was criticised for not accepting and adopting them; hence endangering the public. They reflect what was in the Labor Party’s election manifesto before the election in February and have been repeated since by the Attorney General. From my examination of the remaining proposed amendments, it is apparent that the government will not support them. It is also apparent that some of the amendments interrelate with amendments that have already been moved but lost. My perception is that that is the case, but the minister may want to take the advice of her advisers. It seems to me that even if these were now passed, they would be orphans that may cause greater harm to the legislation than they would solve because they are consequential amendments and they interrelate with earlier clauses. In the circumstances, it would be a waste of the chamber’s time if I pursued these.

I emphasise that I think it is very disappointing that the current Attorney General, after being so vocal over the years, so unmeasured in his comments and exploiting public fears, should now, without even having the courage to admit he was wrong, resile from what he had been attempting to achieve all that time. It was what formed the basis of the Labor Party’s dangerous sexual offender reforms in its law and order reform package that had been argued before the election and, indeed, repeated on occasions since the election and as a promise of what would be done once it had a chance to reform the legislation. In those circumstances, I will not be pursuing those amendments.

Clause put and passed.

Clause 20: Section 23 amended —

The CHAIR: In the form of an amendment on the supplementary notice paper is a proposition that Hon Michael Mischin may wish to move. It is basically to oppose the entire clause with a view to replacing it with a new clause 20. In the first instance, the question is that clause 20 stand as printed.

Hon MICHAEL MISCHIN: I do not propose to move any further amendments that are listed on the supplementary notice paper. That includes the opposition to the clause. We do not necessarily agree with the government's policy in that regard. However, because of the defeat of the other propositions that would underpin any further amendments, there seems to be no need to waste the chamber's time fighting a losing battle on this. To simply oppose certain clauses that would then undermine the schema in the act and make it more difficult to work with if they were to pass seems pointless.

The CHAIR: That deals with our supplementary notice paper.

Clause put and passed.

Clauses 21 to 23 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and passed.

The PRESIDENT: I will leave the chair until the ringing of the bells.

Sitting suspended from 5.49 to 5.51 pm

COMPLIMENTARY REMARKS*Statement by President*

THE PRESIDENT (Hon Kate Doust): Members, we are now going to take members' statements and, just for a change, I get to start! Members, first of all, I just want to say thank you to everyone in the chamber for the work they have done this year and the manner in which they have worked together. I know it has been an interesting year, particularly as we have had an election. It does not always, but on this occasion it has provided significant change, with 15 new members in the chamber. Members are now sitting on different sides of the chamber and in different roles, be they on the front bench or the back bench, on committees or as Whips. I think everyone in this place this year has had a new experience, including me. So far so good. I know that next year will be very challenging as more work comes into this place. I think the first part of this year for all the new members has been a good learning experience. I am sure they will be able to use the time away from here to further enhance their skills and knowledge to assist them in the work they will be doing next year.

I particularly want to thank Hon Simon O'Brien, the Deputy President, for his support and organisation. I acknowledge also the work of the five new Deputy Chairs in this place. Some of those members are new to that role and I think they will all admit that they have taken to it with great gusto and have worked very well together. Part of that goes back to the support Hon Simon O'Brien has provided in his capacity as Deputy President and Chair of Committees.

I would like to acknowledge Hon Sue Ellery in her role as Leader of the House. I know her role is significantly different from that of leaders in the past. She now has seven parties to work with in this chamber and I think it is a credit to her in how she has managed those relationships, working with a range of people to get legislation through this house. I acknowledge the hard work of her team—frontbenchers and backbenchers. I acknowledge also Hon Martin Pritchard as the government Whip. I think he has been a very effective Whip. He has obviously learnt very well from people such as Hon Samantha Rowe and Hon Ed Dermer, but I am sad to say that there are no yellow stickers, so he has a bit of work to do!

To Hon Peter Collier, Leader of the Opposition, I think you handle yourself with grace. You have certainly worked very hard in this chamber. I know that it is extremely difficult being in opposition and it provides new challenges if you have not been there before, and I think your team also has worked very hard.

To members of the National Party, Hon Jacqui Boydell as leader: your group has certainly stepped up to the plate and is obviously challenging the government in raising some very significant issues. To Hon Aaron Stonehouse of the Liberal Democrats, I imagine it has been a very interesting year for you and you have certainly demonstrated your enthusiasm. That you have already introduced a private member's bill puts you in good stead for the future. Unfortunately, Hon Rick Mazza is away on urgent parliamentary business, but I want to acknowledge him as well. He continues to put in a great effort in this chamber. I would like to acknowledge our colleagues in the One Nation

Party and wish them well over the break and for the next year. I know that you have had some interesting times settling into this place, but I am sure it is all going well. To the members of the Greens Party led by Hon Alison Xamon, I want to also thank you for your contribution and hard work in this chamber.

I would like to acknowledge the leadership of our Clerk of the house, Mr Nigel Pratt, and certainly acknowledge and recognise Paul Grant, Suzanne Veletta, Grant Hitchcock and Christine Kain, who provide a very strong executive team in the Legislative Council and certainly provide all of us, regardless of our role, with outstanding advice and support, and we should be very grateful for that. I also acknowledge all our Council table officers and chamber staff and let them know that everyone in this chamber appreciates the hard work they put in and the positive support and contribution they provide us. I think I said to some of the staff last week that it cannot be an easy job for them because we all know that members of Parliament are usually quite self-absorbed and selfish and do not always know that people are there. But we do know that our chamber staff are here and that they do an outstanding job for us with enthusiasm and are extremely positive, and we are very grateful for the hard work they all do to make our lives a lot easier.

Members: Hear, hear!

The PRESIDENT: I thank also all the other staff in the Legislative Council department, be they procedure officers, executive and administrative assistants, particularly the committee clerks, the project officers, and the advisory and research officers. I want to focus particularly on our committee staff for the Legislative Council. Christine Kain has returned to work to head up that unit. A number of new staff now work on a range of committees. Those members who work on committees can acknowledge that they are extremely talented staff, who work well and support you. We see the result of that in the quality of the reports that are tabled in this place. A number of committees have just started that important work and I anticipate that over the next 12 months we will see a steady increase in the volume of work that is provided to this chamber as a result of the committee work.

I would like to acknowledge my steward, Deb Kapoor, because I could not go without saying something great about Deb. Deb has been here for a long time; she certainly provides me with a lot of support—gets me organised and looks after me exceptionally well. I acknowledge also Tina O'Connor in my office, who started here in July this year and who also provides me with great support and backup. I am extremely glad to have Tina looking after me. At this point I also want to acknowledge former President Hon Barry House and thank him for the work he did leading up to the changeover in May. I thank him also for his continued support and very good advice whenever I call him. He is not always on his tractor but he is always happy to talk to me about any matters I seek information on. I acknowledge also the former President's personal assistant, Ms Lorraine Coogan, who retired this year but who made a significant contribution to this place over 20 years.

Now there is a very important part of this Parliament that we have to acknowledge. I would like to say thank you on behalf of all the members, and congratulations to Rob Hunter and all his staff involved in the Parliamentary Services Department. I think we are blessed to have such a great team in this building. People tend to stay here for long periods, so it must be quite a good place to work. Everyone who works in this building goes out of their way to assist all members to do their jobs effectively. They are always pleasant and always step up to the mark to support us, and we should be very grateful for that. Parliamentary staff all do an exemplary job looking after us whether they are building services staff; Hansard, who always make members look and sound so much better than how we might have actually sounded on the floor; the finance department; the fabulous librarians, who are always very accommodating and can find obscure pieces of material that we can use in debate; information technology staff; catering staff, whether they work in the dining room, the staff cafeteria, the bar or the kitchen; the staff in human resources; the Parliamentary Education Office, who have been very busy this year; our reception staff downstairs; security; and in particular our gardeners, who really make sure that this place looks fabulous from the outside, and anyone driving past this building looking at the gardens should realise that they are all credit to the hard work that the gardeners put in on a daily basis. These people all provide essential services to this place, and they provide assistance and support to us, and we should be very grateful for the contribution they make to keep our Parliament running and operating effectively. They also make our lives and our jobs a lot easier in our roles as members of Parliament.

I would like to acknowledge the very hard work and great contribution of our two parliamentary fellows, Dr Harry Phillips and Professor David Black. I dare say that all members would have had some interaction with both of these fine gentleman over time or have read the books they have published on behalf of the Parliament. I think it is a lovely thing to acknowledge them, because we are very fortunate to have academics of their calibre documenting our story and our history for the future.

This year would have been an interesting one for everyone, particularly new members. They come into this fresh and with great enthusiasm. Those members who have been here for a while have come into this quite exhausted from yet another election and have continued on through the year. It is not always easy to settle into these new roles. I hope that over the next few months that you all take the opportunity to have a decent break and to spend time with your families, your friends, to go away and just clear the air, if you can, because I think that this year has just been a taste and I anticipate that next year will become extremely busy and the pressure will grow, regardless of the role that you play in this place. I certainly think it is a great idea to make the most of the break.

Finally, I would like to wish all members, all of our staff in this chamber and all the staff throughout the building a very happy and safe Christmas. I hope you all have a wonderful new year. I look forward to you all coming back here next year refreshed and I hope that everyone has a great time over the break. I look forward to seeing you all again in March 2018.

Members: Hear, hear!

The PRESIDENT: I give the call to the Leader of the House with her flashing lights. I think that is an interesting piece of bling that you are wearing today!

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.03 pm]: Thank you, Madam President! I want to add a few comments and endorse those that you have made to acknowledge all the people who make our working time in this place run so smoothly. As you said, Madam President, it has indeed been a big year in 2017. There were times in the last 72 hours when I did not think I would be standing here getting to make this speech at this time of day!

Madam President, I thank you for your guidance in your new role and in particular for the way that you have approached your role. It is a pleasure to work with you. I also thank the Deputy President for the role that he plays as well. Between the two of you, we are indeed well chaired in this house. I acknowledge all the Acting Presidents as well. I acknowledge the Clerk and all his staff for the assistance they provide all of us and me in particular. I add my thanks to yours, Madam President, to all of the staff in this house who make us look good and sound good. They clean up after us and they make the place run smoothly across the entire precinct, and they need to be acknowledged for that.

To the leaders of the parties and members of all the parties, I thank you. Hon Rick Mazza is not here today because he is dealing with a health issue of a member of his family. I hope that it works out as well as possible for him. He rang today to update me and to wish me a Merry Christmas, and I wish him and his family all the best. To all the parties—the Liberal Party, the National Party, One Nation, the Liberal Democrats, the Shooters, Fishers and Farmers Party and the Greens—I thank you all for the contribution that you make every day to represent the people who put you here. I give particular thanks to the Leader of the Opposition. It is his experience, grace and manners that make working with him a pleasure. Our relationship has always been professional and cordial, but his experience sitting in this chair has been of assistance to me and I want to thank him for that. Madam President, you made the point that this place is different now. Relationships matter so much more than they ever did before. I think we have used the time since this house was formed in May to learn a little bit about how to get along with each other, and I think that the time off over Christmas will give us time to reflect on how we can improve that, including me.

I particularly thank the Labor team—new members of Parliament who have embraced their new roles and the ongoing MPs who have stepped up into expanded roles. They really have put in a sensational effort. Many of them do not get the opportunity to contribute as much to debate as I know they would like—I tell them that they cannot!—because our job is to get the government’s legislative agenda across the line. I appreciate that and I want to place on record my thanks to them. Our worst day in government, my friends, is still going to be a thousand times better than our best day in opposition. I thank my staff, in particular Rod in my office who manages parliamentary matters for me. I thank everybody else in my ministerial office who has to deal with me and my distractions when Parliament is sitting and they want to get my attention for important portfolio matters.

I wish everybody a Merry Christmas and a safe break, and I hope everybody enjoys themselves, takes time out with family and loved ones, and comes back refreshed and fighting fit in 2018.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [6.07 pm]: Thank you, Madam President. I would like to reinforce the comments from both you and the Leader of the House with regard to the conclusion of the 2017 parliamentary year. It has been an interesting year for everyone. The dynamics are a lot different than they were at this time last year. This is a broad, diverse representation of the Western Australian community. For those philistines out there who put question marks over the role of the Legislative Council, I suggest that they come in and have a look at the way we operate here, particularly as we have done over the last two weeks, to see how effective we are in having true representation of the broad cross-section of this great state of ours. They will then have no question marks over the role of the Legislative Council. As I said, it is a dynamic reflection of this great state of ours and I am proud to be a member, as I am sure all other 35 members are. There is of course no certainty now. It is a completely different place. There is no certainty for government and there is no certainty for the opposition, and in a way that is probably how it is meant to be, so we develop much more the art of negotiation, compromise and ultimately, of course, we like to think that we will have better legislation as a direct result of input from a broad cross-section as opposed to just one party.

Having said that, it is a particularly great privilege to be here for a number of reasons, not least being the magnificent manner in which the respective areas of responsibility operate. The whole parliamentary precinct operates as a very well oiled machine. The President has gone through and mentioned pretty much everyone and I would just like to reinforce that. If you have a look at Nigel and his team through to Hansard, all the way through,

you never cease to be amazed by the fact that Parliament just operates and hums along without any problems. There is all this angst, anxiety, attitude, protests and all sorts of things, but basically Parliament just continues to operate. That would not happen in these magnificent walls if it were not for the professionalism of the entire staff, so thank you very much to all the staff.

Madam President, I congratulate you yet again. It is almost the job that you were made for. You have settled into the role with an enormous degree of professionalism. The consistency of your judgements has been very admirable. It has been a pleasure working with you, as it has been working with the Deputy President and Chair of Committees. Between those two individuals we have in here a wealth of experience. That is quite evident when we look at them presiding over committees and the chamber.

We have in here a new group of members opposite, particularly on the backbench. It is good so see you over there. We are adversaries. Politics, by its very nature, is tribal, but it has been great to get to know you all. I have worked and continue to work very effectively and cooperatively with the Leader of the House. We have had a very long relationship. We have had a bit of a change in our respective roles, but, dare I say it, I think the responsibilities are probably as profound for her now as they are for me on this side. Having said that, I thank the Leader of the House for her cooperation and continued affinity with ensuring that the house operates effectively. Thank you very much.

To the National Party—of course, our great good friends—it is good to see the new National Party member Hon Colin de Grussa join us. As always, we get on very well and effectively.

It is really good to see the crossbench that reflects the diversity of the community. Hon Rick Mazza has been with us for a number of years, and now there is Hon Aaron Stonehouse and members of Pauline Hanson's One Nation. It has been really good working with you guys. We work effectively and cooperatively, as we do with the National Party, and I would like to think that that will continue. As far as the Greens are concerned, who would have thought it? We actually get on really well! It is magnificent! It is really good to see. We have our moments, I know, but essentially I always say that the Greens bring with them a passion, which I do not necessarily agree with a lot of the time, but I definitely respect that. To each and every one of the Greens, it has been a pleasure working with you.

Of course, when it comes down to it, from my perspective, we have a much smaller team in the Liberal Party, but that does not remotely diminish my respect for this team. We are a very united team. It has been my privilege to lead the Liberal Party. We had our dinner last week and it is always good when we have a chat and reflect on things. We have our moments, as any team does, but we always come out the other end. I will not isolate any individual because each and every one of you performs a valuable role, and that is from the frontbench, to our Whip, our backbench and our Deputy President et cetera. Each and every one of you bring an enormous enthusiasm and energy to the opposition and I thank you very much for the role you play.

In conclusion, I say to everyone that I have enjoyed this year, believe it or not! All care and no responsibility—I guess that helps. Christmas and new year is a magnificent time of year. Regardless of your views of Christmas, to me, spiritually, it is a wonderful occasion. To each and every one of you and to those whom you love and those who love you, have a magnificent Christmas. I hope that 2018 brings each and every one of you good health and happiness.

Members: Hear, hear!

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the National Party) [6.13 pm]: It has been an incredible year for all sitting members who participated in the election campaign. We hit the ground running and are trying really hard to fit into our new roles. I know that members of the government who have taken on ministerial roles have had a big adjustment. It is a massive job and I wish them well as they plan their government's priorities in the next couple of years.

Madam President, in your role as President of this house, I think you have been able to work with new members of the house, of which there are many as you pointed out in your speech. Certainly Nigel Pratt and his team have had a massive job working with new members. The support you give members of Parliament is second to none. You facilitate their roles as they come into this house, allowing them to carry out the roles that they have taken on and been elected to do. One of the absolute privileges of being here is being able to work with you all.

I also want to mention Department of Parliamentary Services staff, who every time there is an issue are so quickly there to back up members' needs. Whatever it is, no issue is too small for anyone to assist us with. I know that every member of this house and the other place appreciate that. The Parliament is a unique environment and there are some extremely unique people who work here to support members who have been elected to this place.

I did want to mention the passing of Vince La Galia this year. He was a long-serving member of the dining room and moved into other roles. He was the Speaker's steward and a very much loved staff member at Parliament House. We miss him greatly. He served the people of this house and the other house greatly in the time that he was here. I wish his family all the very best for their first Christmas without him. He was a great friend to us all and we certainly wish his family well.

It is a new place and we have all settled into our new roles. Coming into opposition has been an interesting experience. My team within the National Party and my colleagues in the other place undertook setting up the Leader of the Opposition's office. We have some fantastic people working for us and, again, for anyone who works at Parliament House, those people make our jobs so much easier. I want to thank Amy McAllister, Anthea Wesley, Alex Massey, Josh Nyman, Joe Lundy and Theresa Middis who work for us every single day. No matter what time of the day we contact them, they are there to help. I want to put on the record that we appreciate their professionalism and friendship. It gets us all a long way.

I congratulate the Leader of the House for coming into that role and dealing with such a different dynamic. I think that we have been able to work through that. I am sure that it will get easier as time goes on. We will have some ups and downs, and that is okay, because that is what it is all about; we are all here to put forward our ideas and positions. That is what we are here for and nobody has an issue with doing that. I think we have been able to negotiate and work through that, and I look forward to doing that next year.

To the Leader of the Opposition, Peter Collier, who is a good friend, we have worked exceptionally well together. We have robust conversations, but we all work here in the interests of what we believe in. I will never have a problem with that. To members of the Liberal Party, I have enjoyed your friendship and fellowship. I know members of the National Party have as well and I am sure we will continue to do that as we head into the next couple of years in opposition.

To members of the crossbench, welcome to the house. I am sure it has been a learning curve, which you all have settled into exceptionally well. I also want to place on the record, Madam President, our best wishes to Hon Rick Mazza and his family. To the Greens, again, we have had a good working relationship. I look forward to working with you in the years to come as we work out where we fit along the way.

To my National Party colleagues and to my colleagues in the other house, you are an incredible bunch of people. We are a small team and therefore we have overlapping roles. We rely on each other's support immensely. None of us could do the job we do without the friendship of our colleagues. I thank my National Party colleagues for the support that they have given me and to my other colleagues of the National Party.

I wish everyone in the house an exceptionally safe and peaceful Christmas. Take some time off, because you will need it—we all do. We will see you in March next year.

HON ROBIN CHAPPLE (Mining and Pastoral) [6.20 pm]: Thank you for your kind words, Madam President. I would like to extend my thanks to all the other political parties in this place. I am mindful that some goodies await us in the other room, so I will not take too long. To Madam President, thank you for your support. To the Acting Presidents, I think we have learnt a lot from you. I also thank Hon Simon O'Brien, the Deputy President, for your wise words to us. To the Clerks who keep us well advised, the chamber staff who keep us well hydrated, to Rob Hunter, the parliamentary staff and security—which has obviously been ramped up in recent times—thank you for all you do. I thank the catering staff, without whom we would starve, and of course Hansard, without whom our words would be interpreted as gibberish. At this time, obviously, we are all going on a break; please drive carefully. I look forward to seeing you all back here in fine fettle next year. To my colleagues in the Greens, thank you. We have two new members who I believe have stepped up well. To our Whip, Hon Alison Xamon, thank you very much indeed.

HON COLIN TINCKNELL (South West) [6.21 pm]: I thank all the members in the house and all the staff. On behalf of my colleagues, One Nation members and crossbench members, I want to say thank you. It has been a whirlwind time for us. To be the leader of a brand-new party and to find myself with two brand-new members in this place has been a big learning curve. We really appreciate the support from not only Nigel and his team, but also from all the members. We have had advice from members on all sides and all parties. We have built great relationships. The Leader of the House mentioned that, and I think that is the important thing here. We are still learning and gaining experience in this house. The important thing for us is that we, as a party, are brand new and we bring a different aspect on behalf of our constituents to this house. We possibly look at legislation slightly differently from a lot of other people. That will be reflected in the way we vote and debate, and in the things that we discuss. I also want to mention the brand-new relationship we have formed with our fellow crossbench members. We never knew we would need to form that relationship when we first came to this house. I really appreciate the support and wise counsel from, of course, Hon Rick Mazza, who is a more experienced member in this house than the other members of the crossbench, and also from Hon Aaron Stonehouse. That relationship has been a new thing for this house and a new thing for us to get used to. I really enjoyed working closely with them.

Madam President, I also want to thank you personally for your guidance and leadership, and the way you have conducted this house. It has been a real pleasure to watch you work. To the government, thank you. It has a big job. We will continue to debate all the issues with government members but we thank you. At times we are on the same page, and at other times we are on different pages. To the opposition, the National Party, the Greens and all the other parties in this house, I thank you. Thank you for welcoming us, regardless of our politics or

whether we have differences. Last of all, I would like to thank our staff members. I thank Hon Robin Scott's and Hon Charles Smith's staff members and my staff members. They have given us enormous assistance. They are also brand new to this parliamentary work. With that, and with the words from the President and all the people she thanked, I thank everyone. I wish you all a very fond, happy and merry Christmas.

Also, I got a phone call from Hon Rick Mazza and he asked me to thank everyone on his behalf. We all know that he has a family illness. I will not speak Rick's words, but members know that he has been here for a while and he appreciates the support and the debates we have had during the year. He also thanks all his staff. I just wanted to pass on that Rick appreciated this last nine months.

The PRESIDENT: Members, I think the only thing left to do is say that I understand there are some traditional refreshments outside for everyone to participate in. The house is adjourned, members.

House adjourned at 6.25 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

DERBY TIDAL POWER PROJECT — COMPLIANCE ASSESSMENT REPORT

415. Hon Robin Chapple to the Minister for Environment:

I refer to question on notice No. 175 asked on 11 March 2015 regarding the *Derby Tidal Power Project – Compliance Assessment Report*, and ask:

- (a) is the Minister aware that Tidal Energy Australia has not placed the compliance assessment report on its website in accordance with the commitment made in the compliance assessment plan;
- (b) will the Minister table the compliance assessment reports provided by Tidal Energy Australia as per its commitment made in the compliance assessment plan;
- (c) if no to (b), why not;
- (d) if Tidal Energy Australia has not provided the compliance assessment report, will the Minister please explain why; and
- (e) if Tidal Energy Australia has not provided the compliance assessment report, how will the Minister ensure it is provided and under what timeframe?

Hon Stephen Dawson replied:

- (a) I am advised that a compliance assessment report dated 16 October 2014 has been published on the Tidal Energy Australia Pty Ltd (Tidal Energy Australia) website. In May 2015, The Office of the Environmental Protection Authority approved a revision to Tidal Energy Australia's compliance assessment plan removing the commitment to place such reports on its website. The revised compliance assessment plan commits to making compliance assessment reports publicly available on request within seven days of receipt of the request.
- (b) Yes, the compliance assessment reports submitted by Tidal Energy Australia Pty Ltd in October 2014 and October 2015 are tabled.
[See tabled paper no 999.]
- (c) Not applicable.
- (d) The project is yet to be implemented as it is awaiting approval from the Federal Government under the *Environment Protection and Biodiversity Conservation Act 1999*. In September 2016 Tidal Energy Australia sought approval to place its compliance reporting requirements on hold until the project commences implementation.
- (e) The Department of Water and Environment Regulation has reviewed this request and has written to the company advising it to submit compliance reports for 2016 and 2017 by 28 February 2018.

ENVIRONMENT — BUSH FOREVER

424. Hon Robin Chapple to the Minister for Environment:

I refer to the Bush Forever strategic plan and the comprehensive, adequate and representative reserve system to retain regionally significant bushland, which aims to conserve at least 10 per cent of each of the original 26 vegetation complexes of the Swan Coastal Plain portion of the Perth Metropolitan Region, and to protect threatened ecological communities, and ask:

- (a) for each Heddle Vegetation Complex:
 - (i) what was its pre-European extent in hectares;
 - (ii) what is its current extent in hectares;
 - (iii) what is its current percentage of the pre-European extent;
 - (iv) what percentage of each Heddle Complex is proposed for protection in Bush Forever;
 - (v) what area in hectares is secured for conservation; and
 - (vi) what percentage is secured for conservation;
- (b) for each of the 287 Bush Forever Areas and any additions, will the Minister please provide details of ownership and management responsibility;
- (c) for each Bush Forever Area, please identify those legally secured for conservation as 'A' Class Reserves for the stated purpose of nature conservation;
- (d) how many Bush Forever Areas are fully secured as 'A' Class Reserves or equivalent for the stated purpose of nature conservation;

- (e) how many Bush Forever Areas are wholly owned by the Western Australian Planning Commission;
- (f) what funds have been secured for the management of the Bush Forever Areas that the department is proposing to manage; and
- (g) which Bush Forever Areas is the department proposing to manage?

Hon Stephen Dawson replied:

- (a)–(e) Please see the response to Question on Notice 416 from the Minister for Planning.
- (f)–(g) The Department of Biodiversity, Conservation and Attractions manages Bush Forever Areas that it has responsibility for within existing resources. Future management arrangements for Bush Forever areas are being considered under the Strategic Assessment of the Perth and Peel Regions.

MINISTER FOR ENVIRONMENT — MEETINGS — SOUTH METROPOLITAN REGION

439. Hon Nick Goiran to the Minister for Environment:

I refer to the email from the Minister's office, dated 24 October 2017 notifying that the Minister will be in the Baldvis electorate on Wednesday 25 October 2017, and I ask:

- (a) for what period of time was the Minister in the South Metropolitan Region;
- (b) further to (a):
 - (i) how many meetings, events, functions or similar did the Minister attend;
 - (ii) who attended each of the meetings, events, functions or similar with the Minister; and
 - (iii) did the Minister receive or create any documents during or in preparation for the meetings, events, functions or similar;
- (c) if yes to (b)(iii), what were those documents;
- (d) further to (c), will the Minister table those documents;
- (e) if yes to (d), when; and
- (f) if no to (d), why not?

Hon Stephen Dawson replied:

- (a)–(f) I assume you are referring to the standard email informing members that I would be in their electorate on Ministerial engagements.

For the Honourable Member's information, I had two engagements on the 25th of October in the South Metropolitan region; attending the launch of the Baldvis Children's Forest and attending the Lotterywest Grant Announcement for Sensorium Theatre Inc. Excluding transit time, I was in the region for approximately 2 hours.

Speech notes were prepared to announce the delivery of one of the McGowan Labor Government's election commitments. I was thrilled to provide support to the Baldvis Children's Forest and the local community of \$200,000 towards building an education centre.

In Applecross I presented a Lotterywest grant to Sensorium Theatre. Sensorium performers, local parents and their children, and library staff were in attendance.

[See tabled paper no 1004.]

MINISTER FOR ENVIRONMENT — MEETINGS — SOUTH METROPOLITAN REGION

442. Hon Nick Goiran to the Minister for Environment:

I refer to the email from the Minister's office, dated 23 October 2017, and I ask:

- (a) for what period of time was the Minister in the South Metropolitan Region;
- (b) further to (a):
 - (i) how many meetings, events, functions or similar did the Minister attend;
 - (ii) who attended each of the meetings, events, functions or similar with the Minister; and
 - (iii) did the Minister receive or create any documents during or in preparation for the meetings, events, functions or similar;
- (c) if yes to (b)(iii), what were those documents;
- (d) further to (c), will the Minister table those documents;
- (e) if yes to (d), when; and
- (f) if no to (d), why not?

Hon Stephen Dawson replied:

- (a) 09:30 – 10:20, not including transit time.
- (b)
 - (i) Two events.
 - (ii) Senior Policy Advisor. Please refer to tabled documents for other attendees.
 - (iii) Yes.
- (c) Briefing notes, speech notes and orders of proceedings.
- (d) Yes. [See tabled paper no 1005.]
- (e)–(f) Not applicable.

DISABILITY SERVICES COMMISSION — PEOPLE WITH DISABILITY WA — FEASIBILITY STUDY

463. Hon Alison Xamon to the Minister for Disability Services:

I refer to the January 2016 report produced by People with Disability WA for the Disability Services Commission, titled *Feasibility Study: Independent Support Person Program for People with Intellectual or Cognitive Disability*, and I ask:

- (a) will the Minister please table this report;
- (b) if no to (a), why not; and
- (c) has any action been taken by the Government based on the findings and/or recommendations of this report?

Hon Stephen Dawson replied:

- (a) Yes. [See tabled paper no 1001.]
- (b) Not applicable.
- (c) No.

ENVIRONMENT — POLYFLUOROALKYL SUBSTANCES

465. Hon Dr Steve Thomas to the Minister for Environment:

I refer to the potential contamination of soil and water by chemicals known as per and poly fluoro alkyl substances (PFAS) found in fire retardant foam, and I ask:

- (a) have these substances been discovered in soil or water in Western Australia;
- (b) if yes to (a), where have they been found and in what concentrations;
- (c) if yes to (b), how have the contaminated materials been managed;
- (d) are there any stockpiles or is there any storage of soils or water contaminated by PFAS; and
- (e) if yes to (d), are any of these managed or controlled by the Western Australian State Government?

Hon Stephen Dawson replied:

Per- and polyfluoroalkyl substances (PFAS) have been commonly used in a range of materials and products, including household items, the historical use of firefighting foam on Commonwealth and State land has left a legacy that needs to be carefully understood.

Scientific knowledge about the toxicity of PFAS is still evolving and Australian health authorities have advised that there is currently no consistent evidence that exposure to PFAS causes adverse human health effects. This Government remains vigilant, however. As such, I provide the following information.

- (a)–(c) Yes. PFAS have been found in soil, surface water and/or groundwater at various locations in Western Australia.

These locations are grouped into three categories:

- (1) sites within State jurisdiction being regulated under the *Contaminated Sites Act 2003* (CS Act);
- (2) locations where low concentrations of PFAS have been identified through ambient monitoring programs; and
- (3) Commonwealth land, such as defence bases and certain airports.

Sites within State jurisdiction regulated under the CS Act

The table at Attachment 1 outlines all sites being regulated under the CS Act where perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA) and/or perfluorohexane sulfonate (PFHxS) have been detected. At sites where PFAS have been found, the concentrations typically vary between individual sample points and/or over time.

Attachment 1 sets out the minimum and maximum detected concentrations for the three most commonly tested PFAS (PFOS, PFOA and PFHxS in soil, surface water and/or groundwater (as relevant) at each site. A brief summary of the management actions required in accordance with the CS Act is also provided.

At many of these sites, other types of contaminants are also present; the classification and management actions consider all types of contaminants at the site.

PFAS identified through ambient monitoring programs

As part of ambient monitoring programs, PFAS have been detected in the Swan Canning Estuary, groundwater near Perry Lakes and in two waterways within the footprint of the 2016 Yarloop fires.

The Department of Biodiversity, Conservation and Attractions undertook a screening assessment of PFAS in surface waters at 20 routine monitoring sites throughout the Swan Canning Estuary and at 26 sites within its sub-catchments in December 2016 and again in June 2017. PFAS were detected at all locations, and all but two of the sites sampled were within the health-based guidance value for recreational and non-potable water use (i.e. PFOS and PFHxS combined were less than 0.7 micrograms per litre). The two sites outside the health-based guidance value were the Perth Airport North and South Main Drains. The catchment for these drains includes Commonwealth land under Perth Airport. Both main drains are currently regulated under the Contaminated Sites Act (see Attachment 1).

The Department of Water and Environmental Regulation carried out investigations at Perry Lakes and Lake Claremont in 2017 in order to assess potential background PFAS concentrations in an urban setting. Low-level PFAS impacts were detected in groundwater at locations immediately downgradient of Perry Lakes. Results for PFOS and PFHxS combined at these locations ranged from 0.01 to 0.03 micrograms per litre in groundwater. As above, these values are well within the health-based guidance value for recreational and non-potable water use.

The Department of Water and Environmental Regulation also included screening assessment of PFAS levels at four locations in waterways within the footprint of the 2016 Yarloop fires, as part of a larger study investigating the environmental impact of bushfire and fire-control. PFOS was found in surface water at concentrations ranging between 0.027 and 0.057 micrograms per litre in two brooks in forested areas; PFHxS was not detected. Again, these levels are well below the health-based guidance value for recreational and non-potable water use. PFAS were not found in surface water at the reference site (outside of the fire affected area), or in sites with surrounding mining, agriculture and peri-urban land use.

Commonwealth land

While the legal situation is complex, some State laws do not apply to Commonwealth land or entities. The Department of Water and Environmental Regulation is aware that investigations are being carried out by relevant agencies/entities at Perth Airport, and at the following sites in Western Australia by the Department of Defence:

RAAF Base Pearce in Bullsbrook;

Gingin Satellite Airfield;

RAAF Base Learmonth near Exmouth;

Harold E Holt Naval Communication Station A and B near Exmouth; and

HMAS Stirling on Garden Island.

As the investigations are still in progress, reports containing the concentrations found through testing have not yet been finalised or submitted to the Department of Water and Environmental Regulation by the relevant Commonwealth agency/entity.

- (d)–(e) Yes. The Department of Water and Environmental Regulation is aware that excavated soils originating from construction works for the Forrestfield–Airport Link project are being stockpiled at 777 Abernethy Road in Forrestfield. Some of these soils contain low levels of PFAS. The site is Crown land managed by the Public Transport Authority. The Department of Water and Environmental Regulation is not aware of any other stockpiles or storage of soils or water containing PFAS.

[See tabled paper no 1002.]

MINISTER FOR ENVIRONMENT — MEETINGS — SOUTH METROPOLITAN REGION

468. Hon Nick Goiran to the Minister for Environment:

I refer to the email from the Minister's office, dated 16 October 2017, and I ask:

- (a) for what period of time was the Minister in the South Metropolitan Region;

- (b) further to (a):
 - (i) how many meetings, events, functions or similar did the Minister attend;
 - (ii) who attended each of the meetings, events, functions or similar with the Minister; and
 - (iii) did the Minister receive or create any documents during or in preparation for the meetings, events, functions or similar;
- (c) if yes to (b)(iii), what were those documents;
- (d) further to (c), will the Minister table those documents;
- (e) if yes to (d), when; and
- (f) if no to (d), why not?

Hon Stephen Dawson replied:

- (a)–(f) I assume you are referring to the standard email informing members that I would be in their electorate on Ministerial engagements.

For the Honourable Member's information, I had one engagement on the 17th of October in the South Metropolitan region; attending a media event for the Garage Sale Trail in Riverton. Excluding transit time, I was in the region for approximately 1 hour.

Mr Paul Ng, Mayor of the City of Canning, Department of Water and Environmental Regulation staff and City of Canning Library staff were in attendance.

[See tabled paper no 1006.]

BURRUP ROCK ART — SENATE INQUIRY — STATE GOVERNMENT CORRESPONDENCE

485. Hon Robin Chapple to the Minister for Environment:

I refer to the Senate inquiry into the Protection of Aboriginal Rock Art of the Burrup Peninsula, and ask:

- (a) other than submissions made by state government agencies, has there been any submissions or correspondence to the Senate inquiry, or has there been any other correspondence with any party in the Federal arena in relation to the Senate inquiry made by:
 - (i) current Ministers;
 - (ii) other current members of the Labor Government;
 - (iii) ministerial advisers;
 - (iv) other ministerial or political staffers; and
 - (v) individual departmental staff;
- (b) if yes to (a), please identify:
 - (i) who sent the correspondence; and
 - (ii) who received the correspondence; and
- (c) if yes to (a), will the Minister please table all correspondence in relation to the Senate inquiry into the Protection of Aboriginal Rock Art of the Burrup Peninsula?

Hon Stephen Dawson replied:

- (a) (i) Yes. The Premier has written once, and I have written once to the Senate inquiry.
 - (ii) I have no knowledge of what other current members of the Labor Government have done.
 - (iii) No ministerial advisers in my office have made any submissions or corresponded with the senate inquiry. I have no knowledge of what other Ministers' advisers have done.
 - (iv) No ministerial or political staffers in my office have made any submissions or corresponded with the senate inquiry. I have no knowledge of what other Ministers' advisers have done.
 - (v) I am not aware of any submissions made by the departmental staff in a private capacity.
- (b)–(c) [See tabled paper no 1000.]

ENVIRONMENT — OLD GROWTH FOREST ASSESSMENTS

490. Hon Diane Evers to the Minister for Environment:

- (1) Will the Minister please table all old growth forest assessments conducted by the Department of Conservation, Biodiversity and Attractions, formerly known as the Department of Parks and Wildlife, including the assessments conducted on the Warrup, Helms and Merribup coupes?
- (2) If no to (1), why not?

Hon Stephen Dawson replied:

- (1) The Department of Biodiversity, Conservation and Attractions (DBCAs) completed assessments of the old-growth forest status in areas within the Lewin and Barrabup forest blocks. The assessment reports are publicly available on the DBCA website.

[See tabled paper no 1003.]

The then Department of Parks and Wildlife carried out assessments of old-growth forest status in the following forest coupes and areas: Arcadia 01, Big Brook 01, Big Brook 02 (two assessments), Bowelling 03, Brockman 02, Brockman 09/Collins 06, Channybearup 02, Collins 09/10, Dordagup 05, Ellis Creek 05, George 04, Gordon 04, Gordon 02, Gray 06, Kinkin 05, Lewin 03, Lewin 05/06, Lewin 08, Lindsay 26/34/35/36, Mattaband 09, Mattaband 11, Mattaband/Wattle, McCorkhill 01, McCorkhill 03, Meribup 02, Moorilup 02, Mowen 02, Munro 04, Nalyerin 02, Palmer 07, Saddleback ½, Thornton 04, Tone 04, Trees 04, Wye and Yeticup 05.

Old-growth forest assessments for coupes in Boorara 14, Northcliffe 03, Warrup 02/08, Helms 02 and Meribup 03 coupes were carried out by the Conservation and Parks Commission. The assessment reports are publicly available on the Conservation and Parks Commission website.

[See tabled paper no 1003.]

A map depicting changes to the extent of old-growth forest in the south-west arising from these assessments and data updates is published annually. The current map shows the extent of changes between December 2015 to December 2016.

[See tabled paper no 1003.]

- (2) As the assessment reports can be lengthy documents, I would be pleased to arrange for the Honourable Member to receive the reports for areas of particular interest.

MINISTER FOR TRANSPORT — PORTFOLIOS — STAFF — SALARIES

498. Hon Peter Collier to the minister representing the Minister for Transport:

- (1) How many staff within the Minister's portfolio have received a salary last financial year, that is:
- more than 50 per cent of their base salary; and
 - more than double their base salary?
- (2) What is the base salary, total salary, role and entitlements, allowances and overtime for each position in (1)?
- (3) Do any of the staff in (1) hold union positions or hold union membership?
- (4) If yes to (3), which positions and what union?

Hon Stephen Dawson replied:

- (1) (a) 244
(b) 10
- (2)

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$76,452	\$117,095	Senior Regional Officer	\$40,643
\$80,797	\$130,078	Applications Developer	\$49,281
\$76,452	\$129,352	Senior Regional Officer	\$52,900
\$90,292	\$140,454	Contract Coordinator	\$50,162
\$90,292	\$140,416	Works Supervisor	\$50,124
\$90,292	\$138,309	Senior Contracts Officer	\$48,017
\$66,345	\$100,191	Bridge Maintenance Officer	\$33,846
\$82,199	\$123,794	Customer Information Officer	\$41,595
\$66,439	\$110,246	Electrical Technician	\$44,617
\$63,175	\$94,979	Equipment Officer	\$32,738
\$104,971	\$167,964	Facilities Coordinator North	\$63,822
\$104,971	\$159,970	Signal Supervisor	\$43,248

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$104,971	\$175,151	Signal Supervisor	\$75,477
\$70,479	\$106,955	Linesperson (Rea4)	\$34,794
\$70,479	\$107,647	Linesperson (Rea4)	\$38,192
\$70,479	\$109,236	Linesperson (Rea4)	\$41,007
\$70,479	\$118,850	Linesperson (Rea4)	\$48,326
\$76,255	\$123,730	Advanced Linesperson	\$48,512
\$76,255	\$139,270	Advanced Linesperson	\$59,225
\$58,161	\$102,623	Advanced Maintainer	\$42,007
\$73,648	\$115,308	Senior Linesperson	\$41,895
\$56,092	\$104,660	Senior Signal Maintainer	\$46,531
\$51,626	\$82,785	Signal Maintainer	\$30,168
\$53,882	\$91,499	Signal Maintainer	\$18,789
\$53,565	\$99,900	Signal Maintainer	\$50,187
\$74,405	\$133,537	Signal Support Technician	\$55,308
\$66,439	\$111,099	Trainee Signal Technician	\$41,156
\$66,439	\$112,628	Trainee Signal Technician	\$49,339
\$70,362	\$112,899	Signal Technician	\$37,675
\$70,362	\$121,728	Signal Technician	\$42,092
\$53,565	\$95,060	Rail Systems Technician Apprentice	\$38,763
\$53,565	\$98,551	Rail Systems Technician Apprentice	\$43,641
\$61,814	\$92,973	Central Monitoring Room Operator	\$16,502
\$61,814	\$95,667	Central Monitoring Room Operator	\$20,866
\$61,814	\$102,439	Central Monitoring Room Operator	\$30,166
\$61,814	\$104,099	Central Monitoring Room Operator	\$27,646
\$60,322	\$92,297	Customer Service Assistant Armadale	\$19,728
\$60,322	\$92,129	Customer Service Assistant Fremantle	\$19,787
\$60,322	\$91,149	Customer Service Assistant Joondalup	\$18,299
\$60,322	\$93,111	Customer Service Assistant Joondalup	\$19,432
\$60,322	\$99,153	Customer Service Assistant Joondalup	\$26,668
\$60,322	\$91,499	Customer Service Assistant Perth	\$17,061
\$60,322	\$92,991	Customer Service Assistant Perth	\$14,714
\$60,322	\$94,691	Customer Service Assistant Perth	\$24,035
\$60,322	\$96,245	Customer Service Assistant Perth	\$21,875
\$60,322	\$97,679	Customer Service Assistant Perth	\$22,466
\$60,322	\$98,769	Customer Service Assistant Perth	\$22,180
\$60,322	\$105,328	Customer Service Assistant Perth	\$21,357
\$60,322	\$107,000	Customer Service Assistant Perth	\$21,380
\$60,322	\$107,454	Customer Service Assistant Perth	\$20,339
\$55,729	\$91,284	Passenger Ticketing Assist (Supp) Perth	\$26,210
\$55,729	\$88,201	Passenger Ticketing Assistant Armadale	\$27,020
\$55,729	\$85,823	Passenger Ticketing Assistant Fremantle	\$18,149

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$55,729	\$84,949	Passenger Ticketing Assistant Joondalup	\$27,138
\$55,729	\$86,450	Passenger Ticketing Assistant Joondalup	\$29,125
\$55,729	\$88,783	Passenger Ticketing Assistant Joondalup	\$24,272
\$55,729	\$84,504	Passenger Ticketing Assistant Mandurah	\$25,526
\$55,729	\$84,597	Passenger Ticketing Assistant Mandurah	\$26,387
\$55,729	\$85,640	Passenger Ticketing Assistant Mandurah	\$28,014
\$55,729	\$85,765	Passenger Ticketing Assistant Mandurah	\$30,385
\$55,729	\$87,924	Passenger Ticketing Assistant Mandurah	\$27,671
\$55,729	\$88,236	Passenger Ticketing Assistant Mandurah	\$0.00
\$55,729	\$83,889	Passenger Ticketing Assistant Midland	\$22,364
\$55,729	\$88,085	Passenger Ticketing Assistant Midland	\$30,070
\$55,729	\$85,137	Passenger Ticketing Assistant Perth	\$26,236
\$55,729	\$86,032	Passenger Ticketing Assistant Perth	\$24,238
\$55,729	\$87,753	Passenger Ticketing Assistant Perth	\$25,302
\$55,729	\$88,594	Passenger Ticketing Assistant Perth	\$31,551
\$55,729	\$92,009	Passenger Ticketing Assistant Perth	\$33,501
\$55,729	\$93,273	Passenger Ticketing Assistant Perth	\$15,152
\$55,729	\$105,834	Passenger Ticketing Assistant Perth	\$32,250
\$89,768	\$139,526	Railcar Driver (East Perth)	\$47,823
\$89,768	\$141,414	Railcar Driver (East Perth)	\$49,710
\$94,656	\$148,777	Railcar Driver Trainer East Perth	\$53,376
\$62,260	\$100,840	Road Coach Operator Albany	\$40,047
\$62,260	\$116,354	Road Coach Operator Albany	\$52,400
\$62,260	\$97,576	Road Coach Operator East Perth	\$34,909
\$62,260	\$98,596	Road Coach Operator East Perth	\$39,464
\$62,260	\$101,025	Road Coach Operator East Perth	\$38,088
\$62,260	\$102,109	Road Coach Operator East Perth	\$42,124
\$62,260	\$103,589	Road Coach Operator East Perth	\$39,845
\$62,260	\$105,386	Road Coach Operator East Perth	\$42,732
\$62,260	\$106,673	Road Coach Operator East Perth	\$43,744
\$62,260	\$107,602	Road Coach Operator East Perth	\$49,268
\$62,260	\$108,106	Road Coach Operator East Perth	\$45,807
\$62,260	\$109,904	Road Coach Operator East Perth	\$47,264
\$62,260	\$112,113	Road Coach Operator East Perth	\$47,430
\$62,260	\$113,759	Road Coach Operator East Perth	\$49,936
\$62,260	\$115,651	Road Coach Operator East Perth	\$54,606
\$62,260	\$118,464	Road Coach Operator East Perth	\$55,434
\$62,260	\$118,574	Road Coach Operator East Perth	\$55,323
\$62,260	\$118,879	Road Coach Operator East Perth	\$54,422
\$62,260	\$122,112	Road Coach Operator East Perth	\$59,224
\$62,260	\$93,548	Road Coach Operator Geraldton	\$23,673

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$62,260	\$101,712	Road Coach Operator Geraldton	\$38,677
\$62,260	\$119,730	Road Coach Operator Geraldton	\$35,358
\$62,260	\$124,172	Road Coach Operator Geraldton	\$56,471
\$73,737	\$114,932	Railcar Driver Claisebrook	\$0.00
\$73,737	\$116,094	Railcar Driver Claisebrook	\$40,268
\$82,373	\$125,939	Station Coordinator	\$23,096
\$82,373	\$126,591	Transit Line Supervisor Armadale	\$40,122
\$82,373	\$150,893	Transit Line Supervisor Currambine	\$64,884
\$82,373	\$157,379	Transit Line Supervisor Currambine	\$72,695
\$82,373	\$126,578	Transit Line Supervisor Midland	\$47,620
\$82,373	\$136,392	Transit Line Supervisor Midland	\$28,840
\$82,373	\$137,562	Transit Line Supervisor Perth	\$50,942
\$82,373	\$147,080	Transit Line Supervisor Perth	\$60,332
\$71,650	\$109,556	Senior Transit Officer Currambine	\$35,231
\$71,650	\$113,856	Senior Transit Officer Midland	\$39,987
\$71,650	\$124,234	Senior Transit Officer Midland	\$52,004
\$67,117	\$101,184	Transit Officer	\$33,974
\$63,492	\$97,417	Transit Officer	\$29,748
\$61,817	\$94,895	Transit Officer	\$34,296
\$63,492	\$98,489	Transit Officer	\$34,650
\$61,817	\$105,150	Transit Officer	\$43,998
\$61,108	\$108,391	Transit Officer	\$39,851
\$63,492	\$113,644	Transit Officer	\$46,709
\$67,117	\$121,762	Transit Officer	\$38,241
\$67,117	\$100,793	Transit Officer Armadale	\$20,422
\$67,117	\$101,416	Transit Officer Armadale	\$33,865
\$63,492	\$95,959	Transit Officer Armadale	\$22,360
\$65,260	\$98,781	Transit Officer Armadale	\$33,504
\$67,117	\$101,993	Transit Officer Armadale	\$33,701
\$65,260	\$99,353	Transit Officer Armadale	\$33,348
\$67,117	\$103,216	Transit Officer Armadale	\$35,161
\$67,117	\$104,489	Transit Officer Armadale	\$34,797
\$63,492	\$100,177	Transit Officer Armadale	\$17,169
\$65,260	\$103,965	Transit Officer Armadale	\$37,340
\$67,117	\$109,651	Transit Officer Armadale	\$41,097
\$63,492	\$104,879	Transit Officer Armadale	\$40,600
\$67,117	\$111,828	Transit Officer Armadale	\$42,753
\$67,117	\$112,870	Transit Officer Armadale	\$45,109
\$67,117	\$113,888	Transit Officer Armadale	\$37,406
\$61,817	\$92,776	Transit Officer Currambine	\$29,685
\$61,817	\$92,875	Transit Officer Currambine	\$31,521

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$67,117	\$100,990	Transit Officer Currambine	\$32,641
\$67,117	\$102,295	Transit Officer Currambine	\$31,352
\$61,817	\$95,097	Transit Officer Currambine	\$33,593
\$65,260	\$100,625	Transit Officer Currambine	\$35,155
\$61,817	\$96,126	Transit Officer Currambine	\$34,645
\$61,817	\$96,516	Transit Officer Currambine	\$35,391
\$63,492	\$102,662	Transit Officer Currambine	\$40,019
\$63,492	\$103,326	Transit Officer Currambine	\$39,164
\$67,117	\$110,303	Transit Officer Currambine	\$26,304
\$67,117	\$110,663	Transit Officer Currambine	\$41,988
\$67,117	\$119,757	Transit Officer Currambine	\$51,794
\$65,260	\$98,208	Transit Officer Fremantle	\$34,186
\$61,817	\$93,365	Transit Officer Fremantle	\$31,495
\$67,117	\$104,235	Transit Officer Fremantle	\$35,505
\$65,260	\$103,228	Transit Officer Fremantle	\$31,312
\$67,117	\$107,757	Transit Officer Fremantle	\$37,268
\$67,117	\$109,715	Transit Officer Fremantle	\$38,107
\$67,117	\$103,496	Transit Officer Mandurah	\$37,279
\$67,117	\$103,942	Transit Officer Mandurah	\$14,815
\$67,117	\$104,105	Transit Officer Mandurah	\$37,224
\$65,260	\$103,373	Transit Officer Mandurah	\$36,327
\$67,117	\$107,970	Transit Officer Mandurah	\$39,210
\$67,117	\$108,307	Transit Officer Mandurah	\$38,428
\$67,117	\$108,812	Transit Officer Mandurah	\$38,648
\$67,117	\$109,475	Transit Officer Mandurah	\$15,278
\$67,117	\$110,275	Transit Officer Mandurah	\$41,518
\$67,117	\$110,953	Transit Officer Mandurah	\$41,747
\$67,117	\$113,013	Transit Officer Mandurah	\$43,850
\$67,117	\$113,293	Transit Officer Mandurah	\$44,316
\$67,117	\$113,856	Transit Officer Mandurah	\$46,2086
\$67,117	\$116,067	Transit Officer Mandurah	\$22,832
\$67,117	\$116,742	Transit Officer Mandurah	\$49,365
\$63,492	\$98,774	Transit Officer Mandurah North	\$35,459
\$65,260	\$101,659	Transit Officer Mandurah North	\$36,516
\$67,117	\$104,980	Transit Officer Mandurah North	\$35,387
\$67,117	\$106,974	Transit Officer Mandurah North	\$38,207
\$67,117	\$111,641	Transit Officer Mandurah North	\$45,040
\$63,492	\$105,658	Transit Officer Mandurah North	\$41,166
\$67,117	\$117,032	Transit Officer Mandurah North	\$47,955
\$67,117	\$124,813	Transit Officer Mandurah North	\$55,167
\$60,221	\$117,551	Transit Officer Mandurah North	\$38,064

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$67,117	\$102,898	Transit Officer Midland	\$35,217
\$67,117	\$103,526	Transit Officer Midland	\$35,008
\$61,817	\$95,528	Transit Officer Midland	\$33,405
\$67,117	\$103,735	Transit Officer Midland	\$34,560
\$65,260	\$101,542	Transit Officer Midland	\$34,654
\$67,117	\$106,648	Transit Officer Midland	\$37,196
\$67,117	\$108,982	Transit Officer Midland	\$39,692
\$67,117	\$109,111	Transit Officer Midland	\$40,962
\$67,117	\$109,395	Transit Officer Midland	\$33,970
\$67,117	\$109,651	Transit Officer Midland	\$8,021
\$67,117	\$112,275	Transit Officer Midland	\$43,280
\$65,260	\$113,731	Transit Officer Midland	\$49,847
\$67,117	\$117,481	Transit Officer Midland	\$48,445
\$62,260	\$137,789	Road Coach Operator East Perth	\$71,305
\$62,260	\$138,880	Road Coach Operator East Perth	\$24,436
\$62,260	\$140,133	Road Coach Operator East Perth	\$76,233
\$62,260	\$135,620	Road Coach Operator Esperance	\$71,744
\$73,043	\$150,737	Signal Support Technician	\$70,471
\$70,362	\$142,488	Signal Technician	\$57,356
\$70,362	\$144,617	Signal Technician	\$60,891
\$70,362	\$147,200	Signal Technician	\$74,048
\$70,362	\$151,432	Signal Technician	\$61,157
\$70,007	\$159,751	Signal Technician	\$85,465
\$26,543	\$41,302	Operations Receptionist	\$14,758
\$65,216	\$114,246	Welder/ Stevedore	\$49,029
\$63,766	\$105,031	Electrician/ Stevedore	\$41,264
\$73,861	\$124,365	Works Co-ordinator/ Stevedore	\$50,504
\$20,178	\$31,393	Operations Receptionist	\$11,215
\$75,711	\$140,567	Stevedore	\$64,855
\$47,947	\$95,846	Stevedore	\$47,898
\$53,798	\$99,367	Stevedore	\$45,569
\$70,219	\$126,374	Stevedore	\$56,154
\$59,109	\$97,609	Stevedore	\$38,500
\$71,822	\$145,123	Stevedore	\$73,300
\$59,684	\$110,363	Stevedore	\$50,679
\$66,253	\$115,857	Stevedore	\$49,604
\$66,033	\$132,324	Stevedore	\$66,290
\$61,051	\$114,242	Stevedore	\$53,191
\$57,440	\$103,324	Stevedore	\$45,883
\$78,798	\$157,888	Stevedore	\$79,090
\$70,928	\$130,689	Stevedore	\$59,761

Base Salary	Total Salary#	Role	Entitlements, allowances & overtime
\$65,395	\$118,907	Stevedore	\$55,511
\$57,879	\$104,546	Stevedore	\$46,666
\$66,281	\$129,771	Stevedore	\$63,490
\$90,493	\$138,576	Stevedore	\$48,082
\$20,338	\$30,776	Stevedore	\$10,437
\$62,397	\$93,952	Stevedore	\$31,554
\$125,793	\$201,706	Fitter/ Stevedore	\$75,912
\$73,362	\$121,946	Maintenance/ Stevedore	\$48,583
\$73,362	\$113,290	Maintenance/ Stevedore	\$39,928
\$73,362	\$120,656	Maintenance/ Stevedore	\$47,293
\$120,202	\$190,630	Stevedore (Outer Harbour)	\$70,428
\$134,550	\$215,203	Stevedore Foreman (Outer Harbour)	\$80,653
\$161,373	\$295,743	Mechanical Fitter (Utah)	\$134,370
\$124,725	\$224,743	Store Person	\$100,018*
\$154,323	\$275,590	Mechanical Fitter	\$121,267
\$161,387	\$287,818	Mechanical Fitter (Utah)	\$126,431
\$158,208	\$279,655	Electrician – Shift Worker (Utah)	\$121,447
\$161,360	\$282,729	Mechanical Fitter (Utah)	\$121,369
\$161,370	\$282,609	Electrician (Utah)	\$121,239
\$156,273	\$271,770	Shift Electrician (Utah)	\$115,497
\$161,367	\$279,329	Electrician (Utah)	\$117,962**
\$162,585	\$275,475	Industrial Automation Coordinator	\$112,890**
\$160,882	\$270,375	Mechanical Fitter (Utah)	\$109,493
\$19,886	\$33,056	Mechanical Fitter	\$13,170
\$161,363	\$266,584	Electrician (Utah)	\$105,221
\$148,147	\$244,235	Shift Electrician (Utah)	\$96,088
\$146,545	\$240,065	Electrician	\$93,520*
\$161,383	\$263,583	Electrician (Utah)	\$102,200
\$156,307	\$246,463	Mechanical Fitter	\$90,156
\$122,133	\$192,184	Maintenance Technician	\$70,051*
\$123,198	\$190,966	Maintenance Technician	\$67,768*
\$156,219	\$241,692	Mechanical Fitter (East)	\$85,473
\$158,401	\$244,176	Mechanical Fitter (Utah)	\$85,775
\$152,897	\$233,599	Landside Operations Coordinator	\$80,702**
\$209,153	\$316,864	Maintenance Superintendent (East)	\$107,711
\$161,619	\$244,561	Vessel Traffic Services Officer	\$82,942**
\$139,773	\$210,080	Physical Resources Coordinator	\$70,307**

**Employee received a housing allowance of \$50,376 during the reportable period.

*Employee received a housing allowance of \$26,447 during the reportable period.

#In addition to Entitlements, Allowances and Overtime this column may also include higher duties allowance, aggregation payment in lieu of shift penalties and workers compensation payments which have not been itemised.

- (3)–(4) As advised in the response to Legislative Council Question without Notice 757, the Minister does not intend to interrogate departmental staff as to their organisational affiliations.

It should be noted that employees who are not members of a union benefit from EBA's negotiated under the previous Government.

PREMIER — MEETINGS — SOUTH METROPOLITAN REGION

499. Hon Nick Goiran to the Leader of the House representing the Premier:

I refer to the email from the Premier's office, dated 3 November 2017, and I ask:

- (a) for what period of time was the Premier in the South Metropolitan Region;
- (b) further to (a):
 - (i) how many meetings, events, functions or similar did the Premier attend;
 - (ii) who attended each of the meetings, events, functions or similar with the Premier; and
 - (iii) did the Premier receive or create any documents during or in preparation for the meetings, events, functions or similar;
- (c) if yes to (b)(iii), what were those documents;
- (d) further to (c), will the Premier table those documents;
- (e) if yes to (d), when; and
- (f) if no to (d), why not?

Hon Sue Ellery replied:

- (a)–(f) While this office sends innumerable emails each day, I assume you are referring to the standard email informing members that the Premier would be in their electorate.

For the member's information, the Premier's engagement for the 4th of November in the South Metropolitan region was an extended media event in the electorate of Fremantle regarding the new Rottnest ferry.

For the benefit of the honourable member, that email contained contact details if he required further detail.

Emails of this nature are sent as a courtesy. If the member finds them to be a nuisance, he can reply asking to be removed from future correspondence.
