Parliamentary Debates

(HANSARD)

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FIRST SESSION

2018

LEGISLATIVE ASSEMBLY

Tuesday, 27 November 2018

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

JOINT SELECT COMMITTEE ON END OF LIFE CHOICES — FIRST REPORT — "MY LIFE, MY CHOICE: THE REPORT OF THE JOINT SELECT COMMITTEE ON END OF LIFE CHOICES"

Government Response — Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [2.02 pm]: I rise to present for tabling the government's response to the Joint Select Committee on End of Life Choices report, "My Life, My Choice: The Report of the Joint Select Committee on End of Life Choices." Parliament established the Joint Select Committee on End of Life Choices to conduct an inquiry into the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end-of-life choices. The committee handed down its report to both houses of Parliament in August 2018. The report has 24 recommendations that have been grouped into three distinct areas: advance care planning, including advance health directives; end-of-life and palliative care; and voluntary assisted dying. The government supports all the committee's recommendations, noting that some instances require further work to confirm dependencies such as resourcing and implementation requirements. The committee's end-of-life, palliative care and advance care planning recommendations are consistent with the government's priorities as outlined in the "WA End-of-Life and Palliative Care Strategy 2018–2028".

The government strongly supports strengthening palliative care in WA. Implementation of all the committee's recommendations will require system-wide consultation and engagement across the community. The government has already announced the appointment of an expert panel chaired by Mr Malcolm McCusker, QC, to advise in relation to legislation for voluntary assisted dying. That panel is shortly to commence its work and following its recommendations the government will introduce a bill into Parliament.

WA Labor will allow members to exercise a conscience vote on voluntary assisted dying. In principle, I support voluntary assisted dying; however, it should be noted that this is my personal view and it is not a party political position. Any debate in Parliament about voluntary assisted dying for terminally ill people should be part of a wider community debate. I think there is a range of views out there and I would like the debate, as it goes through Parliament, to be respectful and understanding of all views.

I now table our response to joint select committee's report.

[See paper 2077.]

ADVANCE HEALTH DIRECTIVES — EXPERT PANEL APPOINTMENT

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [2.05 pm]: Today I rise to announce to Parliament my appointment of an expert panel on advance health directives, as recommended by "My Life, My Choice: The Report of the Joint Select Committee on End of Life Choices". I thank my colleague, the Deputy Premier and Minister for Health, Hon Roger Cook, MLA, for his earlier remarks and for tabling the government response. I also thank the members of the joint select committee for their work.

Advance health directives, sometimes known as living wills, provide competent adults with a way to make their healthcare choices known and ensure that they are honoured should they be unable to express their wishes at some point in the future. These directives are a mechanism through which we can outline what treatment we wish to receive and what treatment we wish to refuse. Although this panel has been formed as part of the response to the report of the Joint Select Committee on End of Life Choices, it is envisaged that its work will stand alone from the proposed legislation that deals with the issue of voluntary assisted dying. Advance health directives are important and will remain so, whether or not that legislation becomes law in Western Australia.

The expert panel will review the relevant law, and health policy and practice, and provide recommendations on the establishment of a register for advance health directives, a requirement that health professionals search the register, amendments to the template, and issues relating to dementia and advance health directives. The panel will also consider and make recommendations on the education needs of the community and the health profession regarding advance health directives, enduring powers of guardianship and substitute treatment decision-makers.

My colleague the member for Mount Lawley, Mr Simon Millman, MLA, a distinguished legal practitioner, will chair the expert panel. Having sat on the committee, the member for Mount Lawley brings knowledge of the topic as well as his experience as a legal practitioner prior to entering Parliament. He will be joined by an experienced general practitioner, a care worker with experience supporting people to develop advance health directives, a community member who supported a family member in making health decisions, representatives from palliative

care and dementia peak bodies, a health professional with intimate knowledge of the Department of Health's systems, a legal expert, and the Public Advocate. The expert panel is required to provide its report and recommendations to me in six months.

I would like to thank the members of the expert panel for providing their expertise and experience on this important issue. I look forward to the panel providing me with its recommendations and I will update the Parliament in due course.

MALAYSIA VISIT

Statement by Minister for Sport and Recreation

MR M.P. MURRAY (Collie–Preston — Minister for Sport and Recreation) [2.08 pm]: I rise to update the house on my recent trip to Sepang and Kuala Lumpur, and the understanding gained on motorsport, and the aged-care and sporting sectors to enable greater collaboration between Malaysia and Western Australia. Sport Australia's recent "Sport 2030" report states —

> Governments have an obligation to seek tangible returns from investing in both attracting and staging major international sporting events …

I truly believe that Western Australia's sport and recreation sectors have fantastic potential to bring tourists to WA and will support both WA jobs and diplomatic relations with our neighbouring states. Sport is a global phenomenon and the sector is worth over $12 billion to the Australian economy. There is a strong desire internationally to both improve elite performance and bolster participation in grassroots sport to enhance the health of the community.

Western Australia has a lot to share with countries such as Malaysia, including our approach to increasing participation in community sport, especially for children; expanding programs into regional and remote areas; managing facilities; and working towards gender equality in sport. We were also fortunate to learn many lessons from our Malaysian counterparts, particularly their management of international motorsport tournaments, and to gain an understanding of the economics and accessibility of the nation's extensive facilities. We have some fantastic venues in Western Australia, from multi-sport venues such as Optus Stadium and RAC Arena to more sport-specific facilities such as Perth Motorplex and the State Netball Centre. In the Speaker's gallery today are the Malaysian netball president, Ms Alwiyah Binti Talib, and her assistant, Ms Zarina Binti Johari, who we met in Malaysia and who are touring some of WA's fantastic sporting facilities. The McGowan government is advancing our sporting partnerships with our neighbours and will continue to build on the relationships recently developed in Malaysia.

I finish by thanking all the Malaysian officials who took the time to meet with us and share their invaluable knowledge of the industry and Malaysian culture and government, and Mr John Caitlin, commissioner for the government of Western Australia for Malaysia and his team for their work organising such an insightful trip.

I hereby table the report of the trip.

[See paper 2078.]

WATER CORPORATION CEO — SUE MURPHY — RESIGNATION

Statement by Minister for Water

MR D.J. KELLY (Bassendean — Minister for Water) [2.10 pm]: I rise today to acknowledge and pay tribute to Water Corporation's chief executive officer, Sue Murphy, whose retirement from the corporation will take place at the end of next month. Sue was appointed CEO in November 2008. She is only the second person to fill the role since the Water Corporation was first established in January 1996. Sue has been a trailblazer since the beginning of her career. When she went to university to study engineering, she was one of just two women out of 300 students. In the water industry she has shown outstanding leadership and become a great role model for younger women looking to make their mark in this male-dominated industry. Earlier this year, I travelled with Sue to Singapore for the International Water Week Water Leaders Summit. Wherever we went, someone knew Sue. She is renowned for her leadership and forward thinking, not just in WA, but throughout the world. Sue's influence has contributed to the Water Corporation's growing reputation as a world leader in planning water services in response to climate change, which is affecting many parts of the world.

Sue's lasting legacy will be her leadership in securing Western Australia's water supplies in the face of climate change. The enormous impact of climate change in WA has completely reshaped how we supply water to each and every household in this state. When Sue first began her career with the Water Corporation, our water came from groundwater and dams filled from rainfall. Today, it is a very different story. Almost half of our water is engineered by desalinating Indian Ocean water and pumping it to households throughout the state. One of Sue's significant achievements was the doubling of the capacity at the Binningup desalination plant in 2011, pushing desalination's total contribution to almost half of Perth's water supply. Binningup set new standards in desalination, including a world benchmark for energy efficiency, and deservedly won a string of state, national and international

industry awards. Sue has also helped deliver Australia's first groundwater replenishment scheme, which is the new frontier in our fight to secure future water supplies in the face of climate change. As Minister for Water, I have appreciated that her focus has been not solely on infrastructure delivery and development, but also reducing per capita use of water to help sustain supply. On behalf of the government, I thank Sue for her commitment and contribution to the water industry and the community of Western Australia. I wish her well into the future.

QUESTIONS WITHOUT NOTICE

CHRISTMAS RETAIL TRADING HOURS

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

Before I get to my question, I give my condolences to our colleague the member for Churchlands, his family and his sister Louise, for the passing of his father, who was a well-known swimming coach in Western Australia.

I refer to the excellent analysis in today's *The West Australian* that reveals comments by the current and former heads of Wesfarmers, Rob Scott and Richard Goyder, and the Chamber of Commerce and Industry of Western Australia survey that found that 74 per cent of consumers support additional Christmas shopping hours.

Can the Premier confirm that he was wrong to cut back Christmas retail trading hours this year and that he has failed to show leadership in retail reform, or have Western Australia's leading employer and WA consumers got it wrong?

Mr M. McGOWAN replied:

I thank the Leader of the Opposition. Before I answer the question, I also pass on my and the government's condolences to the member for Churchlands on the loss of his father. No doubt, he and his family are feeling it very deeply at this point in time.

I also acknowledge a range of people in the gallery today. I acknowledge the Malaysian netball president, Alwiyah Binti Talib, who has come to Western Australia and is working with the Minister for Sport and Recreation. On behalf of the member for Mount Lawley, I acknowledge the year 8 students from Carmel School who are here today. On behalf of the member for Baldivis, I also acknowledge the students from King's College in Kwinana who are here today.

I saw that story in the newspaper today. We announced Christmas trading hours for this year about two months ago. I think we announced them on 20 September. It is now late November and the story is out there. The fact of the matter is that there will still be 34 or 36 additional trading hours this Christmas on weekends and weekdays in the lead-up to Christmas. There will be an enormous number of additional trading and shopping hours for consumers in the Christmas period, both before and after Christmas. Looking objectively at what we have done, we have, essentially, removed one hour early in the morning in early December. Anecdotal evidence is that very few people were out there shopping. There was no take-up. However, a lot of small business people and people who work in retail were staffing their stores and working long hours for no benefit. I thought it was a fairly minimal, reasonable and balanced change. Obviously, other people disagree, but I thought what we did was quite reasonable. I want to compare that with the Liberal Party's policy, which is 24-hour trading. I know that small business people across Western Australia do not support that. I am on the side of small business.

CHRISTMAS RETAIL TRADING HOURS

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

I have a supplementary question. Who is making the decisions on retail reform in Western Australia? Is it the Premier, the Minister for Commerce and Industrial Relations or the unions?

Several members interjected.

The SPEAKER: Minister for Sport and Recreation and member for Girrawheen, I call you both to order for the first time.

Mr M. McGOWAN replied:

The government makes these decisions. It is true —

Mr D.T. Redman interjected.

Mr M. McGOWAN: I hear the National Party! Members might recall that in 2012 I had to ensure there would be Sunday trading because the National Party would not vote for it. Do members remember that? I had to ensure there would be Sunday trading in Western Australia. I had to do it—from opposition!—and make it happen because the National Party walked out.

Several members interjected.

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

Mr M. McGOWAN: As I recall, National Party members even walked out of the cabinet room when the matter was being discussed. It was an odd cabinet that was running. Some people excluded themselves when things like retail trading hours were being debated.

I think that what we have done is entirely reasonable. We should bear in mind that in early December, from seven until eight in the morning on weekdays there was very little take-up of the trading. At that time of the year small business people or proprietors of small businesses often have to open until nine at night. Members should think about that. From the moment they get up at five in the morning to the moment they get home—it might be 10 o'clock at night. That is a hard lot for a lot of people in small business.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: All we are saying to small business people is that Labor is on their side. The Liberal Party wants them to open 24 hours a day

HYDRAULIC FRACTURING MORATORIUM

982. Mr J.N. CAREY to the Premier:

On behalf of the member for Thornlie, I acknowledge the students from Thornlie Senior High School.

Can the Premier outline to the house how the government's decision to prohibit fracking in 98 per cent of the state strikes the right balance between environmental protection and the rights of landowners with the need to encourage economic development?

Mr R.S. Love interjected.

The SPEAKER: Member for Moore!

Mr M. McGOWAN replied:

I thank the member for Perth for the question. It is true that my job as Premier of Western Australia is to act in the best interests of all Western Australians. That was my commitment upon being elected and it remains my commitment. In doing so, balance has to be struck between many interests and many views across the state. This can be difficult and can involve making tough decisions to try to come up with the right balance. I strongly believe that the policy position we have arrived at on fracking has struck the right balance between protecting the environment and the rights of landowners, encouraging economic development and giving certainty to the community and to the business community. We have done what we promised; that is, we have banned fracking in the south west, Peel and the metropolitan area. We are now extending that and not permitting fracking over 98 per cent of Western Australia. We will work with the local community to ensure that it is not permitted on the Dampier Peninsula. It will be banned within our national parks and proposed national parks. It will be banned within two kilometres of public drinking water sources, and within two kilometres of residences and residential communities. Even then, it will be permitted only if farmers, landowners or traditional owners consent, which is a big change from what was in place before.

We know that there are different views. For instance, the Noonkanbah community put out a statement today supporting the position we have taken, due to the jobs and opportunities it will provide Aboriginal people in that community. Although we have tried to reflect community views, we cannot ignore that some people are concerned about this issue. At the election, we promised to hold a scientific inquiry. The independent scientific inquiry led by Dr Tom Hatton spent 12 months considering all the available evidence. It reviewed 500 different scientific papers and took thousands of submissions. It concluded that the risks to people and the environment from fracking are low. It found that those risks would be reduced even further if the inquiry's recommendations were adopted. We are adopting all 44 of Dr Hatton's recommendations.

Mr R.S. Love interjected.

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

Mr M. McGOWAN: That means no fracking project will be allowed unless it is assessed and approved by the Environmental Protection Authority. That did not happen before this change. We will also put in place an enforceable code of practice, ensuring the highest standards of health, safety and environmental protection for all industry operations. Again, this will occur only on existing petroleum leases and licences, and only if landholders, farmers and traditional owners agree. Although we must take into account the views of everyone across the community, we cannot ignore the science, and we have not ignored the science. To propose a blanket ban on fracking on existing petroleum licences when the evidence shows that the risks can be managed would undermine Western Australia's reputation as a safe place to invest and do business. We realise it is a difficult issue for many people across the state, but we think our responsible, considered and balanced position is the right way to go.

CHILD PROTECTION — CHILD SEXUAL ABUSE — ROEBOURNE

983. Mrs A.K. HAYDEN to the Minister for Child Protection:

I refer to the minister's response in this house on 22 November, in which she did not deny that six identified perpetrators are attending the same school as their victims, and her public assurance that there is no risk because of oversight by authorities.

(1) Given the evidence by the Minister for Education and Training to a parliamentary committee that the Department of Education does not know whether any of the six perpetrators are at the same school as their victims, can the minister confirm that her assurances carry no weight?

(2) Will the minister now work with the Minister for Education and Training to determine whether victims and other children are out of harm's way?

Ms S.F. McGURK replied:

(1)–(2) I have answered a number of questions on this issue in this house as well as in the other house, and I continue to give assurances that every possible protection that can be put in place for children in and around Roebourne is in place. In regard to those children who have been charged with harmful sexual behaviour, or are experiencing that, and may be attending schools, there are safety plans in place, particularly to ensure that they are not in contact with any victims who may be involved in those offences. I have given that assurance publicly, on the ABC and in this house, and that continues to be the case.

Throughout the discussions on the west Pilbara plan, and in relation to Operation Fledermaus, we have made it clear that we have responded to the immediate concerns about child safety, to make sure that those concerns are responded to and investigated, and, if necessary, there are prosecutions, and that the victims are given proper therapeutic services and responses. We are doing all of that. The other element of our response has also been articulated in this place as well as in the public arena, and that is that we are doing what we can to build up a safe community. There are, I think, 38 houses in Roebourne now that have self-selected to be alcohol free. Police data has recorded a drop in crime, and that relates to burglaries and antisocial behaviour, and there has been an increase in drug detection and assault charges in relation to alcohol abuse.

There is a lot of work to be done—I do not think anyone is in denial about that—in the west Pilbara and many other communities, to make sure that we build up the capacity of the community to deal with these difficult issues, but in relation to the specific concerns around child safety in and around Roebourne, we are doing everything that is possible to make sure that children who are victims of child abuse are given proper services and are kept safe from any perpetrators or people with harmful sexual behaviours, whether they are children or adults, and that there are proper therapeutic services available for those victims.

CHILD PROTECTION — CHILD SEXUAL ABUSE — ROEBOURNE

984. Mrs A.K. HAYDEN to the Minister for Child Protection:

I have a supplementary question. Will the minister urgently arrange for this matter to be escalated so that these children are no longer re-traumatised by having to confront their attackers every day they attend school, or will it take the end of school term for these victims not to have to face these attackers every day they go to school?

Ms S.F. McGURK replied:

I do not accept the premise of the supplementary question; that is, in a town such as Roebourne, victims are re-traumatised all the time as a result of living in that town. Where there are any risks to child safety, they are being considered by child protection officers and police, as well as education officers, and there is court oversight as well, to ensure that any risks are being properly managed. If there are real concerns, I am satisfied that there are measures in place to ensure that child safety is maintained. I do not accept the premise of the supplementary question that children are traumatised as a result of living in Roebourne.

ENERGY — UNCONVENTIONAL OIL AND GAS PROJECTS — ROYALTY RATE

985. Ms A. SANDERSON to the Minister for Mines and Petroleum:

Can the minister update the house on what changes are being made to the royalty regime for unconventional oil and gas projects, including how any future royalties will support renewable energy in this state?

Mr D.C. Nalder: The minister against mining.

Mr W.J. JOHNSTON replied:

The one thing we know is that the member for Bateman is not the minister.

What we know about unconventional gas projects in this state is that the Liberal Party does not understand that we need to be cautious, and that the community has concerns about these issues, and that what we need to do is make sure that the industry is properly regulated. I congratulate the Minister for State Development, Jobs and Trade—

the Premier—for working with every member of cabinet in coming up with an excellent response to the Hatton inquiry into unconventional gas. I make the point here that in 2010 the former government cut the royalty rate from 10 per cent to five per cent for unconventional gas, as part of its campaign, according to the former minister, Hon Norman Moore, to remove hurdles to fracking getting off the ground in Western Australia. We are interested in having a properly regulated industry that meets the demands of the community, and that is why we are removing the concessional royalty rate and returning the royalty rate to where it should have always been. Exactly as I said in this chamber in 2012, the decision to cut the royalty rate from 10 per cent to five per cent was an error, and we are correcting that error. What is more, we are going to direct those royalties net of the royalties for regions contribution, which will still be there—one-quarter for royalties for regions—but the balance will go into a clean energy fund to support the transition of this society towards a lower carbon future.

Mr D.C. Nalder: So you're introducing a carbon tax.

The SPEAKER: Members!

Mr W.J. JOHNSTON: Gas has a role to play in Western Australia's low-carbon future, but so do alternative technologies, and the government is introducing an important contribution. The member for Bateman interjects saying it is a carbon tax. The 10 per cent royalty that applies to conventional gas that was left to us by the member is apparently a carbon tax. Apparently when it applies to fracking it is a carbon tax, but when he applied it to conventional projects it was not a carbon tax.

Mr D.C. Nalder interjected.

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

Mr W.J. JOHNSTON: One of the fundamental problems with the Liberal Party is that it does not get science, it does not respect the community and it makes decisions that are not based on commonsense.

Several members interjected.

The SPEAKER: Members!

Several members interjected.

The SPEAKER: Is everyone finished? I give the call to the member for Moore.

HYDRAULIC FRACTURING MORATORIUM

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

On behalf of the Nationals WA, I would like to record our condolences to the member for Churchlands on the sad loss of his father.

I refer to the Hatton inquiry into hydraulic fracturing, the government's response and the comments made by Labor member of the Legislative Council Hon Kyle McGinn in *The Sunday Times* on the weekend that —

> "My view is that if you had something (a ban) in the Peel and in the city, it would be unfair on particularly my electorate to have something different," …

Does the Premier share Hon Kyle McGinn's concerns or is this just another example of how this government has one set of rules for Perth and another set of rules for the rest of the state?

Mr M. McGOWAN replied:

If I can just be clear: the position prior to us announcing this was the position of the former government. The position of the former government was to let fracking occur everywhere. The position of the Liberals and Nationals was for open slather fracking.

Several members interjected.

The SPEAKER: Member for Bateman!

Mr M. McGOWAN: We have a different position, and we announced it prior to the state election. That was that we would have a ban in Perth, Peel and the south west where there is high-density residential development—it would be very difficult to do it in any event because of that density of residential development—and we would have a moratorium on the rest of the state pending a scientific inquiry, which is exactly what we did. We said that the scientific inquiry would be persuasive on what we would do if we were successful at the election. We have followed to the letter what we said prior to the election. We have also allowed for traditional owners, farmers and landowners to have the right of consent for fracking production. That is new. The arrangement under the last government was that farmers, landowners and traditional owners could not say no. We have now allowed those people those rights over their own land in the same way as for other mining proposals. I think that is a significant difference, and we have banned it from within two kilometres of residential areas or communities and from public drinking water zones. We have put in place a range of protections. We followed the scientific inquiry. It is a balanced position to deal with a difficult issue.

HYDRAULIC FRACTURING MORATORIUM

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

I have a supplementary question. What would the Premier say to the constituents of my electorate, some of whom live within an hour of the Perth CBD, who were misled by Labor candidates in the 2017 election campaign into believing that a Labor government would protect them from fracking?

Mr M. McGOWAN replied:

The position of the Liberals and Nationals prior to the last election was open slather in all areas. Prior to the last election, people were trying to frack the Swan Valley and the Pinnacles. People were putting in licences to try to frack Bunbury. We said that we would undertake the rules that I announced in my answer to the first part of this question.

Mr R.S. Love interjected.

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

Mr M. McGOWAN: It is a bit rich for the member for Moore, who supports open slather, to now come in and criticise us on the basis —

Mr R.S. Love: I do not support open slather.

Mr M. McGOWAN: That was the member's position when he was in government. That was the Liberals' and Nationals' position. We have a considered and balanced position.

Mr R.S. Love interjected.

The SPEAKER: Member for Moore, I have already called you twice. You have asked the question—listen to the answer. Members on my right, your leader is on his feet.

Mr M. McGOWAN: We have a considered and balanced position that reflects the economic interests of Western Australia, but protects landowners and traditional owners.

METHAMPHETAMINE ACTION PLAN

988. Mrs R.M.J. CLARKE to the Minister for Health:

I refer to the McGowan Labor government's commitment to reducing the harm of methamphetamine use throughout our community. Can the minister update the house on how the government is implementing its unprecedented Methamphetamine Action Plan, including extra measures targeted at supporting families in crisis?

Mr R.H. COOK replied:

I thank the member for the question and her concern, along with many members of the community, about the impact that methamphetamine is having on both the people who are caught within the spiral of addiction and also their families and friends upon whom this insidious drug has a devastating impact. It is pleasing that we are seeing a reduction in the number of people using methamphetamine, but it is disturbing that amongst those people who are using, they are using to greater and more dangerous levels. We will not stop at anything to make sure that the government puts its shoulder to the wheel to ensure that as a community we can get on top of this insidious drug. We have a comprehensive plan—the Methamphetamine Action Plan—which is about reducing the supply, reducing the demand and reducing the harm of methamphetamine in our community. In particular, we have already invested $171 million, including the introduction of the methamphetamine border force and the establishment by the Minister for Police of police roadside testing; 93 treatment beds across Western Australia, including 49 in the south west alone; a treatment plan for services in the Kimberley; WA's first alcohol and drug treatment prison for women and a second facility for men is in progress under the leadership of the Minister for Corrective Services; and the establishment of mental health emergency centres. Last week we announced $1 million towards the establishment of a new centre at Midland hospital. We have dedicated $11 million towards the establishment of a similar facility at Royal Perth Hospital.

Yesterday, we released the findings of the Methamphetamine Action Plan Taskforce. It is a comprehensive report into ongoing efforts and what we need to do as a society to get on top of this particular issue. The report acknowledged the state government's work to combat methamphetamine use and made 57 recommendations that look at education, intervention, treatment and support services, reducing harm and use, meeting regional needs, pathways following treatment, and cross-sector collaboration and evaluation. I was very proud to stand with the Minister for Police and the Premier yesterday to announce our initial response to the findings, which includes the ongoing rollout of new mental health emergency centres, including, as I said, the one at Midland Health Campus, which is initially for a four-bed, two-chair facility at that hospital. That comes on top of our plans at Royal Perth Hospital and the centres already operating at Sir Charles Gairdner Hospital and Joondalup Health Campus. We announced the trialling of a compulsory intervention program that will provide a safe place for people gripped in a crisis to go to get the detoxification they need in order to go on and receive treatment services for their ongoing

rehabilitation. This will be an important development because we are responding to the cries from family members and from friends who are saying, "For God's sake, provide us with some support so that we can get support to these people suffering from addiction to these insidious drugs." In particular, the Mental Health Commission will be working on a 24-hour, one-stop shop support service for people suffering from addiction, people supporting those suffering from addiction, and clinicians wanting to get their clients or patients into a better treatment stream. It will make sure that we can provide the support for services.

This government will not shy away from the responsibility of dealing with this major problem across our community. Our Methamphetamine Action Plan Taskforce has delivered positive results but we know that there is still much more to do. The government's full response to the recommendations of the Methamphetamine Action Plan Taskforce's report will be released next year. I now table the Methamphetamine Action Plan Taskforce's report. It is a great report. I would like to thank the task force members, under the leadership of Mr Ron Alexander, for providing this comprehensive, great report. In particular, I would like to acknowledge the member for Bunbury, the honourable Don Punch, for his work on that report.

Several members interjected.

Mr R.H. COOK: Not "honourable"; we know that he provided very honourable service to the task force's considerations and we thank him for all his hard work.

[See paper 2079.]

SHARKS — HAZARD MITIGATION — DRUM LINES — OVERSEAS CONTRACT

989. Ms L. METTAM to the Minister for Fisheries:

I refer to reports on Saturday, 24 November that highlight that shark drum lines for the south west will be manufactured in Spain.

(1) Why has the minister awarded a contract to an overseas company at the expense of innovative Western Australian companies?

(2) Can the minister confirm that this is yet another example of the McGowan government's failed local content policy?

Mr D.J. KELLY replied:

(1)–(2) Even I am surprised by that question. Honestly!

Mr R.S. Love interjected.

Mr D.J. KELLY: Colin, will you just be quiet for a minute and do not interject.

The SPEAKER: Minister, call the member by his correct title, please.

Mr D.J. KELLY: Member for Moore, will you just be quiet for minute; you might learn something.

The member for Vasse spent months campaigning to get us to trial the New South Wales technology here in WA. She spent months telling us that we should trial that technology here in WA.

Several members interjected.

The SPEAKER: Members!

Mr V.A. Catania interjected.

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

Mr D.J. KELLY: For a range of reasons, we are trialling the New South Wales technology here in WA. But the member for Vasse probably does not know—I think she does but she is just being mischievous—that the technology that is used in New South Wales is not manufactured in WA. It is only available overseas.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse.

Mr D.J. KELLY: The local supplier who contacted us last week did not offer to provide us with the same technology that New South Wales is using; it has offered an alternative system. It does not make the technology that it has been utilising. For once, the member for Vasse should make some sense on this issue. She campaigned for us to trial the New South Wales drum lines here in WA and that is exactly what we are doing. Unfortunately, that technology is not manufactured in Australia. The member for Vasse makes these comments on this issue one day and she says something else another day. It is all about getting her face in the media or her name in print. It has nothing to do —

Mrs L.M. Harvey: It's not saving people from shark attacks. That's what it's about.

The SPEAKER: Member for Scarborough.

Mr D.J. KELLY: If it were really about saving people from shark attacks, the member for Scarborough would embrace the science and promote the personal shark deterrents that have been tested by the University of Western Australia and Flinders University. To date, nearly 2 500 Western Australians have purchased a subsidised personal shark deterrent, despite the member for Vasse going on radio and saying that they are like waving a toothpick at a shark. If the member for Vasse were serious about this, she would promote the programs that we have on offer, she would support some of the other initiatives that we and Surfing WA have come up with and she would stop asking ridiculous questions about the drum lines that we are going to trial in January.

Mrs A.K. Hayden interjected.

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

Mr D.J. KELLY: These are the drum lines she asked for, and they are the drum lines she is going to get.

SHARKS — HAZARD MITIGATION — DRUM LINES — OVERSEAS CONTRACT

990. Ms L. METTAM to the Minister for Fisheries:

I have a supplementary question. Why has the minister failed to comply with the Western Australian Jobs Act, which requires Western Australian companies to be put first, or is this an admission that his government's legislation is completely ineffective in supporting Western Australian manufacturers and companies?

Mr D.J. KELLY replied:

We have complied with all the legislative requirements. If the member for Vasse wants to ask the person responsible for the Jobs Act, she knows where she should direct that question. We are very proud of the Buy Local campaigns that we have run in WA. We all know about the Metronet railcars, 50 per cent of which will be produced here in Western Australia compared with the two per cent that the embarrassing bunch there put in place. I look forward to the member for Vasse and especially the member for Dawesville being on the zip-line being built by Western Australian workers instead of being lost somewhere in Malay. We are very proud of the Western Australian jobs that we are creating. For once, the member for Vasse should get on board and stop being so terribly negative.

METH BORDER FORCE

991. Ms M.M. QUIRK to the Minister for Police:

I refer to the McGowan Labor government's long-held commitment to tackle the supply and distribution of methamphetamine throughout Western Australia. Can the minister update the house on how this government is ensuring its meth border force has the resources that it needs to not only tackle WA's meth scourge, but also respond to crisis situations?

Mrs M.H. ROBERTS replied:

I thank the member for Girrawheen for her question and for her commitment to community safety. This is clearly an area she knows a lot about, having been a former legal counsel to the National Crime Authority here in Perth.

We are addressing the scourge of methamphetamine in a variety of ways. Chiefly, the police are interested in interrupting the supply of drugs into our state. In just the last 12 months, they have seized over 1 400 kilograms of methamphetamine. That amounts to millions of doses that have not made it onto the streets of Western Australia and elsewhere. That is a fantastic achievement. As part of those operations, they have also seized over $11 million in cash. That is a significant cash seizure. They have also dismantled 18 meth labs in the last 12 months. They are targeting our transit routes. They are targeting airports, transport hubs and post offices. They are also targeting the use of the dark web by individuals—young people—at home in their bedrooms at their computers using the dark web, people who previously had no history of criminal activity or involvement. That is very important.

People may have noticed that on the weekend we unveiled three new pieces of equipment at a cost of over $700 000. These meth vans are basically Isuzu trucks towing purpose-built caravans, like a mobile office or unit for police to take out on the road to those drug transport routes. I note that that expenditure for those vans was spent here in Western Australia. They were constructed in Western Australia by Western Australian workers. They are purpose-built to assist the police in these operations. The three units cost over $700 000. We are not keeping them all in the metropolitan area.

Several members interjected.

Mrs M.H. ROBERTS: It is interesting that the National Party thinks it is a joke.

We are basing one of the vans in Kununurra in the Kimberley and we are basing another in Kalgoorlie in the goldfields so that officers will have that resource. We will base one in the metropolitan area that can be taken out to regional parts of our state. Deploying those fully equipped caravans permanently to Kununurra and Kalgoorlie will target two of our major transport routes for drugs into our state. They are not just empty vans. They are equipped with the latest TruNarc devices to identify drugs, they have night scan lighting towers, fibrescope cameras and communication equipment. We have on order, and hopefully soon to be received, some handheld

X-ray devices so that police officers will not have to take apart car doors or seats; they will be able to hold these X-ray devices up to a car seat or door without having to wreck them to detect whether drugs are inside.

Finally, there is our mental health co-response team expansion that we announced yesterday. Those teams were trialled in Cannington and Warwick.

Mrs L.M. Harvey interjected.

The SPEAKER: Member for Scarborough!

Mrs M.H. ROBERTS: Those teams recently won a WA Health Excellence Award. I congratulate them on that. Those teams have been working out exceedingly well, so we are expanding it to another two teams, one based out of Midland and one based out of Cockburn. It is sad that the opposition is only negative about this. I saw yesterday that the opposition had claimed that we were taking officers off frontline duties to expand the meth border force and our mental health co-response response teams. I will just say this: there is no more frontline job than being in either the meth border force or one of those co-response teams. It is about using frontline officers more effectively.

BAY VILLAGE WORKER CAMP — WOODSIDE ENERGY — JOINT DEVELOPMENT ASSESSMENT PANEL DECISION

992. Ms M.J. DAVIES to the Premier:

I refer to the Premier's answer in question time on 9 October, in which he stated that his government would not intervene in the appeal process for the Bay Village FIFO camp in Karratha, because it would be "verging on improper".

Is the Premier aware that his Minister for Planning has used her powers under the Planning and Development Act to call in the appeal currently before the independent State Administrative Tribunal; and, if so, what role, if any, did the Premier or his office play in this decision?

Mr M. McGOWAN replied:

I totally support the minister's decision.

Ms M.J. Davies: It is not improper?

Mr M. McGOWAN: The Leader of the Nationals WA asked the question. I discussed it with the minister; I totally support her decision.

Mr R.S. Love interjected.

The SPEAKER: Member for Moore!

Mr M. McGOWAN: The minister acted in accordance with the law. Her powers as Minister for Planning allow her to do this. She waited until the last moment. I met with the council on the day that I opened Karratha Health Campus. I said to the council that it needs to reach an agreement with Woodside because we need to ensure that Browse gas is processed in Karratha. I explained that to Chris Adams and the deputy mayor. I explained it to them in person, with other people present. The process went along and the council did not reach an agreement with Woodside, despite the fact that Woodside compromised very significantly along the way and came up with what I thought were some pretty reasonable compromises to meet the council's demands. The minister, in accordance with her powers under the act, called it in. Out of politeness, the minister's office called the council to inform it. The chief executive officer of that council then verbally abused and swore at staff members in the minister's office in the most profane of ways—in a disgraceful manner.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: The minister and her office were polite, and providing timely advice to the council about what was occurring resulted in that outcome by that chief executive officer. When I was advised of what he had to say to a ministerial staffer, I thought it was quite disgraceful.

BAY VILLAGE WORKER CAMP — WOODSIDE ENERGY — JOINT DEVELOPMENT ASSESSMENT PANEL DECISION

993. Ms M.J. DAVIES to the Premier:

I have a supplementary question. Did Woodside ask the Premier or his office to intervene in this matter at any time?

Mr M. McGOWAN replied:

I am unaware of any requests along that line.

Ms R. Saffioti interjected.

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

Mr M. McGOWAN: But what I am aware of is the fact that I wanted this issue resolved. I am the Premier and the Minister for State Development, Jobs and Trade.

Ms M.J. Davies interjected.

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

Mr M. McGOWAN: Woodside gas coming to Karratha will ensure the long-term future of that community and the provision of gas for industry and householders in Western Australia.

Ms M.J. Davies interjected.

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

Mr M. McGOWAN: The Nationals WA wants Karratha to die. It does not want there to be gas for consumers in our state. That seems to be its policy.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: It endorses this disgraceful behaviour on the part of the CEO of the City of Karratha.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: I thought that his behaviour in doing that was beyond the pale, and if I were in the City of Karratha and the council was there, I would look very dimly upon that behaviour because it is not acceptable.

SHARKS — HAZARD MITIGATION

994. Mr D.T. PUNCH to the Minister for Fisheries:

Can the minister update the house on the unprecedented measures that the McGowan Labor government is taking to protect Western Australians at the beach this summer through its comprehensive shark mitigation strategy?

Several members interjected.

The SPEAKER: Members! Member for Dawesville, I call you to order for the first time. I am very interested, because we have sharks in our pool down there.

Mr D.J. KELLY replied:

I thank the member for Bunbury for his question. With summer only a few days away, I thought it timely to update the house on our most recent initiatives in this area. We recently announced the Sea Sense campaign, which has two objectives: firstly, to ensure that Western Australians are aware of the recent initiative that we have put in place for this summer, and, secondly, to encourage everyone who goes into the water over summer to make good decisions to ensure their safety. The Sea Sense campaign encompasses a few new initiatives.

Mr J.E. McGrath interjected.

The SPEAKER: Member for South Perth—little chatterbox.

Mr D.J. KELLY: I am very pleased to say that we now have an agreement with Surfing WA, the peak surfing body of Western Australia. It has come on board to work with the government on this issue. As part of that agreement we are funding Surfing WA with $120 000 over three years. That will provide it with a new surf ski and some drones to enable it to provide additional surveillance at some of its events. It will also fund the Surfers Rescue 365 program, which is a first-aid program that it wants to roll out for surfers in WA. We are very pleased that Surfing WA is now on board with what we are doing.

The second announcement we made is that we have established an independent scientific panel to look at new or possible initiatives. As members would be aware, a lot of ideas come to government about what we should be doing in this space. For the first time we will have the Chief Scientist along with three other local and interstate eminent scientists who have made themselves available to consider new options that come forward. Again, we are trying to get less opinion and more science into what works in this area. We have committed to developing an app by the first half of next year to enable people to get real-time notification of conditions at their local beach when they want to go for a swim. There also has been an update of the SharkSmart website, which, for the first time, will provide much more information around such things as the location of beach enclosures, for example. But there is a lot more user-friendly information on the SharkSmart website.

Mrs L.M. Harvey: Did you buy them a surf ski or a jet ski?

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

Mr D.J. KELLY: That was about two minutes ago. Just for the member for Scarborough's benefit, we are providing money for a jet ski.

Mrs L.M. Harvey: You said a surf ski, which is a totally different thing.

Mr D.J. KELLY: Sorry. I take it back. It will provide a jet ski and some drones. Get them a surf ski as well! If the member for Scarborough would like to get a full briefing on the program, I am happy to do that.

Finally, the fifth thing that we announced was an update of the whale carcass protocols. For the first time, the whale carcass protocol will apply statewide. Believe it or not, under the previous government different whale carcass protocols applied in different locations in Western Australia. It is one of the reasons for the confusion that existed under the previous government about how to manage this issue.

We are very pleased—especially with the partnership that we have developed with Surfing WA—that we are working cooperatively with the surfing community. It complements the things that we already have in place. As I indicated earlier during question time, nearly 2 500 Western Australians have taken up our offer of a subsidised personal shark deterrent. They are backed by science and, as much as members opposite want to make a joke of these things, they save lives.

Beach emergency number signs are now being rolled out at beaches across Western Australia. If we ask the first responders, they say that they will save lives. Whether it be because of a heart attack or a shark attack, those BEN signs will save lives. Members opposite see this as an opportunity to score points. We want to make our beaches as safe as possible. We want to do what the science tells us. If we do that, we can improve safety in Western Australia.

COST OF LIVING — FEDERAL LABOR POLICY — RENEWABLE ENERGY TARGET — WATER SUPPLY

995. Dr D.J. HONEY to the Minister for Water:

My question is to the Minister for Water —

Several members interjected.

Dr D.J. HONEY: He comes from an excellent period of graduates at the University of Western Australia.

The SPEAKER: Members, please. I am sure we are all waiting to hear this.

Dr D.J. HONEY: With bated breath. I refer to the article in Saturday's *The West Australian* in which the minister highlighted that the cabinet and caucus are keen to take serious action on climate change. Can the minister outline to the house how the Treasurer's decision not to adopt federal Labor's 50 per cent renewable energy target could impact Western Australia's water supply; and is this the reason that the unions want him stripped of the energy portfolio?

Point of Order

Mr D.A. TEMPLEMAN: The question is clearly not to the portfolio of the minister to which it was directed.

The SPEAKER: It could impact on Water, but it is drawing a pretty long bow. I will let the minister answer the question.

Questions without Notice Resumed

Mr D.J. KELLY replied:

To be perfectly honest, I do not really understand the question that the member for Cottesloe is asking. We on this side of the house understand that climate change is having a very significant impact on water supplies here in Western Australia. Under the previous government, departments were not allowed to mention "climate change". None of the publications even acknowledged that climate change existed. When the Leader of the National Party was Minister for Water, she claimed to have drought-proofed Perth. Do members remember that? Just when we thought that was just a bit of National Party folly, the current Leader of the Opposition, when he was Treasurer, included that in one of his budget speeches. Job done! "Climate change no longer exists. We have drought-proofed Perth." We have a very considered policy over here. We understand that climate change is having a very significant impact on our water supply. That is one of the reasons that in the last budget we increased the rate of payments for water users who use more than 500 kilolitres. The top seven per cent of users in Western Australia use 17 per cent of water. With applause from the Chamber of Commerce and Industry of Western Australia, we sent a price signal to those high users. We on this side take this issue very seriously. If the member for Cottesloe has a question about energy policy, he should direct it to the relevant minister.

COST OF LIVING — FEDERAL LABOR POLICY — RENEWABLE ENERGY TARGET — WATER SUPPLY

996. Dr D.J. HONEY to the Minister for Water:

I have a supplementary question. Can the minister outline to the house his modelling on the impact of federal Labor's 50 per cent renewable energy target on the cost of the supply of water and what the additional cost will be to households if this target is implemented?

Mr D.J. KELLY replied:

That is a completely ridiculous question and it does not warrant an answer.

The SPEAKER: That is the end of question time.

EUTHANASIA AND ASSISTED SUICIDE — LEGALISATION

Petition

DR A.D. BUTI (Armadale) [3.04 pm]: I have a petition that has been certified as conforming with the standing orders of the Assembly. It has 4 230 signatures. The petition says —

> **To the Speaker and Members of the Legislative Assembly in Parliament assembled:**
>
> **Because the legalisation of euthanasia and assisted suicide, despite all attempted safeguards, inevitably leads to**
>
> - an extension of killing from those who ask for it (voluntary) to those who do not ask for it (involuntary),
> - an extension of killing from the terminally ill to the mentally ill and the elderly,
> - an emotional blurring of a "right" to die with a "duty" to die,
> - a distrust in doctors and hospitals, especially on the part of the elderly and terminally ill and their families, and
> - a financial pressure on governments to favour euthanasia over life-sustaining treatment and palliative care
>
> **We respectfully urge the Parliament not to legalise euthanasia and/or assisted suicide in Western Australia. Rather, we urge the Parliament to enforce and/or enact laws to**
>
> - ensure that adequate palliative care is available to all who need it
> - uphold the dignity of the handicapped, the infirm and the elderly, and protect them from pressures to end their lives,
> - protect the nobility of our medical institutions and personnel by refusing to associate them with patient-killing,
> - encourage all doctors to continue to be true to the Hippocratic Oath: "I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrong-doing. Neither will I administer poison to anybody when asked to do so, nor will I suggest such a course."
>
> **Your petitioners, as in duty bound, will ever pray.**

[See petition 119.]

SINO IRON PROJECT — MINE CONTINUATION PROPOSALS — KARRATHA

Petition

MR K.J.J. MICHEL (Pilbara) [3.06 pm]: I have a petition that has been certified as conforming with the standing orders of the Assembly. It has 1 511 signatures. The petition says —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned say that:
>
> - The Sino Iron project, south of Karratha, is Australia's leading exporter of magnetite concentrate, transforming low grade iron ore into a premium export product, as a result of significant investment in local downstream processing facilities and associated infrastructure.
> - Sino Iron employs approximately 3000 people, more than 95% of whom are Australian residents, and indirectly supports thousands of additional Western Australian jobs and families. An economic impact assessment shows more than $51 billion will be spent on goods and services in Western Australia and in excess of $5 billion will be paid in royalties to the State over the life of the project.
> - The future of Sino Iron is at risk because the State Government is prevented from considering and approving time-critical Mine Continuation Proposals, which are vital for the ongoing operation of the project.
>
> As employees, contractors and supporters of Sino Iron, we ask the Legislative Assembly help protect our jobs and secure the project's future, by taking all necessary actions to enable the urgent consideration of these Proposals, for the benefit of all Western Australians.

[See petition 120.]

DOG ACT — AMENDMENTS

Petition

MR A. KRSTICEVIC (Carine) [3.08 pm]: I have a petition that has been certified as conforming with the standing orders of the Assembly. The petition has 194 signatures and says —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned would like the amendment to the Dog Act to include:
>
> - any dog that attacks another dog or person must automatically be declared dangerous by the Council
> - be muzzled and kept on a lead in public
> - undergo subsequent control training that is tested by the Rangers before it can be released back in public
> - have its attack recorded on its registration attached to its microchip so that repeat attacks can be easily traced.
>
> Further initiatives need to include:
>
> - small dog exercise enclosures to be provided by the Shire across the City of Stirling
> - The Council proactively follow up on reported attacks and inform victims about the decisions they make following the attack
>
> Restricted dog breeds must comply with the law's requirements for muzzles and leads in public.
>
> The Government must investigate and stop the illegal breeding of restricted dogs.
>
> A shared database must be made available between Shire Councils so Rangers don't need to ring around for a dog's history following an attack.
>
> If a dog instigates an attack on another dog that is killed in the attack, the offending dog must be automatically euthanized.
>
> Rescue Groups must be stopped from rehoming dangerous animals

[See petition 121.]

PICABAR — PERTH CULTURAL CENTRE PRECINCT

Petition

MR A. KRSTICEVIC (Carine) [3.10 pm]: I present a petition with 851 signatures that reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say we object to the eviction from the Perth Cultural Centre of Picabar, which has greatly lifted the atmosphere of the district, provided a well-patronised and popular entertainment venue, supported local producers and created much-needed jobs in the hospitality sector.
>
> Now we ask the Legislative Assembly to call on the Premier and Minister for Culture and the Arts take action to reverse the eviction and grant Picabar the long-term tenure the venue as promised in previous lease arrangements to ensure the long-term vitality of the area.

[See petition 122.]

PAPERS TABLED

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

CHIRSTMAS RETAIL TRADING HOURS

Standing Orders Suspension — Motion

DR M.D. NAHAN (Riverton — Leader of the Opposition) [3.11 pm] — without notice: I move —

> That so much of standing orders be suspended as is necessary to enable the following motion to be moved forthwith —
>
> > That this house calls on the McGowan government to immediately reverse its cuts to retail shopping hours over the Christmas period to provide jobs and allow Western Australian businesses to compete against the increasing disruption from online retailing.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.11 pm]: There has been some discussion behind the Chair, so I would like to add to the motion. I move —

To insert after "forthwith" —

, subject to the debate being limited to 15 minutes for government members, 15 minutes for Liberal members, and up to five minutes for Nationals members

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: As this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

DR M.D. NAHAN (Riverton — Leader of the Opposition) [3.12 pm]: I move the motion. I have moved this motion because Christmas is coming and this year the government has chosen to cut back on the extra hours that it and the previous government allowed for Christmas shopping. We need to get it done now, so that if the government changes its mind it could be re-gazetted. When he was Leader of the Opposition, the member for Rockingham was a great champion of deregulating shopping hours. We heard some responses in question time today. He championed it. He pushed for it. He argued for it. He supported deregulation when the previous government did. He was also the champion of vibrancy in not only opposition, but also when he was a member of a previous Labor government and championed small bars. Small bars worked and have made a significant impact on the vibrancy and lifestyle of particularly the Perth metropolitan area. It was a great contribution.

He also campaigned on jobs for Western Australians. Some of the now Premier's statements were highlighted in an excellent piece by Gary Adshead today titled "Shopping riddle needs answer". That is why I moved this suspension to standing orders. Basically, when in opposition the now Premier said —

> … [the] trading issue has dragged on for too long and needs to be resolved, … "It's a mess, it's confusing, it's bad for tourism, it's uncertain for consumers."

All right. When the Barnett government went through a number of steps towards deregulation, particularly on Sunday trading, the now Premier agreed with them—he championed them. In fact, he today said that he brought the changes forward because the Nationals WA chose to vote against the reforms. While in opposition he voted with the government because he said he was committed to the changes.

Retail trading is flat to negative in this state. The Treasurer keeps saying he cannot find any data that is not positive—that is because he is not actually looking. Certain sectors of the economy are going through very difficult times. Retail traders tell me these times are amongst the worst in 30 years. We also need jobs. We need young people to work part time at Christmas. It is a vital and ongoing part of the job cycle for young people to go work at Myers and other stores during Christmas, particularly for those at university or TAFE. They need the extra hours. Importantly, online shopping is escalating very rapidly and taking away local business. To see that, all we have to do is look at the Black Friday online ads of recent times. People can shop online 24 hours a day, seven days a week; if the shops are locked up, people just shop online. It is not quite as fun, but if people want to shop and have no other choices, that is what happens.

So what has the government done? The previous Liberal–National government expanded Christmas shopping by 49 hours and when in opposition this government agreed to it, and last Christmas it used the words in a media release "Extra trading hours to give retailers a Christmas boost"—49 hours, just like the previous government. The media release went on —

> "The McGowan Government wants consumers and major Perth retailers to take full advantage of Christmas and post-Christmas shopping this year," …

So it recognised that retailers and consumers wanted it, so it gave it a boost.

What has it done this year? It has dropped it back to 34 hours. Why? It says no-one is using the extra hours. But give retailers the choice to employ people, open up and compete with online service providers. The explanation given by the Minister for Commerce and Industrial Relations—a former member of the Shop, Distributive and Allied Employees Association —

Mr W.J. Johnston: No, I'm not.

Dr M.D. NAHAN: Yes, you were—you were a member.

Mr W.J. Johnston: No. I have never been a member of the SDA —

Dr M.D. NAHAN: You were the leader of it!

Mr W.J. Johnston: Never —

Dr M.D. NAHAN: Okay; you were the head of it!

Why has the Premier done a giant backflip on a value set—something that he repeatedly stated that he held as top value? It was one of the values that he was committed to. Now he has done a complete backflip on it—why? Who does he stand for? Consumers? Retailers? Jobs?

Also in *The West Australian*, Peter O'Keeffe said —

> "They can put up the arguments and we'll attack them," … "We're up for a fight."

The union is not going to allow not just relaxation, but any changes to shopping hours. This government is going to pull back on shopping hours. The problem, as expected, is that what controls the Labor Party is the union movement, particularly those that very heavily funded the Labor Party—the "shoppies". It is now in charge of policy. The values before espoused by the Premier—his commitment to vibrancy, choice in shopping, jobs and protecting local jobs against online sales—have given way to the power of the unions. We ask the government to think back to who voted it in. The unions might have funded the Labor Party, but it got the votes of many Western Australians who want the jobs and activity, and who want to compete against offshore online providers. Do the right thing by Western Australia.

MS L. METTAM (Vasse) [3.18 pm]: I would also like to contribute to debate on this motion that reads —

> That this house calls on the McGowan government to immediately reverse its cuts to retail shopping hours over the Christmas period to provide jobs and allow Western Australian businesses to compete against the increasing disruption from online retailing.

Many in this house are aware that we have the most restrictive trading hours in the country. The retail figures for Western Australia are flat; in fact, the most recently recorded figures show a decline in Western Australia against growth across the country. In contrast, online sales here are growing and they represent a significant threat to the retail sector and, most importantly, to the people of Western Australia. The tourism industry also wants choice when it comes to the shopping experience, particularly at Christmas time, which is a very important season for people who are looking for the shopping experience.

I refer to the Chamber of Commerce and Industry of Western Australia's comments that the Western Australian state government's refusal to keep up with the twenty-first century is pushing shoppers online and leaving traditional WA retailers to teeter on the brink. As I stated, there has been a growth in online shopping against declines in the retail sector. We do not tell online stores to turn off their websites so we should not tell WA businesses to shut their doors. That is exactly the premise of the suspension of standing orders that the WA Liberal opposition is supporting today. I also refer to a statement from the Sensis Business Survey that came out today. Again it shows that WA beat only the Northern Territory on retail trade. I quote from its media statement —

> "With 20% of small and medium businesses in Western Australia feeling the economy is slowing, trailing the national average by a seven-point net balance, they are still feeling the pinch of tough trading conditions."

The WA Liberal opposition supports the vibrancy of Perth. We cannot afford to go back to the days of the Dullsville tag, which was supported by a then Labor government. I refer to the comments of the then Leader of the Opposition, now Premier McGowan, in 2012, which were well articulated today. In fighting words for the retail sector, he said —

> "I made it very clear to my colleagues that the Sunday trading issue has dragged on for too long and needs to be resolved," he said at the time. "It's a mess, it's confusing, it's bad for tourism, it's uncertain for consumers."

Although those comments were about Sunday trading, the link to Christmas hours and the need to open our retail sector to the opportunity to support consumers, 74 per cent of whom want to have that choice, this is a real blow. It is a real disappointment that those fighting words have already been contradicted by a Premier who has gone to water over pressure from the union.

I also come to this place as the opposition spokesperson for tourism. We know that Chinese visitors are one of the most lucrative parts of the international tourism sector. I refer to the lead author of the Bankwest report, Associate Professor Cecilia Xia from the Faculty of Science and Engineering at Curtin University. The report states that the key to growing tourism is that the tourism and retail spend could be increased by $291 million in the state if we support a more flexible regime for retail trading hours. That is what our tourists are saying and that is what 74 per cent of consumers are saying they want for the vibrancy of Perth, given we have seen the worst tourism numbers in this state—a quarter of a billion dollars in lost revenue from the international visitor spend. It is the international visitor spend that we should be supporting and the message from the business community, but, most importantly, from 74 per cent of consumers, is that they want choice in this area.

MRS A.K. HAYDEN (Darling Range) [3.24 pm]: I, too, rise on behalf of the people of Western Australia on this very important suspension of standing orders. They are now finding out, nearly two years in, that the man they were promised on election day is not the man they are getting under this Premier. In fact, the media has highlighted in more than one, more than two, more than three—in fact, in more than five articles in today's paper—articles that they condemn this government and this Premier for their decision to backflip again on the decisions and opinions that they took to the election. Instead of seeing a Premier of this state, we are seeing the grinch of Christmas. As government members are increasing the cost of living for Western Australian families, young people and seniors by $700 a year, and it is going up, they are now restricting their opportunities to earn extra cash at a time when it is important. Everyone knows that if you work in the retail sector, your peak period—which is Christmas—is your opportunity to earn that extra cash. It is your opportunity to work extra hours to put money in your pocket, if not just to look after yourself, but now to pay for those extra bills that this government has put on people. It is also an opportunity for retailers that have been struggling for the last two years to be able to get more sales. It is a well-known fact that the peak Christmas period accounts for up to 30 per cent of the retail sector's sales. This government is handcuffing the people of Western Australia's ability to earn extra cash. It is handcuffing the businesses of Western Australia's ability to get more cash through their tills. This Minister for Commerce and Industrial Relations and the Premier of this state are not looking after the people they said they would look after. In this place only last week, the Premier said on Tuesday, 20 November —

> … Labor that is more on the side of low-income people who work for a living. … I am on the side of those people who do it tough, who go through adversity in their lives, who through no fault of their own need government support and those people who work for a living.

Premier, put your money where your mouth is. These people need the extra hours. They need to earn the extra cash. They rely on the peak season for their work, and businesses rely on the peak season to get people through their doors and make sales. My question is: who is running this state? It is certainly not those on the frontbench and it is certainly not those on the backbench. Through the articles in the paper today, it is obvious that the unions are running this government. The unions are threatening this government, businesses and workers, saying, "If you put up a fight, we will fight back." It is the usual bullying tactics of a union that is coming in and dictating to the frontbench and this cabinet how they will run things. The Premier has backflipped on his statements in 2012 in his first press conference after taking the position from the former Leader of the Opposition, Hon Eric Ripper, in saying that deregulated trading hours are a mess. Premier, stand by your words. Stop talking the talk and start walking the walk. The people who voted you in expect you to.

MR M. McGOWAN (Rockingham — Premier) [3.27 pm]: The government will not support this motion by the Liberal Party. I will explain why to the house. Firstly, we made the decision on this issue more than two months ago; the opposition brought in this motion two months after we made the decision and the announcement. Somehow they did not notice before now. It was eight weeks and five days ago, or thereabouts, that we made this announcement.

Several members interjected.

Mr M. McGOWAN: I am just making the point that the Liberal Party does not seem to know what is going on.

Several members interjected.

The ACTING SPEAKER (Mr I.C. Blayney): Thank you, members!

Mr M. McGOWAN: Mr Acting Speaker, I did not interject on them. We made this announcement nearly nine weeks ago, which included many weeks of parliamentary sitting in which members opposite could have raised it. I do not think they asked me a single question about the matter. That is how important it was to them.

Mrs A.K. Hayden interjected.

Mr M. McGOWAN: Mr Acting Speaker, I did not interject on them.

The ACTING SPEAKER: Members, I will have to start calling you if you keep interjecting.

Mr M. McGOWAN: Members opposite did not regard it as an important issue until, as the member said, they saw Gary Adshead write a column about the matter. In what state and of what quality is the Liberal Party in this state when an issue that is now magnified into this massive issue was not an issue nine weeks ago and for the last nine weeks?

The second point I will make is that the Liberal Party constantly misuses parliamentary standing orders. A matter of public interest is available to opposition members, and they do not use it. They come in here and suspend standing orders, even though when they do make an MPI, it is normally pathetic. A matter of public interest was available to them and this issue could have been raised, but they did not do it. The so-called upholders of convention once again show themselves to be the disregarders of convention in Western Australia.

The third point I want to make is that each year the minister responsible for this area, the Minister for Commerce and Industrial Relations, makes a decision on what the extended trading hours will be for the following Christmas. That process occurs each and every year, and the decision is based upon a range of factors. These are not normal trading hours. These are additional trading hours for Christmas. The Minister for Commerce and Industrial Relations and I talked about the matter and, in light of the fact that early morning trading in early December was a very poorly attended by customers but a lot of small business people and retail workers had to work longer hours—bear in mind that the hours of that time of year are very long—we decided that it was not required. That was our judgement. Having grown up in a small business I understand that the hours are long. At this time of year businesses are basically open into the night. They are open until nine o'clock.

Dr M.D. Nahan interjected.

Mr M. McGOWAN: Let me speak.

Shops are open until nine o'clock because, generally, if people want to do a bit of Christmas shopping, they do not do it at seven o'clock in the morning. They do it after five. I do not know how the families of members opposite work, but if I want to do some Christmas shopping to buy the kids some presents or buy a ham, I do not do it at seven in the morning. I go at five, six, seven, or eight o'clock—especially in the two weeks leading to Christmas. That is ordinary family behaviour. That is the way it works for 99 per cent of people. For the one per cent of people who need to buy their kids or their mum a Christmas present because they forgot, that generally happens a couple of days before Christmas, so if people have to go at seven in the morning, shops will be open then. If people have to go late, they can go late. Let us say that someone like one of us, who might be a very busy person is going to use the extended hours, it will be in that week or two before Christmas because I am very busy and I generally do these things at the last moment. That is the way I work, anyway. Fortunately, I have a wife who is very organised and will have all that sorted already. Let me be honest—if I need to buy my wife something, it may well be in the last few days as we approach the day. When am I going to go? Am I going to go to the jeweller or to JB Hi-Fi at seven o'clock in the morning? No!

Several members interjected.

The ACTING SPEAKER: Thank you, members!

Mr M. McGOWAN: I am going to go at five, six, seven or eight—up until nine o'clock. The shops will all be open then. The hours allow for that. We have removed early mornings early in December. No-one was there but local shopkeepers had to open shops because that is the done thing and the expectation of the shopping centre owners. I feel for those people. They do not have easy lives.

Ms R. Saffioti: Genuine small businesses.

Mr M. McGOWAN: They are genuine small businesses. They do not have easy lives and taking an hour of pressure off them or a retail worker early in the morning is a fair thing to do.

I know this has caused a little bit of heat. I read in the paper that Richard Goyder and Rob Scott do not like it. We have different views. Regarding pressure from unions, I think it would be fair to say that the Shop, Distributive and Allied Employees Association would be dissatisfied with what the government has done.

Trading hours will be extended on weekends and nights all through December. From 17 December or so they will be from seven o'clock in the morning. In my view, 34 additional hours of trading is more than enough.

MR V.A. CATANIA (North West Central) [3.34 pm]: On behalf of the National Party, I would like to put forward our position. Over the years the National Party has probably had the only consistent position on retail trading hours in this Parliament. The National Party supports small businesses, farmers, pastoralists and primary producers, and has been consistent in ensuring that our trading hours do not allow the dominance of the two big retailers in the state, being Coles and Woolworths. The National Party has had a very strong stance supporting small businesses to limit the market share and the dominance the two big retailers have in this state and this country. This state's retail trading hours rules have not allowed Coles and Woolworths to have the same market share or dominance as they do in the rest of the country.

I think it was Doug Shave under the Court government who put forward the trading hours legislation, which limited the number of hours one could trade. That has changed over time. The Gallop government commissioned a review in 2003, which resulted in a referendum in 2005. It asked the community two questions. One question was whether people wanted to trade late during the week, which 58 per cent of people voted against. The other question was about trading hours on Sunday, which 61 per cent voted against. It was pleasing to hear the final end of the debate about retail trading hours. That took the heat out of having these debates year after year. These debates about trading hours pop up every four or five years. Nothing has changed since that referendum. The National Party will not support this motion because it has been consistent in its approach to retail trading hours. We want to limit the amount of trading to ensure that the market dominance of the two major retailers does not apply pressure to primary producers and small businesses, which it currently does.

There is a lot of misunderstanding about trading hours. If they like, small businesses can open 24/7, but floor size and the number of employees on the floor are limited by our trading hours rules. That restricts the Coles and the Woolworths of the world and the larger chains across the state, such as IGA. Some people will ask about regional Western Australia, which has deregulation of trading hours. A lot of places do, but in reality the shops do not open.

I remember that the Karratha shopping centre had Coles at one end and Woolworths at the other. After five o'clock at night the gates went up across the shopping centre as all the small businesses closed. The two that remained open were Coles and Woolworths. I wonder whether it is the same now, but the member for Pilbara is not in the chamber. We do not need more trading hours. People have a limited amount of money to spend.

When it comes to opening up at seven o'clock in the morning on a Sunday, I think perhaps that people in businesses and employees can have a sleep-in or spend time with their families over the Christmas period. I cannot see how increasing trading hours will increase the number of jobs or the amount of money being spent. There is only so much money to go around.

We have heard the Premier's hypocrisy and the difference between when he was opposition and now that he is in government. The Liberal Party has been fairly consistent in its approach to the regulation of trading hours. The only party in this place that has protected small businesses when it comes to trading hours is the National Party of Western Australia. We will continue to protect small businesses and our primary producers.

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [3.39 pm]: It is always amusing when, two months after the government makes a decision, the Liberal Party comes in here with its fake outrage. It has moved a suspension of standing orders, because two months ago the government made a decision. Members opposite are on the ball; they did not let grass grow under their feet, two months after the event. I want to take up one of the comments of the Leader of the Opposition. He said that last year, in a government media release, we said that people should take full advantage of the additional 49 hours. However, between 7.00 am and 8.00 am in the first three weeks of Christmas trading, nobody went to the shops. There was no demand. Also, no additional labour was engaged because of those extra hours. Let me make that clear again: no additional employees were engaged by retailers for last year's Christmas trading period above the number they had in other years. No additional hours were worked. Now the opposition is saying that retail workers should work at unsociable hours and not get rewarded for it. Liberal members are saying that retail workers should go to work and get paid exactly the same amount when they work at seven in the morning instead of eight in the morning. That is actually what they said, because no additional employees were engaged. All that has happened is that the hours that the employees would have worked were stretched over another 15 hours.

Several members interjected.

Mr W.J. JOHNSTON: Mr Acting Speaker, I did not interject once during anybody else's contribution.

The ACTING SPEAKER: Members, I will have to start calling you soon if you keep interjecting.

Mr W.J. JOHNSTON: Not one word did any member of this side of the house interject while members opposite were on their feet. The Liberal Party has a glass jaw. This is the problem with the Liberal Party—its members cannot handle it. They come in here and they cannot handle the fact that we point out the truth. An easy truth here is that extending Christmas trading hours did not lead to any worker getting any extra money. I am amused watching employer representatives, who are paid to represent employer interests, pretending to argue on behalf of workers. It is embarrassing watching them do that. They are paid by their members to represent their members' interests, and so they are doing a good job representing the interests of Coles and Woolworths, and I do not criticise them for representing the interests of these multinational companies, but let me make it clear that, if we want to talk about the interests of working people, there were no additional hours of work because of the additional trading hours in the mornings, and Coles and Woolies did not hire anybody else.

I turn to the idea that consumers should be able to shop when they want. Myer and David Jones do not trade at seven in the morning. Myer and David Jones currently do not open for all the hours they are authorised to open. Let me make that clear. Extending trading hours would not open one additional department store. Let us not pretend that it will. I love the fact that the Leader of the Opposition thinks that I was the secretary of the Shop, Distributive and Allied Employees Association of WA before I entered Parliament. I was the secretary of the Labor Party, not the shop assistants union. I have never even belonged to the shop assistants union.

Dr M.D. Nahan: You were a senior official of that union.

Mr W.J. JOHNSTON: Now he is saying "senior official". Yes, I was. I was an industrial officer, but the Leader of the Opposition said I was the boss, and he also said I was a member. Neither of those things are true.

Mr P.A. Katsambanis: How can you be in the shop assistants union if you are not a member?

Mr W.J. JOHNSTON: Because I am an employee. You do not have to belong to a union to work for it. I am an employee.

Mr P.A. Katsambanis: Which union do you belong to?

Mr W.J. JOHNSTON: I am a member of the Australian Services Union, but I do not understand how that has anything to do with this debate. I place that every year on my declaration, which I know members opposite all go away and read. One of the questions we are asked is whether we belong to a trade union, and I declare it, every year.

There is this myth that, somehow, our trading hours are different from those of other states. South Australia has almost identical trading hours to ours, including 11.00 am to 5.00 pm on Sundays. South east Queensland has restricted trading hours. The Australian Capital Territory does not let major shopping centres open late. The major shopping centres are restricted so that small business can have a go. I remind everybody that Paris does not allow trading on Sundays. I make the point that that is the world's number one tourist destination. More tourists go to Paris than to any other place in the world, and it does not trade on Sundays. We actually have more tourism trading opportunities than Paris. The idea that longer trading hours means more tourism is simply not true. Then there is the competition between online and offline trading. New South Wales has total deregulation of trading, and guess what? It has the highest use of online trading in Australia. The place that has the most liberal trading hours has the highest use of online shopping. This idea that if one is reduced the other increases is not borne out by evidence. That is in the Productivity Commission report. The Productivity Commission report also states that extended trading hours did not lead to additional jobs in retail in Victoria and New South Wales. There is no evidence at all to support this nonsense assertion that this is somehow about employment.

I get that Coles and Woolworths want to take market share from IGA and other independent retailers in their supermarkets. After all, we did increase the number of hours available for retailers over Christmas; we just did not increase it to the same extent as last year. Why is there a complaint about that? Because Coles and Woolies do not have the opportunity to compete with independent supermarkets. That is all we are debating. Department stores and clothing stores will not open at seven in the morning, because there are no customers. This is about supermarkets. That is what the complaint is. Chris Rodwell, from the Chamber of Commerce and Industry of Western Australia, is doing a good job on behalf of his members, who are those large retailers, but let me make it clear that that does not mean we have to change our minds. Coles and Woolies having an extra hour of trading on a Monday morning three weeks before Christmas is not the end of the world. I understand that part of their business model is to try to take business off small retailers. When we extended hours from 6.00 pm to 9.00 pm under the last government, that is what occurred. The average sale at Coles and Woolies goes down when the trading hours are extended, because people make more frequent visits to the shops when they would otherwise have gone to service stations and convenience stores. We all understand that. It is nothing unusual; it has been happening for 35 years. But a debate about one hour on a Monday morning is a fake debate. This is a fake debate.

No additional employment was generated by the decision last year, and no less employment will be generated by the decision this year. There will be no more online retailing this year because of this decision, as there was no less last year. The arguments about online retailing are bizarre. I have seen some of the silly things said by people at the Chamber of Commerce and Industry of Western Australia on this topic. I do not have time to go through all the silliness of those things, but let us get back to the facts. This motion is without merit. No wonder the Liberal Party cannot gets its coalition colleagues to support it. It is without merit. It is based on a false assumption, and it comes two months after the decision was made.

Division

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

Ayes (12)

Mr I.C. Blayney	Mr P. Katsambanis	Mr W.R. Marmion	Mr D.C. Nalder
Mrs A.K. Hayden	Mr Z.R.F. Kirkup	Mr J.E. McGrath	Mr K. O'Donnell
Dr D.J. Honey	Mr A. Krsticevic	Dr M.D. Nahan	Ms L. Mettam *(Teller)*

Noes (40)

Ms L.L. Baker	Mr T.J. Healy	Mr M.P. Murray	Ms R. Saffioti
Dr A.D. Buti	Mr W.J. Johnston	Mr P. Papalia	Ms A. Sanderson
Mr J.N. Carey	Mr D.J. Kelly	Mr S.J. Price	Mrs J.M.C. Stojkovski
Mr V.A. Catania	Mr F.M. Logan	Mr D.T. Punch	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Mr R.S. Love	Mr J.R. Quigley	Mr D.A. Templeman
Mr R.H. Cook	Mr M. McGowan	Ms M.M. Quirk	Mr P.C. Tinley
Ms M.J. Davies	Ms S.F. McGurk	Mr D.T. Redman	Mr R.R. Whitby
Ms J. Farrer	Mr K.J.J. Michel	Mrs M.H. Roberts	Ms S.E. Winton
Mr M.J. Folkard	Mr S.A. Millman	Ms C.M. Rowe	Mr B.S. Wyatt
Ms E. Hamilton	Mr Y. Mubarakai	Mr P.J. Rundle	Mr D.R. Michael *(Teller)*

Pairs

Mrs L.M. Harvey	Mr M. Hughes
Mr S.K. L'Estrange	Mrs L.M. O'Malley

Question thus negatived.

"DEPARTMENT OF FIRE AND EMERGENCY SERVICES ANNUAL REPORT 2017–18"

Correction — Statement by Acting Speaker

The ACTING SPEAKER (Mr I.C. Blayney): I have received a letter from the Minister for Emergency Services requesting that an erratum be added to the "Department of Fire and Emergency Services Annual Report 2017–18", which was tabled on 20 September 2018. The erratum addresses an error on page 131 relating to information provided at note 9.5, which details funding provided to affiliated bodies. Under the provisions of standing order 156, I authorise the necessary corrections to be attached as an erratum to the tabled paper.

[See paper 2080.]

BUSINESS OF THE HOUSE — COUNCIL MESSAGES

Standing Orders Suspension — Notice of Motion

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

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

McGOWAN GOVERNMENT — PERFORMANCE

Notice of Motion

Dr M.D. Nahan (Leader of the Opposition) gave notice that at the next sitting of the house he would move —

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

BILLS

Notice of Motion to Introduce

1. Bail Amendment (Persons Linked to Terrorism) Bill 2018.

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

2. Ticket Scalping Bill 2018.

3. Mining Amendment (Procedures and Validation) Bill 2018.

Notices of motion given by **Mr W.J. Johnston (Minister for Mines and Petroleum)**.

MINISTER FOR CORRECTIVE SERVICES — PERFORMANCE

Notice of Motion

Mr Z.R.F. Kirkup gave notice that at the next sitting of the house he would move —

> That this house condemns the Minister for Corrective Services for his failures in the corrective services portfolio.

McGOWAN GOVERNMENT — TRANSPARENCY

Notice of Motion

Mr Z.R.F. Kirkup gave notice that at the next sitting of the house he would move —

> That this house notes the Premier's commitment to gold-standard transparency in government and the failure of ministers in the McGowan government to meet the Premier's standard of gold-standard transparency.

McGOWAN GOVERNMENT — TOURISM INDUSTRY

Notice of Motion

Ms L. Mettam gave notice that at the next sitting of the house she would move —

> That this house notes the poor performance of the McGowan government in its failure to deliver for the tourism industry evidenced by a decline in international visitor numbers and spend, a reduction in international students and a failure to deliver additional direct flights to Western Australia.

McGOWAN GOVERNMENT— ELECTION COMMITMENTS — FINANCIAL MANAGEMENT PLAN

Removal of Order — Statement by Acting Speaker

The ACTING SPEAKER (Mr I.C. Blayney): I inform members that in accordance with standing order 144A, the order of the day that appeared on the last notice paper as private members' business order of the day 1, "Financial Election Commitments", has not been debated for more than 12 calendar months and has been removed from the notice paper.

CHILD SUPPORT (COMMONWEALTH POWERS) BILL 2018

Second Reading

Resumed from 27 June.

MR P.A. KATSAMBANIS (Hillarys) [3.57 pm]: I rise as the lead speaker on the Child Support (Commonwealth Powers) Bill 2018 to indicate right from the outset that the opposition supports the passage of this bill.

I considered how to start my contribution on this important bill and whether I should simply start by proclaiming "Hallelujah!" or "It's about time!" or in some other way. This is something that should have been done 30 years ago. But we are finally getting around to it today. I have spoken in this place before about the need to ensure that child support provisions in Western Australia are harmonised for the benefit of children and their parents—but primarily for the children, for whom the child support is provided. For too long in Western Australia, there have been effectively two classes of children when it comes to the provision of child support. I will explain how that happened in a minute. The first group of children are those who are born into a family with parents who have been legally married. If those parents separate or divorce, those children will be subject to the commonwealth child support scheme as it stands at that time. However, exnuptial children do not get the same benefits until each of the amendments that have been made to the commonwealth scheme since 1988 come into effect. In the interregnum there are effectively two child support systems running in Western Australia. Sometimes that can take some time; it can take six months, 12 months or 15 months. The benefits that ought to flow to all children who require support upon separation of their parents do not flow to one group—that second group of children that I outlined. The genesis of this issue goes back to the commencement of the commonwealth's child support scheme and the legislation that underpinned it. The two key pieces of legislation were the Child Support (Registration and Collection) Act 1988 and the Child Support (Assessment) Act 1989. There is no dispute that the commonwealth has constitutional power to legislate for children if they are a product of a marriage. It has that constitutional power and it has never been disputed. However, the legislative power relating to children who are born of parents who were not married vests in the first instance with the individual state Parliaments. It is not a matter that was referred to the commonwealth by the Constitution upon commencement of Federation in 1901.

For those child support provisions to apply to children not born in a marriage—exnuptial children, to use the term, which I assume is a form of Latin; we try to speak in plain English nowadays—firstly, we need the commonwealth Parliament to pass legislation to make changes. Secondly, we need the state Parliaments to adopt that commonwealth act. As I said earlier, it can take a significant period for that act to be adopted in a particular state—in effect, in Western Australia. It is complicated by the fact that the state cannot commence the adoption process until the commonwealth legislation has passed both houses of the commonwealth Parliament, received royal assent and come into operation. Again, we cannot commence the process until the commonwealth bill has become law. That makes it difficult. It creates significant uncertainty for parents and difficulty for children. Of course, it means that we have these two parallel systems running, with the bureaucrats effectively applying two sets of rules in that interregnum period. It rolls on because the commonwealth updates the legislation quite regularly to deal with anomalies and changing circumstances. To overcome that issue and that time lag and to ensure that all children are on an equal footing at all times with the provision of child support, all the other states, except Western Australia, have referred their legislative power so that when one of those two commonwealth statutes that I referred to—the registration and collection act and the assessment act—are amended, the amendments themselves have immediate application to the children in those other states. That happens because their Parliaments have chosen to refer their constitutional power to the commonwealth. Instead of doing that, since 1988, Western Australia has chosen not to refer power in this area to the commonwealth but instead to formally adopt each change of the commonwealth as it goes on. The rationale for doing that may well have existed back in 1988.

There is an issue of federalism here. I support the concept of federalism, particularly the concept of states' rights. In this place and in this state we have had a strong argument about the debasement of our Federation by the unfair way that Western Australia has been treated in relation to GST. We have to be careful about referring our power as a Parliament to the commonwealth Parliament. We do not want the commonwealth Parliament to start making capricious rules and decisions that impact unfairly on Western Australia and Western Australians. The billions of dollars of GST that we have missed out on pays testament that, in some circumstances, particularly financial circumstances, we should not blindly trust the commonwealth. But there has never been one occasion since the commencement of the current child support system back in the late 1980s on which the Western Australian Parliament has refused to pass the act to give force to the commonwealth's amendments to its legislation. In every single case in the last 30 years, this Parliament has essentially acted as a rubber stamp to the commonwealth changes, except with quite a delay and quite a time lag. As I said, there are reasons for that delay. We have our own legislative program. We sit at different times than the commonwealth and have election cycles that are different from the commonwealth. We also have the provisions of section 51(xxxvii) of the Australian Constitution, as I referred to earlier. It means that we can extend the commonwealth changes to our state only when the Parliament adopts the amended commonwealth legislation in a process that is referred to as "afterwards adopts".

It means that we have to adopt it after it has become law—after it has gone through all the stages of the commonwealth Parliament. That combination of factors means that there is a delay, and kids miss out on the support they need.

The frequency with which the commonwealth Parliament amends these laws has been increasing. Since 1990, eight bills have come through this place—three of those bills were introduced in the past four years—so essentially over three decades. It has been speeding up as the commonwealth finds new anomalies and perhaps people try to avoid their fair and just obligations. The commonwealth is tightening up to ensure at all times that the principle that parents equally share the responsibility of raising children and equally share in the financial burden of raising children is maintained and that the best interests of the child is taken into account at all times.

I understand the reticence and the resistance to unilaterally referring our powers to the commonwealth government over any issue. As I said, we have sad experience in this state of being dudded, by the fact that the commonwealth has controlled the purse strings, particularly in relation to the GST but on other matters as well, including road funding and the like, in which there is almost no correlation between the fuel excises collected in Western Australia and the money that the federal government returns to Western Australia for roads and transport more generally. There are other major anomalies that we can talk about, such as funding of medical research and the like whereby unfortunately we do not get our fair share; most of it goes to the eastern states. If we go through the federal budget, we can see that in almost every area, we are missing out. It is right to be reticent, careful and cautious, but 30 years of reticence, care and cautiousness is a bit too much, especially in this area in which we have never chosen not to adopt the changes. All we have done is create a rolling series of periods of uncertainty for custodial parents and for their children in particular. It has really made no sense.

Probably since the mid-1990s, this modern, if you like, child support system that was implemented in the late 1980s was bedded down and became relatively accepted. There is always debate in this area. All areas of family law can turn adversarial and there is always bitterness and emotion involved. But the system itself bedded down. We saw that it was operating relatively well and there was no need for us to continue this dual pathway of having the commonwealth laws pass and then needing to affirm them in Western Australia. There was no need, particularly because of that creation of two groups of children. The children of legal marriages got the benefit straightaway, and the children who were not born within a legal marriage did not get the benefit. We got over the issue about whether children are nuptial or exnuptial many, many decades ago. It is not an issue or a debate at all. It was simply more a federation and states' rights issue that has been allowed to get out of hand. We lost sight of the fact that there was no issue of anyone being dudded, like we were on the GST. There was no issue about us ever questioning the commonwealth's changes; it was simply an issue of the mechanics getting in the way of expediting a better outcome for children.

I personally welcome this legislation. The opposition welcomes it. The Attorney General and I have bantered across the chamber about the need to do what we are finally doing with this bill. Technically, the bill will adopt each and every commonwealth child support law and amendments that have been enacted between September 2017 and when this bill receives assent. That is important. I described earlier that process whereby the commonwealth bill has to go through all its stages, become law and then we commence the process. Between the time we pass this bill and the time that the bill receives royal assent, it will have gone to the Legislative Council and through its processes, which I imagine will include a committee process because it is a referral of state power to the commonwealth. By the time we go through all that, there might be other changes to the commonwealth legislation. There is no point in having passed this bill that comes into effect only when there is royal assent, and something happens in that interregnum period. The date of 1 September 2017 was chosen because that is obviously the last time we dealt with one of these adoption matters. After it does that, the bill will refer the state legislative power to the commonwealth Parliament. It is a narrow referral. I always take some special interest in this, because as I said, I am someone who inherently believes that federalism provides the best form of government across Australia, and I am a proud upholder of states' rights, so I do not want to see a referral of power either deliberately or, probably more so, accidently to the commonwealth that we do not want it to have. It says very clearly in the referral, under clause 5 —

> (1) The matter of the maintenance of exnuptial children is referred to the Parliament of the commonwealth.

Subclause (2) outlines avoiding any doubt. Subclause (3) says —

> To avoid doubt, the matter referred does not include any matter addressed in the Family Law Act 1975 (Commonwealth) Part VII, including conferring jurisdiction on any of the following courts under that Part …

That deals with the fact that we still have a separate Family Court in Western Australia. I would be interested to hear the Attorney General's view on what he thinks should happen to that separate Family Court and whether he has any intentions of changing it. I personally have no concluded view on the matter. I obviously take a significant interest in it and I know that there are pros and cons. One of the major pros of keeping our separate system is that there is universal acknowledgement that although there are delays in all the family court jurisdictions,

Western Australia seems to have a system that operates a bit better and quicker and leads to better and quicker outcomes for the people involved in Family Court disputes than in the rest of Australia, which operates under the unified federal Family Court of Australia under the Family Law Act 1975—the commonwealth act. That is just in passing. If the Attorney General is wont to do so, he can enlighten us about whether he has any thoughts on what he might do in that area. It is an area that legal practitioners think about. I am not necessarily sure that the public is aware of that separation of the jurisdictions. Those who have been through it are. As I said, because our system in most cases tends to process matters more quickly than the federal Family Court does, those people have been beneficiaries, and they welcome that. But beyond that I do not think there is a great public understanding of the separation that exists, because, really, the current family law system has been in operation for more than 40 years. There is always a lot of debate about it—it is always emotionally charged—but in the main it has been accepted as operating relatively well and at least deals with matters that were not being dealt with, if anyone wants to go back to that dim, dark past. I have no personal recollection of the period prior to 1975, but I have heard all the anecdotal stories and obviously read about the past in law lectures, and that was not a very good system at all.

The other thing that this bill does is include a clause that allows for the state to terminate the adoption of those commonwealth laws, which I said it does in the first part, and terminate the referral that we are giving today, if and when this Parliament instructs the Governor of the state to do so. I will probably discuss that clause with the Attorney General briefly at the consideration in detail stage, to go through some tintacks on that matter. But, again, this clause affirms the sovereignty of this Parliament in this area. We are not handing something over to the commonwealth and saying, "This is yours for time immemorial." We are saying, "This is our area of the law. Constitutionally, this is our area." At the moment, based on 30 years of experience, we think we know what is coming up in the future and that it is best that we have one unified system. But who knows what happens in the future?

Clause 6 basically provides that if at some time in the future we think that the legislation is not working—I imagine that if we do come to that decision, it will be because it is not benefiting the children of Western Australia—we still reserve the right, as a sovereign state and Parliament, to terminate that reference. That is fair and reasonable. Again, that should alleviate any of the concerns that anyone might have about us diminishing our sovereignty or in some way or other fettering our Parliament by passing this bill.

Interestingly, the last clause in this bill, clause 9, repeals the Child Support (Adoption of Laws) Act 1990. Perhaps the Attorney General might want to put on record why that act is being repealed but none of the subsequent adoption acts that have been passed by Parliament is being repealed. I think I said earlier that there have been eight such acts. Perhaps he can place on record why we are repealing only that one and not the others.

I do not think I need to add to the 30 years of consternation about this by lengthening my speech, but it is very important to highlight that when we are living in a federation, yes, we can ride the horse on states' rights and on federalism, and it is important. It is critically important, because we here in Western Australia have so much recent bitter experience about what happens when federation frays and a commonwealth Parliament—in cahoots, I would say, with some of the states that might benefit from our industry, our progress and our largesse—can act in a manner that is capricious to the interests of Western Australians, but this is not such an area. This area is now very clearly understood. Yes, it creates a lot of consternation for the parties and practitioners involved and for the system.

The one group of people I feel sorry for more than anyone are those people who administer the child support system, especially the frontline staff on the telephone, who do the best they can to apply the laws and the regulations of the land for better outcomes. Nobody would accuse the parties ringing them up of having personal enmity towards those people, but the whole emotional distress that is caught up in separation and perhaps, in particular, small separation of parents from children, is often then transferred to the person at the end of the phone in abusive and horrific ways. I really sympathise with those people. As someone who has been involved in the system, those people are under-appreciated. I do not know whether better recompense would make up for what they cop, but it is fair to say that they are under-appreciated and underpaid for what they do. I hope that, in some small way, removing that duality of the system and that need to explain to people, usually over the phone, why the new commonwealth laws do not apply to them and their children will at least alleviate some of the stress and distress that those people are put under far too often and almost invariably on a daily basis.

With those words, I personally welcome this bill. I think it has been a long time coming. The opposition clearly supports this bill and, despite the necessary processes in the Legislative Council that will, I assume, see this bill go to a committee to make sure that it ticks all the boxes about referrals and uniform legislation and the like, I wish this bill as speedy passage as possible so that it can become law.

MR S.A. MILLMAN (Mount Lawley) [4.25 pm]: I also rise to make a brief contribution to the debate on the Child Support (Commonwealth Powers) Bill 2018. I thank the member for Hillarys for his contribution and I echo his sentiments about the people who administer the child support system, particularly those who work in a commonwealth agency in Western Australia. I echo his calls for them to get a pay rise. I think that is an excellent sentiment, and I am sure that the federal government can take up that issue. At the start of my contribution to this debate, I say that I am glad we are ad idem on that issue. They are incredibly dedicated and hardworking people.

By way of background, the Western Australian Parliament has the power to make laws with respect to all matters—peace, order and good government. The commonwealth Parliament, conversely, has the power to make laws with respect to those matters that are enumerated in section 51 of the commonwealth Constitution. Section 51(xxi) of the commonwealth Constitution allows the commonwealth Parliament to make laws with respect to "marriage" and section 51(xxii) of the commonwealth Constitution allows the commonwealth Parliament to make laws with respect to —

> divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;

Pursuant to these powers, in the mid-1970s, 1975 and 1976, the commonwealth introduced the Family Law Act. In accordance with provisions in the commonwealth Family Law Act, in particular section 41, the Western Australian state Parliament was entitled to create its own Family Court of Western Australia, which is what it did.

[Quorum formed.]

Mr S.A. MILLMAN: I would like to direct the member for Hillarys' attention to the comments made by Sir Des O'Neil, when he was the Minister for Works, at the introduction of the legislation to create the Family Court of Western Australia. The member for Hillarys was waxing lyrical on what some of the reasons might have been, although he supposed that they were lost to the mists of time. I assure the member that they are not lost to the mists of time. The honourable minister said that he was concerned over demarcation disputes between the commonwealth and the state as to which law applied. He was concerned that the Family Court of Western Australia would be able to exercise state jurisdiction in addition to its federal jurisdiction. He was concerned—this was an important attribute—to keep the justice system as close as possible to the people. We would do well to have regard to that sentiment today.

If we fast-forward approximately 10 years to 1986 and then 1988, the Family Court of Australia had been in operation for a number of years, but a number of jurisdictional problems had arisen, particularly because of the intersection of the commonwealth constitutional authority and the retained state's constitutional authority, and also the way in which the family law court was operating. Those problems were also experienced in other jurisdictions that did not establish their own separate family court.

In the 1980s, the child maintenance powers possessed by the various states were referred under section 51(xxxvii) of the commonwealth Constitution to the commonwealth Parliament to make child maintenance laws. Members may not be aware that before the legislation of child maintenance provisions, issues of child maintenance and child support were the preserve of the courts. This legislation was designed to give statutory effect to that, so in the mid-1980s the commonwealth Parliament legislated.

I will recite section 51(xxxvii) for the benefit of members. It says that the commonwealth Parliament has power to make laws on —

> matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, —

That is the first category—states that referred their powers to the commonwealth to make laws with respect to child maintenance. The section continues —

> or which afterwards adopt the law;

Once the legislation had passed through the commonwealth Parliament, it was open to the Western Australian Parliament to adopt the commonwealth legislation, and in 1988 that is precisely what the then Labor government did. I refer members to the comments of Hon Bob Pearce, the minister with carriage of the Western Australian legislation in 1988. During his second reading speech in October 1988 he said —

> The need for the State Bill arises from the limited nature of Commonwealth law-making powers concerning children.

That is the problem I highlighted in my initial comments. The second reading speech continues —

> Since 1975, when the Commonwealth enacted its Family Law Act, those limitations have caused serious jurisdictional problems in States other than Western Australia.

Those are the problems I just referred to for those states that referred their powers. The second reading speech continues —

> We were able to avoid most of those problems by establishing our own Family Court of Western Australia.

Member for Hillarys, that was another reason that it was worthwhile for Western Australia to establish its own Family Court at that time. I again quote Hon Bob Pearce —

> To overcome these difficulties New South Wales, Victoria, South Australia and Tasmania in 1986 referred power to the Commonwealth to legislate for the maintenance of children. On the basis of that reference, the

> Child Support Act extends to all children in those four States. Section 51(37) of the Australian Constitution allows this State to now adopt that law so as to extend its cover to all children in Western Australia.

That is the mechanism by which the current scheme was implemented, and it has operated, as the member for Hillarys said, for the last 30 years.

We come to today. The passage of the Child Support (Commonwealth Powers) Bill 2018 through this activist Attorney General will give effect to two themes that resonate with members on the government benches, and I hope with every member of this Parliament—that is, equality before the law, and the efficient operation of our justice system. At the moment in Western Australia there is a distinction between the rights and entitlements enjoyed by children of a marriage and exnuptial children. That distinction arises as a result of the delays referred to in the Attorney General's second reading speech and in the contribution of the member for Hillarys, so I do not propose to canvass them. But the inequality between marital and exnuptial children in WA can disadvantage the latter, especially financially. The problems associated with the mechanism by which the Western Australian Parliament has to adopt these commonwealth laws mean delay, injustice and unfairness for Western Australian children. This legislation will provide a limited referral of Western Australian lawmaking power to the commonwealth Parliament, so that we can avoid inequality before the law and the inefficient operation of our justice system. This long overdue change will finally mean that Western Australians can benefit from the same rules as the rest of the country. It will promote equality before the law and the efficient operation of the justice system, and I congratulate the Attorney General and support this bill.

MR J.R. QUIGLEY (Butler — Attorney General) [4.35 pm] — in reply: I thank members for their contributions to the second reading debate. I will briefly address a couple of propositions raised by the member for Hillarys in his second reading contribution. It is important that we pass this referral power today because not only is there a time lag between an amendment to the child support scheme in the commonwealth Family Law Act, but also it has this impact: in a marriage—in a family unit—there could be both exnuptial children and children of the marriage. After a marriage breaks down and child support is applied for, there is currently a difference in the level of support offered to the child born prior to marriage—the exnuptial child—and those born within the marriage. This legislation will mean that not only will there not be a delay in amending the level of child support from time to time for exnuptial children, but also there will be equity and parity between the children of the union, and support will not be offered for an exnuptial child at a lower rate than for children born after the couple were married. We think that is important.

The member for Hillarys raised the Western Australian Family Court and said that nationally it has a good reputation. That is true, but the federal Attorney-General has announced significant reforms to the Family Court of Australia. These reforms have been met with stiff criticism from the Australian Bar Association, the Victorian Bar, the Law Institute of Victoria and the New South Wales Bar Association. Most jurisdictions have been critical of these reforms. Only last week I was a participant in the Australian Bar Association's annual conference in Sydney, where the proposed reforms came under a welter of criticism—not, of course, from the Attorney-General who proposed them and who sought to defend them in the session at which he spoke. The criticism of the profession in the eastern states, member, was around the proposition that most cases will now be heard by the Federal Circuit Court judges—formerly known as federal magistrates. They will not be specialist Family Court judges, as we have in Western Australia. One day, the Federal Circuit Court judges could be hearing an aviation case, the next day they could be hearing an immigration case, and the next day they could be hearing a case for child protection or parenting orders, and that is what the profession is trying to push back against. It is problematic whether these reforms will come through and, in this Parliament, I do not seek to address their merit or otherwise. I was only reflecting on what has been said on the eastern seaboard.

In this Parliament some time ago, I rhetorically asked the question why we maintain a separate jurisdiction. I am ever so thankful that we do, because we are retaining, in Western Australia, a very well-proven system in which we have, at this moment, four Family Court judges in Western Australia and nearly 10 Family Court magistrates in Western Australia who hear independent matters all the time. They have become specialists in that area. I personally believe that over the coming years, if these reforms go through, others will look jealously on the system we have here in Western Australia of specialist judicial officers in this forum. The forum itself is a very testing forum for judges and judicial officers because so often the parties are self-represented, the proceedings are highly emotionally charged, and what is up for grabs in these proceedings is not just the assets of the family but the futures of the children of the marriage or union. In my judgement and in the profession's judgement it is highly more desirable, when they are dealing with the best interests of a child, that a specialist judicial officer turns his or her mind to that on a regular basis, rather than someone who dealt with an aviation or immigration matter yesterday and is dealing today with parenting orders. That is a matter for judgement, but that is the judgement that this government makes and it is a judgement shared by previous governments of both persuasions.

I want to turn briefly to the question of referral. If we are going to maintain the Family Court of Western Australia, it is important that we do not give over to the commonwealth, by referral, too much power or pretty soon we will

find that there is no power and no need for a Western Australian Family Court. That is why clause 5 of the bill, the referral clause, which is under the heading "Referral of maintenance of exnuptial children", states —

(1) The matter of the maintenance of exnuptial children is referred to the Parliament of the Commonwealth.

Just to be clear that it is in relation only to the maintenance of those exnuptial children being referred to the commonwealth and not otherwise, subclause (2) states —

(2) To avoid doubt, the matter referred includes the matter of amending, or otherwise affecting the operation of, the Commonwealth Child Support laws.

It includes everything in relation to the child support laws, but subclause (3) states —

(3) To avoid doubt, the matter referred does not include any matter addressed in the *Family Law Act 1975* (Commonwealth) Part VII, including conferring jurisdiction on any of the following courts under that Part —

(a) the Family Court of Australia created under the *Family Law Act 1975* (Commonwealth) section 21;

(b) the Federal Circuit Court of Australia continued in existence under the *Federal Circuit Court of Australia Act 1999* (Commonwealth) section 8;

(c) the Family Court of Western Australia.

None of the powers under them are being referred. This referral does not include them and preserves the jurisdictional warrant for Western Australia in all the other matters that are not specifically referred to in this bill, which is the child support powers for exnuptial children. Subclause (4) states —

(4) The reference has effect only if and to the extent that the matter is not included in the legislative powers of the Parliament of the Commonwealth (otherwise than by a reference for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth).

That section gave the commonwealth the constitutional power over marriage.

Of course, there is also a termination clause. We believe it is important to refer only that which is absolutely necessary to be referred and not refer any other jurisdiction of the Family Court of Western Australia, otherwise we will not have anything left in Western Australia to warrant there being a Western Australian Family Court. We will have referred all its powers. We do not want that to happen for the reasons already expressed.

Lest there be any doubt about that termination, there is a termination clause as well. As I understand it—the member for Hillarys raised clause 9—we are referring all the amendments up until the date of proclamation of this bill. I think September 2017 was the last adoption by this Parliament of commonwealth amendments, but there were further commonwealth amendments in July of this year, I believe, in relation to taxation assessments, family benefits and one other area in the last commonwealth round of amendments to child support. We are adopting all of those in this bill to bring it right up to date and then we will refer the power. Once the power has been referred, there therefore is no need for the 1990 act to remain, which is why that act will be repealed and the commonwealth henceforth will have the power to make laws for the child support of exnuptial children. We will not need an adoption act because the commonwealth will be doing this itself, but under only this referral for the child support of exnuptial children and the power in the referral to amend that from time to time. If the commonwealth tries to, by way of legislation, reach further into our jurisdiction, we always have the powers to withdraw the referral, not by legislation but by proclamation brought before each house of Parliament.

For the reasons expressed by both the member for Hillarys and the member for Mount Lawley and, I say humbly, for reasons I have put before the chamber, this bill should be unanimously supported by members of this Parliament.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Terms used —

Mr P.A. KATSAMBANIS: I, too, welcome the Solicitor-General, Mr Thompson, to Parliament.

Clause 3 is the definitions clause or, as the drafters now like to say, "Terms used". The definition of "commonwealth child support laws" includes the commonwealth Child Support (Assessment) Act 1989 and the commonwealth Child Support (Registration and Collection) Act 1988. Paragraph (c) of the definition includes any commonwealth enactment that amends or otherwise affects the operation of those acts and has not come into operation before the commencement date.

For completeness and to make sure that the system will carry on in the future without any hiccups, what will happen if the commonwealth chooses to repeal those acts and replace them with new acts, a consolidated act or whatever may happen in the future? Will there be any opportunity for the responsible Western Australian minister at the time to prescribe the new commonwealth act or acts so that the system will operate seamlessly? I realise it is only a remote possibility, but if the commonwealth repeals these acts in the future and they no longer apply, will we need to come back to this place to pass separate legislation or will the referral power contained in this bill deal with that matter?

Mr J.R. QUIGLEY: No, we will not have to come back. Those two acts are referred to in the definition of "commonwealth child support laws" in this bill, but clause 5 refers the matter of maintenance of exnuptial children to the Parliament of the commonwealth. Even if the commonwealth repeals those acts and replaces them with some other act, it will have the power that we are referring to pass new legislation. The first of the two acts the member referred to, the Child Support (Assessment Act) 1989, provides the child support formula based upon the income of the contributing parent. The second of the two acts, the Child Support (Registration and Collection) Act, relates to the registration of that assessment with the Child Support Agency, which collects payments through the Australian Taxation Office. We will not have to come back because we are referring a head of power rather than a particular piece of legislation.

Clause put and passed.

Clause 4: Adoption of the Commonwealth Child Support laws as in force immediately before commencement day —

Mr P.A. KATSAMBANIS: Clause 4 is in part 2 of this bill. If the Attorney indulges me, I will chop and change between clause 4 and clause 6 to talk about the operation of clause 4. I think it will speed up the process if we can simply discuss the operation of the bill rather than tie ourselves down to the clauses. If the Attorney General is not happy with that, we will find another way.

Clause 4 adopts the commonwealth child support laws in force immediately before the commencement date. That is a good idea, and we discussed that. We discussed that we need to have it this way because commonwealth amendments may be made between now and the commencement of this bill. In his summing up the Attorney General pointed out that one change has not been formally adopted by our Parliament. I guess that will be wrapped up in the adoption and referral and will be taken care of. Clause 4(2) provides that we can end the adoption by the procedures spelt out in clause 6. I will not ask the Attorney General to foreshadow what circumstances might arise in which the state might choose to terminate the adoption and the referral because I would be asking him how long is a piece of string. However, in the future, if the state chose to terminate this adoption and referral for one reason or another, what laws would apply upon that termination? I do not ask this question as an esoteric legal exercise, but as a guide to people in the future. If they ever consider termination, I would hope that they read this debate to get some understanding of what the landscape might be upon termination so that they will consider what measures need to be put in place to replace the adoption and referral that they may terminate.

Mr J.R. QUIGLEY: The member is right. Clause 4(1) adopts all the amendments up until the date that we take this on. It states —

> The Commonwealth Child Support laws, in the form in which they exist at the end of the day before commencement day, are adopted within the meaning of section 51(xxxvii) of the Constitution …

Any amendments, including those made in July and any others that might happen between now and the commencement of this act, will be adopted.

Clause 6(1) refers to the adoption and the reference; that is, the referral of powers. Clause 4(2) states —

> Despite subsection (1), the adoption has effect for, and for no longer than, the period —
>
> (a) beginning on commencement day; and
>
> (b) ending on the day fixed under section 6 as the day on which the adoption is to terminate.

As I referred to in my response to the second reading debate, the government, by motion of this Parliament, can proclaim the termination of the adoption. At that point, it can either terminate the referral or terminate all the adoptions that have happened in between that time. To do that, there would be nothing left. Parliament would then have to adopt whatever laws the commonwealth has, or legislate its own child support scheme for exnuptial children. It is looking into a crystal ball to know what a Parliament might do in that circumstance. There might be a reason, for example, that some future government, unimaginable as it might be, might set different rates of support for exnuptial children and nuptial children. We are not buying into that. We want to terminate the adoption, terminate the reference, and set our own more equitable and just circumstance here. So long as things stand, we are happy to make the referral and to adopt all of the amendments that have been made in the meantime, and we have a power to terminate should something unexpected and unforeseeable happen that this Parliament will regard as unjust to exnuptial children. The landscape would then be a blank canvas for this Parliament to legislate.

Mr P.A. KATSAMBANIS: That is a useful explanation and I thank the Attorney General for it. Really, he has highlighted that in the future, if some different version of this place chooses to terminate the adoption and the referral, we will not revert to the laws that operated between 1988 and now; there will be a void, so they will have to turn their mind to whether they adopt —

Mr J.R. Quigley: Readopt.

Mr P.A. KATSAMBANIS: Yes, readopt—in some other form a commonwealth scheme or whether we will have to create a Western Australian version of the child support system. The Attorney General's explanation suffices. I think it will also probably satisfy those people in the community who might fall into the camp of the Western Australian secessionists. Thank you, Attorney General.

Clause put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Section 5 amended —

Mr P.A. KATSAMBANIS: This clause is part of part 3. It amends the Family Court Act 1997. For clarity, that is the Family Court Act of Western Australia, obviously. Clause 8 deletes the existing definition of the Child Support (Assessment) Act and the definition of the Child Support (Registration and Collection) Act and replaces those definitions with new definitions that are spelt out in subclause (2). What is the practical difference that is made by those changes and why are they necessary?

Mr J.R. QUIGLEY: Currently, the Western Australian Family Court Act 1997 defines the commonwealth Child Support (Assessment) Act 1989 and the commonwealth Child Support (Registration and Collection) Act 1988 by reference to the Child Support (Adoption of Laws) Act 1990. Clauses 7 and 8 change that cross-reference to the proposed Child Support (Commonwealth Powers) Act 2018. Clause 9 will repeal the Child Support (Adoption of Laws) Act 1990. The other acts that I mentioned—the Western Australian Family Court Act 1997, the commonwealth Child Support (Assessment) Act 1989 and the commonwealth Child Support (Registration and Collection) Act 1988—define it by reference to the Child Support (Adoption of Laws) Act 1990, which will be repealed. We put those new definitions there so that it is not by way of reference anymore. The member will now find these definitions in the proposed Child Support (Commonwealth Powers) Act 2018. That is where those two definitions come from; not by cross-referencing them back to an act which is about to be repealed.

Clause put and passed.

Clause 9 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

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

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME) BILL 2018

Second Reading

Resumed from 15 August.

MR P.A. KATSAMBANIS (Hillarys) [5.08 pm]: This will be a busy day for the Attorney General and I. A series of important bills that have been on the notice paper for some time need to be dealt with. I am glad we will have the opportunity to deal with them today. This is the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018. The title is relatively self-explanatory. In Western Australia, like in every Australian state, we have a Registry of Births, Deaths and Marriages. The state has jurisdiction upon registration of these three very significant milestones in people's lives: births, deaths and marriages. This bill deals with the aspect around the registration of changes of names. Informally, people can adopt any name they might wish to be called by. They can ask their friends, relatives and work colleagues to call them by any name, but for there to be legal effect to a change of a person's name and to utilise that legal effect to produce a series of identity documents, there needs to be registration of the change of name with the births, deaths and marriages registration processes in each state. I think every state in Australia has a version of a registry of births, deaths and marriages. There needs to be a formal process to register a change of name. Until events of the last few decades, it was a relatively uncontroversial area. People may have had issues with it, but a spotlight had not been shone upon it to highlight that there might be issues with people changing their name, particularly for purposes that might be described as nefarious purposes, to mask criminal activity or to hide their true identity and whereabouts from authorities and perhaps from any other people with a legal justification to find them.

The attack on 11 September 2001—it seems so long ago now—on the World Trade Center in New York City changed a lot in the Western world. That attack and its aftermath led the Council of Australian Governments to

look at this area. COAG endorsed a national identity security strategy through the signing of an intergovernmental agreement in 2007. That agreement was to try to combat identity theft and the fraudulent use of stolen and assumed identities through enhanced identification and enrolment processes. Axiomatically, that strategy accepts and reinforces that the registration of all births, deaths and marriages are matters properly in the reserve powers of each state and not matters for the commonwealth government. A range of initiatives were introduced including change-of-name processes; better information-sharing arrangements across jurisdictions, which is critical so we can make sure that the general public is protected; and the creation of and participation in the national document verification system.

Moving forward, in 2011, the body under COAG that was then known as the Standing Council on Law and Justice—it has had various incarnations over the years—agreed to consider implementing recommendations made in a discussion paper headed "Ten Recommendations for a Better Approach to Change of Name Processes in Australia". It was noted at the time by that standing council that comprised Attorneys General and ministers of justice from all the jurisdictions—the eight states and territories and the commonwealth—that the committee recognised that national consistency was really critical in this area to support the identity security outcomes that the National Identity Security Strategy wanted to implement.

Again, following the Lindt Café siege in Martin Place in Sydney in 2014, a joint review between the commonwealth and New South Wales governments recommended that states and territories continue to implement that change-of-name improvement process and look at ways to improve information-sharing arrangements between government agencies so people could not use the change-of-name processes and any cracks between the various jurisdictions to mask their identity or assume a fake identity for the variety of nefarious purposes that that could be done for. At the same time, obviously, it allows people who want to change their name for legitimate reasons to do so in a relatively easy manner.

Based on all those reviews, outcomes, reports, recommendations and a recognition of the impact identity theft can have in a modern global online-connected environment, the government has brought this bill into this place. We hope that the passage of this bill will improve the change-of-name process. I think it does. It will minimise any potential for exploitation. We can never quite eliminate it, but we can greatly minimise the number of people who want to use the change-of-name process for bad purposes.

It is interesting that the Attorney General's second reading speech spells out that every year about 42 000 people across Australia change their name. Based on population and real statistics, it seems that the percentage of Western Australians who change their name is pretty much analogous to that national total. Around 4 200 people register their change of name in Western Australia every year. As I said earlier, people may choose to informally change their name, but it must be registered in order to use the formal registration process so that their birth certificate, driver's licence, passport and everything that follows reflects their change of name.

Currently, people either born in Western Australia or normally resident in this state can apply to change their name. Parents of children can also apply to change their child's name, and there are procedures by which it can be done automatically upon orders of the Family Court. It is important to spell that out, but I am not going to delve into that now for those reasons. There is obviously a procedure to register a change of a child's name if Family Court orders are in place, and that is important. If people born outside Western Australia, including me, change their name, they could go to the Western Australian registry and change their name. When we spell that out, it is quite clear that if a person is registered as born in another state and they register their change of name in Western Australia, there is a small window of opportunity for the creation of multiple identities and various other issues. That is one of the great risks highlighted throughout all those reports I mentioned earlier. It has been considered by COAG, the various justice ministers' forums under COAG, whether that is the Standing Council on Law and Justice or the old Standing Committee of Attorneys-General—whichever words we use—and identified as a clear risk and a real vulnerability. This bill will limit the ability of people born in other states to change their name in Western Australia. It is really limited to people who are born in Western Australia. If someone who was born in another state wants to change their name, they really need to go to that other state and change their name there.

There are special provisions relating to children. As I said earlier, parents are allowed to register their children's change of name and follow up on any Family Court orders. By making this change and only registering changes in name for Australians who were born in Western Australia, it is considered that this closes a significant gap that may have been exploited by people who had bad intentions.

Mr A. Krsticevic: What if you were born overseas?

Mr P.A. KATSAMBANIS: My friend and colleague the member for Carine asked me what would happen if someone was born overseas, as he was. I do not know whether he is trying to tell us something—that he wants to change his name! I think he prefers that people are able to pronounce his name. I try my best, also having a name that is sometimes difficult to pronounce. It is a fair question, and I was going to get to it. Under this bill, people who were born overseas must be able to prove that they are ordinarily resident in Western Australia before they can change their name in Western Australia. It would be pretty unfair to force those people to fly to Croatia, in the case of the member for Carine. It was not even called Croatia when the member was born; it was part of the

Federal Republic of Yugoslavia. I know that a lot of members in this place were born in the United Kingdom and other countries. That would be an onerous task. There are many good reasons for people to change their name. I do not think it would be right to restrict those people. There are restrictions. People will be able to change their name in the state in which they are ordinarily resident. They can "forum shop", if we like, or go to two different states and change their identity so they have two identities, as people of ill will might want to do.

There is a restriction on the number of times people can change their name. People can only change their name once in any 12-month period and up to a maximum of three times in their lifetime. For almost every legal and correct circumstance, that should suffice, but a bit of consideration is given to people who might be unduly inconvenienced by that. A power is given to the Registrar of Births, Deaths and Marriages to consider allowing someone who has already changed their name once in 12 months or up to three times in their lifetime to again change their name if they want to take their spouse's name or if they want to change their name following a divorce. There are some discretions that will extend that for someone who is experiencing domestic violence or other certain protected persons. That is fair and reasonable. During consideration in detail, I will ask the Attorney General a few specific questions about how that will operate in practice. Will there be guidelines or will the registrar be unfettered in the use of that power or what may happen in the future? If someone has a legitimate reason and satisfies the registrar that they have a legitimate reason, they will be able to change their name more than once in 12 months or more than three times in their lifetime. It may only apply in very limited circumstances but if we did not have that provision and we did not give the power to somebody, it may lead to unintended and unfair consequences, especially in circumstances of divorce or family violence.

The legislation is not crafted to stop people who want to change their name for legitimate and fair purposes; it is really crafted to stymie those people who want to do it for bad purposes. One group in particular that is restricted is offenders. Certain classes of offenders are restricted from changing their name without first obtaining approval from an appropriate authority. That would apply to dangerous sex offenders, detainees, people who are subject to early release orders, prisoners, supervised offenders and supervised young offenders who are being managed in the community. That is fair and reasonable because those people may have good and legitimate reasons to change their name. In concepts around rehabilitation of offenders, people may want to leave the past behind and make a clear declaration that the person who they were is someone they do not want to be any more and they want to move on with their lives under a new name, which simply refreshes their identity and ability to integrate back into the community. If they can prove that to the relevant authorities, they can do that. If they want to do it for a nefarious purpose, such as hiding their identity, avoiding obligations relating to supervision, parole or other conditions upon their release, obviously the authorities will take that into account. Clearly, it applies to dangerous sex offenders. It is interesting that for dangerous sex offenders, who are also reportable offenders, approval needs to be given by the Commissioner of Police for that change of name to be allowed by the registrar. During consideration in detail I will probably seek some explanation about those powers from the Attorney General, perhaps in relation to whether that power related to dangerous sex offenders who are reportable offenders can be delegated with the commissioner or whether it rests with the commissioner personally. I will probably delve into that again during consideration in detail, only from the aspect that we want to be crystal clear that no exploitable gaps would allow these dangerous sex offenders or any other people caught up in the restrictions that I spoke about from exploiting the system, changing their name and utilising that change of name for purposes that might place the community at significant risk of harm.

There are other provisions that allow for information sharing between the various registries in the states and territories and to allow supervisory authorities to update their information when one of those restricted people has a change of name approved. There are improvements to the information sharing with other agencies, including transport bodies and the Australian Passport Office, which, hopefully, will minimise to a great extent any opportunity for people of ill will to create multiple identities for "improper purposes". That is the term the Attorney General used in his second reading speech. I am not necessarily sure there are any "proper purposes" for the creation of multiple identities but the whole idea is not to fetter people who are no threat to anyone and who do not want to cause harm but to make sure we catch those people who want to act for improper motives. That includes people who want to avoid detection or cases in which people might have a pilot's licence, a driver's licence or a skipper's ticket cancelled and they do not want to serve out their cancellation period and they want to avoid the system by obtaining a new identity. Again, when we use common examples such as a cancelled driver's licence, we quickly come to recognise the ability for someone to change their name in any Australian state and the potential for the current system to be exploited. That will be closed right down, which is great.

Changes to the legislation will allow the registrar to ask an applicant to produce evidence that satisfies the registrar that the change of name is not for an improper purpose. That will allow the registrar to refuse that change of name if the person has a history of fraud or debt avoidance. We might seek some clarity from the Attorney General either in his summing up or perhaps at the consideration in detail stage about how those powers would be exercised, what would trigger the registrar to make the initial inquiry and request for someone to provide evidence, and what type of evidence would be deemed to be satisfactory for the registrar to register the proposed change of name. The idea of passing this bill is that the state and our registry in Western Australia will be able to fully participate in

commonwealth and joint state initiatives such as the national Document Verification Service. That service allows for the online authentication of identity credentials when people apply for things such as passports and drivers' licences, or when they are seeking commonwealth benefits of one form or another, be it unemployment benefits, pensions and the like. We have to recognise that a group in our society does not hold a passport and also does not hold a driver's licence. We have to recognise that for some people in our society—I would not want to hazard a guess at the number—their only primary source of identification is their birth certificate, their registration of birth. People do not need to obtain a passport or a driver's licence. Perhaps more senior people may have allowed their passport to expire and either allowed their driver's licence to expire or, by operation of law, had their driver's licence removed from them. We have to recognise that it is critical that we get this right, especially for those people who need that primary document and cannot satisfy it through a passport or a driver's licence.

Mr R.S. Love: Some people do not have that as well.

Mr P.A. KATSAMBANIS: Birth registration?

Mr R.S. Love: Yes.

Mr P.A. KATSAMBANIS: Yes, there are, although it is a legal requirement that every birth in Western Australia and across Australia is registered. I do recognise that it is a major problem in some areas.

Mr R.S. Love: There are several problems, especially in some of the communities in my electorate.

Mr P.A. KATSAMBANIS: I recognise that although it is a legal requirement, there is not 100 per cent compliance, and I have to say that for the very small minority who are caught up in that, they are significantly inconvenienced in many aspects. The member for Moore would recognise that, because, as he said, there are people in his electorate, and there may well be a very small minority of people in almost everyone's electorate, who are caught up in that, but it is still important and we need to recognise that. There are provisions to assist them, but they are not being dealt with by this bill.

Most of the other states and territories have implemented the recommendations that I referred to from the Standing Council on Law and Justice in November 2011, either partially or fully. With this bill, Western Australia will catch up with the other states in some ways. We are improving our system significantly. That means that we can fully participate in the National Identity Security Strategy and better utilise the Document Verification Service to assist Western Australians to transact with state and federal government authorities. At the same time, we will absolutely tighten the process to stop people from utilising the laws around changes in name to mask their true identity, hide from authorities and avoid their obligations, be they obligations to pay under a court order or under a contract, or an obligation to pay things such as child support, which we dealt with in the previous bill. We do not want this system exploited in those ways. Increasingly, we are seeing the aspect of identity theft and identity fraud that is then used for usually, but not exclusively, financial gain and exploitation. I would not propose to suggest that registration of changes of name is the only way that people undertake this increasingly prevalent practice of identity theft and identity fraud, but it is one way, and through these changes we will limit the scope for those people who want to exploit the system to do so.

The opposition supports this bill and, with those comments, we indicate that we wish the bill speedy passage. As I said, we will probably need to discuss a few issues with the Attorney General in a more detailed manner at the consideration in detail stage; otherwise, we do not have any amendments or any issue with it. The bill affirms Western Australia's obligation to the various Council of Australian Governments committees and subcommittees. I think that by the passage of this bill, there will be almost no chance that Western Australians who want to change their name for legitimate and fair purposes will be inconvenienced in any way, especially with that catch-all provision that allows the registrar to circumvent the 12-month and three-times-in-a-lifetime rule, but at the same time it will make it much harder for people of bad intent to exploit the existing system and change or mask their identity and cause significant harm, which could be financial harm, or perpetrate crimes on Western Australia's law abiding citizens.

MR K.M. O'DONNELL (Kalgoorlie) [5.38 pm]: I, too, would like to talk for a few minutes on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018. I am all for improving and changing the change-of-name processes across Australia, improving information sharing arrangements and participating in the national Document Verification Service. The world has changed; we need to be sharing information interdepartmentally. As an example, I went into community corrections a few years ago to meet a lady. I walked into her office and on a whiteboard were the names of all the offenders, which they call their clients. We call them offenders, because that is what they are. I looked at it and she quickly pulled the cover sheet down over it and said, "Oh, you can't look at that." I thought: I put half of them there, so I know those names. It goes back to other agencies not wanting people to know whom they are dealing with. With the global terrorism threats and other things, we should be sharing information across agencies.

I can understand people changing their names. People get married and one person wants to change their name to their partner's name. Sometimes someone has a shocking surname, so they want to change it. In the police department we came across people who would give us a different name from their real name, and as soon as they did, it came up on the computer as an alias. People can end up with three, four, five or more names.

Mr P.C. Tinley: What are some of the better ones you have heard—"Bare the Knuckles Smith"?

Mr K.M. O'DONNELL: Yes, Dingo Dalgety. I have not really thought about it. Wayne Kerr was a good one. We can understand why he wanted to change it.

Mr A. Krsticevic: That is K-e-r-r.

Mr K.M. O'DONNELL: Yes. We can understand someone wanting to change their name. Another person's surname was Hart and her first name—I will not say it—ended in an F, and when someone said her name —

Mr P.C. Tinley: A German name.

Mr K.M. O'DONNELL: Yes, it was European. Some people can have names that might not fit, so I can understand people changing them to fit the demographic. A kid may grow up and not like what mum and dad called him or her, so they change their name. Within some remote Aboriginal communities, if someone passes away, anybody with the same Christian name changes their name. I was first confronted by that when I said hello to someone I had known for years as Stevie Sinclair. The next minute, I asked, "Where's Stevie?" They would refer to the one who had passed away and said that he was dead. Stevie changed his name to Daniel, because they do not like someone to have the same name as somebody who has passed away. I am named after my father. My son is named after me and his son is named after him, so we would be in dire straits. We would all have to change our names if my father passed away.

I have a question for the Attorney General regarding dangerous sexual offenders. The bill recognises the strengthening of protections afforded to Western Australians under the Dangerous Sexual Offenders Legislation Amendment Act 2017. If a dangerous sexual offender is also a reportable offender, approval for a change of name rests with the Commissioner of Police under the act. I have tried to think about why and when we would let a dangerous sexual offender change their name. I know that there are always two sides, so I dare say that the Attorney General will have examples. The member for Hillarys brought up rehabilitation and someone wanting to change their name because they want to be good now. I have heard that before. I thought of an example in which an offender was within a family and had the same surname; he was a Jones and the victims were all Joneses, so then the dangerous sexual offender could change their name so that there is no correlation. The Attorney General might be able to enlighten me whether there is anything else. I cannot see why we would allow dangerous sexual offenders to change their names. They have done that deed; that is them. I could also understand someone wanting to change his or her name if it is the same as that of a serial killer or a dangerous sexual offender. It would be terrible. I am so glad that my name is not similar to an offender's name. Otherwise, I support the bill.

MR S.A. MILLMAN (Mount Lawley) [5.44 pm]: I rise to make a brief contribution to the debate on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018. I congratulate the Attorney General for bringing this legislation to this house. It is trite to say that the personal safety and security of members of our community is an essential responsibility of modern government. Promoting community safety without compromising our civil liberties is a fine balancing act, and I commend the Attorney General for the way in which he has navigated that balancing act with the way this legislation has been drafted, crafted and brought before this place.

I start with the joint New South Wales–commonwealth inquiry into the Martin Place Lindt Café siege. The siege took place in 2014 and the review was published in 2015. I quote from the review —

> Man Haron Monis was born Mohammad Hassan Manteghi in Iran in 1964 and this was the name on his travel documentation when he entered Australia on 28 October 1996.
>
> NSW has strong laws governing changing a person's name. Three changes of name are permitted (unless an exemption is granted) and protocols are in place to share change of name information between … Registry of Births, Deaths and Marriages and the NSW Police Force.

I acknowledge the contribution from the member for Kalgoorlie and recognise his previous service as a police officer. The review states —

> Common law allows a person to use a new name without formally registering a change with the NSW Registry … although many government agencies will require evidence of a formal registered change of name.

After he arrived in Australia in 1996 —

> On 16 September 2002, Monis formally changed his name to Michael Hayson Mavros. On 21 November 2006 —

A mere eight weeks later —

> he again formally changed his name to Man Haron Monis. The Review has also found that Monis was known by as many as 31 aliases, which were either his legal names or various combinations around a theme of names. However, the Review has not found that any of these aliases were used to defraud, evade or deceive any government agencies. No evidence has been found to indicate that he registered other names in other States or Territories.

> While Monis used his current legal name when dealing with NSW agencies, he used aliases when dealing with other agencies such as Australia Post, Australian Business Registry and the Australian Electoral Commission as he was not always required to prove his 'legal name' with formal documentation.
>
> Some automated information sharing did occur between agencies such as the … Police Force, Roads and Maritime Services and the NSW Registry of Births, Deaths and Marriages. These exchanges related to identity information such as name changes, licence information and car registration details. Despite these exchanges, Monis was able to provide non-formal name details to agencies indicating that more robust checks on identity are needed in Commonwealth and State and Territory government agencies.

After having made those findings, the review made the following two recommendations —

> 16. Agencies should adopt name-based identity checks to ensure that they are using the National Identity Proofing Guidelines and the Document Verification Service, and by improving arrangements for sharing formal name change information between Commonwealth and State bodies (timing and budgetary impacts to be identified by all jurisdictions).
>
> 17. Agencies that issue documents relied upon as primary evidence of identity (e.g. drivers' licences, passports, visas) should explore the possibility of strengthening existing name-based checking processes through greater use of biometrics, including via the forthcoming National Facial Biometric Matching Capability.

These recommendations are important because, since 2001, all Australian jurisdictions have been working more assiduously and more actively in trying to eliminate the risk to community safety that is posed by what the member for Hillarys described as, in quite eloquent terms, nefarious elements. This legislation that the Attorney General has brought before this Parliament is designed to do just that. Once again, the Attorney General has acted assiduously and with great speed to bring this legislation before Parliament. The member for Hillarys alluded to the fact that other jurisdictions in Australia have already given effect to the recommendations from the 2015 review into the 2014 Martin Place siege. Even prior to that, in 2011, during the meeting of the Standing Council on Law and Justice to which the member for Hillarys referred, ministers agreed to consider implementing recommendations in the discussion paper "Ten Recommendations for a Better Approach to Change of Name Processes in Australia". Ministers also noted during that meeting of the Standing Council on Law and Justice that national consistency in change-of-name processes is critical to supporting identity security outcomes under the National Identity Security Strategy. So we can again see the laudable and commendable objectives in the legislation that are designed to enhance community safety and security.

We have been a little slow in Western Australia. The member for Hillarys referred to other jurisdictions. I will quote from the second reading speech in the Victorian Legislative Council by the then Assistant Treasurer in the previous Liberal government, Gordon Rich-Phillips. He is currently the shadow Assistant Treasurer—or at least he was immediately preceding the recent election. I am not sure about the state of the shadow cabinet —

Several members interjected.

Mr S.A. MILLMAN: He is still there, member for Burns Beach. The member for Hillarys advises that he was re-elected. He was probably number one on the Liberal Party's upper house ticket.

I refer members to division 1 of part 3 of the Victorian Courts and Other Justice Legislation Amendment Bill—it later became an act of the same name—that deals with change-of-name processes. The honourable member said —

> This bill amends the Births, Deaths and Marriages Registration Act 1996 to implement two recommendations of a discussion paper, Ten Recommendations for a Better Approach to Change of Name Processes in Australia, that was endorsed by the Standing Council on Law and Justice in November 2011. The recommendations are intended to be adopted in each Australian jurisdiction as a measure to prevent criminal abuse of the change of name process and potential fraud.

Members can see the chronology I am following. In 2011 the joint standing committee released its recommendations saying that we should adopt this approach; in 2013 the Victorian Parliament passed this legislation; in 2014 there were the tragic circumstances of the Martin Place siege; and in 2015 there was the report. That constellation of history provides the context in which the Attorney General now brings this legislation before this Parliament. Relevantly, a number of the provisions in the Victorian act do exactly the same as those in this Western Australian bill. For example, the amendments aligned the Victorian scheme with the national recommendations by ensuring that a person born in Victoria must apply for a change of name in Victoria; a person born in Australia but outside of Victoria cannot apply for a change of name in Victoria, but must change their name in the jurisdiction in which their birth is registered; and a person born overseas may change their name in a jurisdiction only if they have resided in that jurisdiction for at least 12 consecutive months immediately preceding the date of the application.

On that last point, the member for Carine interjected on the member for Hillarys, saying that he was concerned about what he would do having been born overseas. The member for Carine wanted to know where he would be permitted to undertake a change of his name. I think the member for Hillarys was going to answer the question, but I will answer it on his behalf. I refer the member for Carine to clause 7 of the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018, which will amend section 30 of the act. Clause 7 states —

> Delete section 30 and insert:
>
> **30. Application to register change of adult's name**
>
> (1) An adult may apply to the Registrar for registration of a change of the adult's name if —
>
> …
>
> (b) the adult was born outside Australia and —
>
> (i) the adult is an Australian citizen or permanent resident; and
>
> (ii) the adult's birth is not registered in another State; and
>
> (iii) the adult has lived in the State for at least 12 consecutive months immediately before the day the application is made.

Pursuant to that provision, the member for Carine would be entitled to register his change of name in Western Australia, but I am sure the Attorney General will pick that point up in consideration in detail if necessary.

Other provisions relate to the question of required declarants. This is where the fine balancing act struck by the Attorney General becomes self-evident or comes to the fore. As a believer in civil liberties and personal freedom, I find this to be difficult territory for me, but I think the balance has been well struck. When we look at the list of required declarants, we can see that they are people who for the time being have forfeited their right to the full suite of rights the rest of us enjoy. The list includes dangerous sexual offenders, a person subject to an early release order, a prisoner, a reportable offender, a supervised offender and a supervised young offender. Although these provisions infringe on the civil liberties of those classes of people, they do so only in a way that is reasonably necessary and reasonably adjusted to the risk those categories of people pose to the general community. It is a difficult question that has been resolved well by the Attorney General. Those people will not be prevented from changing their name; their rights are not so infringed that they cannot embark on that endeavour, should they wish. During this debate, other members have articulated the reasons people may wish to do that. All that is required is that a person responsible for these people has authority and insight into this process and makes sure that it is done appropriately. That is entirely reasonable, given the constellation of circumstances that usually surround these issues.

This is difficult but overdue legislation. It can be seen from the numerous reports referred to in this debate and the actions of other states in legislating for this, including the report from New South Wales, that Western Australia is once again catching up with national best practice. Because of the tireless efforts of our Attorney General, who continues to bring legislation before this place to give effect to so many recommendations and good policy initiatives, Western Australia is catching up with what other jurisdictions have done. I will be supporting this legislation, and I once again congratulate the Attorney General for bringing legislation to the Parliament that promotes the safety and security of our community in a way that is attuned to those concerns about our liberties and freedoms. For striking such a fine balance, I finish by commending the Attorney General for this piece of legislation.

MR J.R. QUIGLEY (Butler — Attorney General) [5.56 pm] — in reply: I thank members for their contributions to the second reading debate on the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018. The spokesperson for the shadow Attorney General has foreshadowed that he would like to go into consideration in detail, so I will save most of my comments for that.

During his contribution, the member for Kalgoorlie rhetorically asked why a dangerous sex offender would want to change their name or what the basis could be upon which the Commissioner of Police might approve a change of name for a dangerous sex offender. One cannot hypothecate all the reasons, but one readily springs to mind. The member for Kalgoorlie, having been a police officer, might appreciate that a dangerous sex offender might be nonetheless the source of information to a wider circle of sex offenders, and might himself become a subject of a witness protection program against other offenders. Other offenders might be paedophiles or drug offenders or whatever, and for the protection of that witness, it might be necessary for the commissioner to accede to an application to change that witness's name.

The legislative programs of governments do not move at light speed, although we have tried to punt ours along a little since we have been in government. I have been looking at all the reports that were sitting around to see things I can quickly action. In response to the 11 September 2001—can members believe it?—World Trade Center attack, the Council of Australian Governments endorsed the National Identity Security Strategy in 2007, and, here we are, 11 years later. Four years after that, in 2011, as the member for Hillarys noted, the former Joint Standing Council on Law and Justice, involving ministers for police and Attorneys General from around our nation, agreed to consider implementing the 10 recommendations for a better approach to change-of name-processes in Australia.

That was seven years ago. It is perhaps because of this record that when I was at the Australian Bar Association conference last week, one senior barrister quipped to me that the Council of Attorneys-General was something like the graveyard where elephants go to die—things move rather slowly but inevitably. I do not want to be too disparaging, but the time line for this is that it was agreed to in 2007, further endorsed in 2011, and then brought into sharper focus—can members believe it?—after the Martin Place siege.

Sitting suspended from 6.00 to 7.00 pm

Mr J.R. QUIGLEY: Just before the break, I was postulating an answer to a rhetorical question posed by the member for Kalgoorlie on the circumstances in which the Commissioner of Police would accede to a change of name for a dangerous sexual offender, a detainee, a person subject to an early release order, a prisoner, a supervised offender or a supervised young offender. I was saying that there might be a number of reasons that such a restricted person might apply for a change of name and that it could be considered favourably by the registrar on the written approval of the supervisory authority. It could be that the person was, as I said before, a protected witness who was assisting the state in the prosecution or the investigation and prosecution of other offenders, be they dangerous sexual offenders or offenders in any other way. As members have noted, the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018 applies some pretty strict restrictions upon a citizen's ability to effect a change–of-name registration. The situation at the moment is pretty lax. A person does not even have to be a resident of the state in which they apply to change their name. Under this bill, a person has to apply, as has been pointed out, in the state in which their birth is registered and they can apply only once a year or three times in their lifetime, subject to certain exceptions. I think the recent tragedy in Melbourne that has been dubbed the Bourke Street terrorist incident highlights the very reason for tightening up the regime. I understand that the offender had been the subject of an Australian Security Intelligence Organisation watch for a while, although he was not on the terrorist watchlist at the time of the offence and the murder of the gentleman in Melbourne. Without this bill, it would be easy for someone on a terrorist watchlist to move interstate and then change their name. If they were then intercepted by Western Australian police for a moderate to low level offence like a simple assault, because they had been operating under a completely different identity, there would be no indication before the court that the person was on a terrorist watchlist. One could see what a serious omission it would be if the court was not informed of that prior to bail being fixed.

These restrictions on someone changing their name fit in with the bill I gave notice of this morning—the Bail Amendment (Persons Linked to Terrorism) Bill 2018. In that case, a person who commits an offence—it does not have to be a terrorism offence, but they are on a terrorist watchlist—would then be restricted from obtaining bail. The court would want to know about it and it would not be able to unless proper identification of the offender was made before the court. These change-of-name provisions are enacted in other states. I do not have a list of every jurisdiction, but I know that other states have done it and it is important that Western Australia fits in with the national scheme. There are some important issues to be noted, some of which will come up in the consideration in detail stage. They include how the registrar will know whether a change-of-name application is from a restricted person. All applicants—adults and youth—to the WA registrar for a change of name must include a declaration of whether they are a required declarant for the purpose of making the application.

Anyone who is a restricted person or a reportable offender has to declare that. Failure to do so will render them liable to two years' imprisonment or a fine of $12 000. If a responsible adult applies to the registrar on behalf of a child who is a restricted person, that adult may face the same prescribed penalties as if they were the restricted person. Also, the Registry of Births, Deaths and Marriages will lodge an electronic inquiry with the Corrective Services division information system to screen a change-of-name application with Corrective Services. If a positive match is identified, the restricted person will be required to seek permission from the supervising authority. If, on the other hand, a change of name is effected without the declaration and, therefore, has been obtained fraudulently because there has not been a declaration that the person is a restricted offender, the Registrar of Births, Deaths and Marriages has the power to revoke the change of name registered without the appropriate approval. Section 62 gives the registrar the power to revoke the change of name if it was obtained by fraud or by other improper means.

Mention has been made of other jurisdictions. Members have noted that in 2011 there was a report of 10 recommendations for a better approach to the change-of-name processes in Australia. These recommendations were intended to improve the change-of-name practices through national consistency to minimise exploitation of current systems for fraudulent or other criminal activities and were considered critical to supporting security outcomes from the National Identity Security Strategy. Since 2011, as we have mentioned before, there has been the 2014 Martin Place siege. That discussion paper, coming out of New South Wales and the commonwealth, recommended improved information-sharing arrangements between government agencies to close gaps that could be abused by a person seeking to conceal a criminal record, avoid detection by security or law enforcement agencies, or create multiple identities for other fraudulent purposes. New South Wales was the first jurisdiction to move in this area and commenced comprehensive legislation to improve the change-of-name process in April 2012 pursuant to the New South Wales Births, Deaths and Marriages Registration Act 1995. The WA Births, Deaths and Marriages Registration Amendment (Change of Name) Bill

is modelled closely upon the New South Wales legislation, which in itself reflects a best practice approach to the change-of-name process. In Queensland, there is a legislative requirement that an adult or child must either have a birth or adoption registered in Queensland or have been born overseas and ordinarily reside in Queensland, noting that the registrar may consider whether the person has resided in Queensland for a minimum prescribed period, although "minimum prescribed period" is yet to be prescribed under its act. South Australia has not legislated yet and neither has Tasmania.

There is an effort around the country to have a scheme that allows for consistency across the commonwealth, but the legislation is not uniform. For example, this bill provides that a person can change their name only once a year or three times in a lifetime, whereas in Queensland, for example, there is no set number of name changes in a person's lifetime, but, generally, only one change is permitted every year. A child may have their first name changed once within the first year of a child's birth, but only once more before they turn 18. However, in exceptional circumstances, a Magistrates Court may approve name changes despite these restrictions. In Western Australia, it is for the registrar to exercise this discretion. If members want to go through different provisions, I think that rather than doing it in a wrap-up speech or second reading reply, the government is prepared to answer those questions during consideration in detail, if consideration in detail is required. It has been indicated by the spokesperson for the opposition that we will go into consideration in detail. With that, I can conclude my second reading response.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr P.A. KATSAMBANIS: This clause states that sections 1 and 2 come into effect on the day on which the act receives royal assent, and the rest of the act is on a day fixed by proclamation, and different days may be fixed for different provisions. I seek from the Attorney General, firstly, an explanation of why the bill cannot come into effect on the day after royal assent, and what may hold up the proclamation after royal assent. Secondly, is there any current intention that different provisions may be made to commence on different days, as is allowed under the clause?

Mr J.R. QUIGLEY: Once this bill is passed, if it passes through this Parliament—I am sure it will with the consent of the opposition—regulations will need to be drawn up for supervisor's consent and those sorts of things. The registry has to undertake some data matching and some IT requirements need to be written into the IT system to allow for the provisions of this bill. It is mainly for regulations and information technology. The member will note from my second reading reply that there will be a facility to have online inquiries to the supervising authority for restricted offenders. Those things have to be matched in as soon as the bill is passed. We do not do that in anticipation of the bill passing because that would be presumptuous of the department in relation to what is before Parliament.

Mr P.A. KATSAMBANIS: Given that those issues need to be put into place after royal assent, is there an anticipated time frame after royal assent? At the moment, we are guessing how long it will take to get through both houses and receive royal assent. Do we have an indication of how long those changes might take afterwards?

Mr J.R. QUIGLEY: I am sorry; I cannot give the member that estimation at this stage. It will be in the hands of the Parliamentary Counsel's Office for a little while as it drafts the regulations, which will be placed before Parliament. However, as this started in 2007, as I said in the second reading speech, it is the government's intention to get this going in the first half of next year, but it is likely to be later in the first half of next year than earlier. Having said that, I do not know when this bill will be dealt with by our parliamentary colleagues in the other place or how long it will take to get through there. They get up next week and we get up this week. If this got through before we all got up for Christmas —

Mr P.A. Katsambanis: I don't want to presume, but I think that almost by right it has to go to a committee.

Mr J.R. QUIGLEY: That could be the case, but it is not uniform legislation.

Mr P.A. Katsambanis: But it gives effect to a commonwealth scheme.

Mr J.R. QUIGLEY: That is true.

Mr P.A. Katsambanis: We will let them work that out.

Mr J.R. QUIGLEY: It will be as soon as is reasonably practicable for all concerned. The government does not intend to delay this. We have legislation on presumption against bail for certain offenders coming up. This legislation will greatly assist the administration of the other legislation because the court will know which offender it has before it.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Part 5 Division 1 inserted —

Mr P.A. KATSAMBANIS: Clause 4 deals with the insertion of division 1 in part 5 of the principal act. It inserts a definition section—proposed section 28A. The definition of "dangerous sexual offender" encompasses a supervision order. Can the Attorney General clarify whether a supervision order means a supervision order in the community or whether it encompasses situations in which a dangerous sexual offender is ordered to remain in custody beyond the expiry of that offender's actual term of imprisonment?

Mr J.R. QUIGLEY: The court determines a supervision order. It will not be someone who is currently in a cell. That would be a detainee under "required declarant". Someone who is under sentence will be a required declarant under paragraph (b) of that definition. The supervising authority will have to give permission for the change of name.

Mr P.A. KATSAMBANIS: Paragraphs (a) to (g) of the definition of "required declarant" refer to a dangerous sexual offender, a detainee and a prisoner. If a dangerous sexual offender is not subject to a supervision order in the community and, as the Attorney General graphically pointed out, is sitting in a cell, I was uncertain whether the term "prisoner" would apply to that person because they would have served their sentence. The Attorney General clarified that he considers them to be detainees. I am comfortable with that description and am happy to accept that unless the Attorney General has something further to add.

Mr J.R. QUIGLEY: A detainee can be someone charged with being a dangerous sexual offender and held in detention. It also can include someone who has not been released at the end of their finite term because they are a dangerous sexual offender. I think that is probably clear enough.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 29A inserted —

Mr P.A. KATSAMBANIS: Clause 6 inserts proposed section 29A into the principal act. The proposed section is headed "Registrar may register change of name despite restrictions". We discussed the registrar's catch-all power at some length during the second reading debate. The registrar has to be satisfied that —

(a) the change is for the personal protection of the person; or

(b) the change is because of the marriage or divorce of the person; or

(c) the change is justified by exceptional circumstances.

The applicant may be required to provide evidence to enable the registrar to be satisfied under that proposed section. That obviously places significant power and obligations in the realm of the registrar. I want to clarify the intention of this proposed section. Will the registrar have guidelines—either internal guidelines or published guidelines—of what might constitute protection of the person? Will the registrar have examples—not completely exclusive, but inclusive—of exceptional circumstances? Proposed section 29A(1)(b) is self-evident. Under proposed subsection (2), the registrar may require the applicant to provide evidence. In what form would that evidence be? Would there be a prescribed form that the applicant would have to fill out or would there be a specific request for information based on the specific circumstances of each case?

Mr J.R. QUIGLEY: There will not be any regulations. "Exceptional circumstances" vests in the registrar a discretion. Although there will be internal policies, a regime will not be regulated to cover exceptional circumstances. I referred to one before, being the witness protection program. Another example would be a woman—it is usually a woman—protected by a violence restraining order who might want to change their name for their own protection so that the person practising or threatening violence against them cannot locate them easily. I am advised by the registry that ordinarily a letter of comfort is supplied by the Commissioner of Police. If someone says that they are on a witness protection program so they want to change their name, the registrar will make an inquiry of the commissioner and a letter of comfort will quickly come back in the same manner as it would for someone who is protected by a domestic violence restraining order.

Clause put and passed.

Clause 7: Section 30 replaced —

Mr P.A. KATSAMBANIS: Clause 7 deletes current section 30 of the principal act and inserts proposed new sections 30 and 30A. I have a number of questions on this—not lengthy questions. The first part, proposed new section 30, provides for an application to register a change of adult's name, and it sets out the factors we spoke about before: the adult's birth is registered in the state; the adult was born outside Australia; the adult is either an Australian citizen or permanent resident; the adult's birth is not registered in another state; and, under paragraph (b)(iii)—this is the one I have a question about—the adult has lived in the state for at least 12 consecutive months immediately before the day the application is made. In ordinary circumstances, it would be self-evident what "12 consecutive months" might mean, but I want to seek some clarification because we are dealing with people born outside Australia who may still have links outside Australia. If they have spent six weeks either for

work or recreational purposes overseas or outside the state, or perhaps they might be fly in, fly out workers who live in the state of Western Australia but travel to Darwin or Malaysia or wherever for work, how would the phraseology used in this clause apply to those people, who are ordinarily resident and have been ordinarily resident for at least 12 months but might not have actually lived in the state for at least 12 consecutive months? In some cases, it could be people who have been here for many, many years but have continually left the state for either work or holiday purposes.

Mr J.R. QUIGLEY: I appreciate what the member is doing. The member is a legal practitioner and knows the answer, but needs to get it on the record. There is a good body of law around residency and what is regarded as residency, but it is having a principal place of residence with the intention that that is where one lives. If a person temporarily leaves the jurisdiction for recreational purposes, a conference, or for work, it does not in any way undermine the claim of residency. The registrar has a little list that people are able to access of evidence that they live in the state. That evidence would include registration on the electoral roll, because one must be a resident of the state to be on the electoral roll; a lease agreement over their residency; and water bills and suchlike. I am sure, as a member of Parliament, the member for Hillarys will have had people come to his office to show him the points to certify their identity. In the same manner, the registrar will require some—not overboard—proof that the person ordinarily lives in the state of Western Australia. The very important thing, of course, is proposed section 30(1)(a). In the past, people could move around Australia and change their name, so the home registry would not necessarily know. Proposed section 30, which is going into the act by reason of clause 7, is very important, as the home registry will be the one upon which the change of name is recorded.

Mr P.A. KATSAMBANIS: I thank the Attorney General. That provides a little clarity, but the Attorney General has introduced the word "residency" and the term "permanent residency", and they each have different meanings from "lived". Another complication I will throw in, just so we know what we are dealing with, is that there is also the concept of residency for taxation purposes. Some of the people I described in my previous question may fall foul of that provision simply because of the nature of their work, if they work outside Australia for more than 132 days; they have to have ordinarily lived in Australia for at least 183 days to satisfy the Australian residency provisions. Why was the term "has lived in the state" chosen in preference to "ordinarily resident in the state" or "is a permanent resident of the state" or the other alternative terms? In some cases they might mean the same thing, but in various laws they each have various definitions and, as the Attorney General said, there is a large body of law to guide us in determining the interpretation of each of those phrases.

Mr J.R. QUIGLEY: Certainly. The member will notice that in what will become section 30(1)(b), these are applicants who are born outside Australia but are adult Australian citizens or permanent residents. Paragraph (b)(iii) includes the phrase "the adult has lived". That phraseology was used so as not to be confused with the term "permanent resident", which is a definition that comes from the Migration Act. It is a person who has lived in the state for 12 months, but living in the state for 12 months does not exclude the circumstance in which a person living here goes overseas for a holiday for six weeks or, as the member nominated, to a conference, or flies out of the state to work somewhere else but comes back to where they live. They can prove where they live through a number of courses.

The member will also notice that what will become section 30 sits within division 2. The chamber has already dealt with clause 6, which inserts proposed section 29A, and under proposed section 29A(1)(c), a person who is living here but flying in and out and maybe spends a lot of time on a rig in the Timor Sea and only weekends here, can still apply because the registrar under proposed section 29A(1)(c) can regard that to be an exceptional circumstance—they are living here, but they are spending their working life on a rig in the Timor Sea. The discretion can be exercised there as well, member.

Mr P.A. KATSAMBANIS: I am still going to stay on clause 7, on a different issue. The Attorney General has given an explanation that will be on the record. I hope this is non-controversial; I think we hope that every provision is non-controversial. I am comforted by the fact that the registrar is an experienced person, as would be any successor registrars, and that they will appropriately under these circumstances exercise their discretion under proposed section 29A.

I move on to the second limb of clause 7, which is proposed section 30A, "Restrictions on changes of adult's name". We discussed this at length as well during the second reading debate so I am not going to labour over it, but I notice that two of the provisions under proposed section 30A(1)—paragraphs (a) and (b)—include the phrase, "whether in this State or in another State", in relation to a change of name either more than once in 12 months or more than three times over someone's adult life.

My question is: how confident are we that the data matching that we engage in will pick up all changes in the other states? I ask that in the context of what the Attorney General said in his summing up of the second reading, in which he indicated that at least a couple of states have still not moved to make these changes, which have been discussed for a long time. I am probably more comforted by the fact that proposed new section 30A(a) will require people to prove their residency in Western Australia for 12 months, but that will be for only a small subclass of people who were born overseas. Are we confident that we will catch everyone who moves from state to state, especially during the transition period, so there are no prevalent gaps?

Mr J.R. QUIGLEY: There are two aspects to the answer to the member's query. Firstly, we wish that all these things would became national at the same time, but at the moment the registrar can easily or comfortably crosscheck with three other jurisdictions—Victoria, New South Wales and Queensland. He can check for change of name in those areas—we are waiting for South Australia, Tasmania and the territories to come on board—but that would account for a lot of people. The other aspect to that is that another clause that we have not yet arrived at, clause 12, introduces proposed new section 35A, which provides —

> (1) If the Registrar registers a change of a person's name and the person's birth was registered by a registering authority, the Registrar must inform the authority of the change and give the authority sufficient information to identify the person.

That is the other jurisdiction. The registrar should be able to pick up whether there has been more than one change of name in that other jurisdiction. It also states —

> (2) The Registrar must not comply with subsection (1) if, in the Registrar's opinion, informing the authority of the change of the person's name would pose a risk to the safety of the person.

I am sure the member will ask me about that when we get there, but there are two aspects to it.

Mr P.A. Katsambanis: You can answer it now if you know I'm going to ask.

Mr J.R. QUIGLEY: It might be easier if I do not for those people who read *Hansard*. Firstly, we can check in three jurisdictions—Queensland, New South Wales and Victoria—and, secondly, by reason of proposed section 35A, the registrar must inform the home jurisdiction, and they will expect to be notified if there has been more than one change of name in the year or three in a lifetime.

Clause put and passed.

Clause 8: Section 31 replaced —

Mr P.A. KATSAMBANIS: Clause 8 repeals section 31 of the principal act and inserts in its place proposed new section 31. It relates to registering the change of a child's name. Proposed new section 31(1) states —

> (1) The parents or guardian of a child may apply to the Registrar for registration …

It is "parents", plural. It is very, very clear. Proposed new subsection (4) states —

> (4) An application under subsection (1) or (2) may be made by 1 parent only if —
>
> (a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or

So if there is only one person on the birth certificate, it would be silly to expect two people to make an application. It continues —

> (b) the child's other parent has died.

That is self-evident, but there are circumstances whereby one parent may simply not be involved in the life of a child and although their whereabouts is known, they simply do not want to do it or there is a disagreement. I will not ask about the disagreement amongst parents—that has to be sorted out, at least by a court order. I understand there is a process for that. Is there a gap here? Should we have a catch-all phrase that allows the registrar to determine in certain exceptional circumstances, or can we rely on the catch-all exceptional circumstances provision that is covered by proposed new section 29A(1)(c)?

Mr J.R. QUIGLEY: The member is right. It is the latter because it is within that division. I add, as the member correctly said, in the case of a child where there are disputing parents by order of the court, they would have to go to the Family Court to seek permission.

Mr P.A. Katsambanis: There is no other option.

Mr J.R. QUIGLEY: Yes.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 34 amended —

Mr P.A. KATSAMBANIS: Clause 10 deletes section 34(1) and inserts in its place a proposed new section 34(1). This new section will enable the registrar to require an applicant to provide evidence to establish to the registrar's satisfaction any of the following—it is an exhaustive list —

> (a) the identity and age of the person whose name is to be changed;
>
> (b) that all requirements of this Division have been met;
>
> (c) that the person whose name is to be changed is not the subject of a pending charge, within or outside the State, of an offence involving fraud or dishonesty and has not been convicted of such an offence;

(d) that the change of name is not sought for the purpose of avoiding the payment of a debt;

(e) that the change of name is not sought for the purpose of preventing the location or identification of the person whose name is to be changed by —

(i) a government department, agency or organisation of this State, another State or the Commonwealth; or

(ii) a body or organisation, if the person is required by a written law or a law of another State or the Commonwealth to provide their identity to that body or organisation; or

(iii) a body or organisation that is required by written law or a law of another State or the Commonwealth to record the person's identity;

(f) that the change of name is not sought for a fraudulent or other improper purpose;

(g) if the person whose name is to be changed is a child who is 12 years of age or more, that —

(i) the child consents to the change of name; or

(ii) the child is unable to understand the meaning and implications of the change of name.

The registrar can request a fair amount of information to satisfy himself, in the current case of the registrar, or herself, in the future, that these requirements have been met. I ask by what form will this information be required? Will there be an application form of some sort? If there is, firstly, will it be a prescribed form; and, secondly, what provisions exist for people who provide false information? Is it false information under this type of arrangement? Is there an offence provision in the principal act or will the prescribed form be in the form of a statutory declaration or other statement that would incur the penalties for perjury if there is a false declaration or by some other manner?

Mr J.R. QUIGLEY: I thank the member for the question. To answer the member's question, under the new legislation, applicants will be required to fill out a questionnaire. I am holding up a draft of the questionnaire. It asks questions like —

Are you a Required Declarant (Restricted Person) …

If the answer is no, the person goes to question 2. If the answer is yes, the person must attach the authorisation from their supervisory authority granting them permission to change their name. Another question is —

Do you have any financial defaults?

If the answer is no, the person goes to question 4. If the answer is yes, the person must provide a copy of their credit report under their current name and all names they have previously used. Another question is —

Have you ever been declared bankrupt?

Those "yes" and "no" questions in the form are backed by a declaration that the person must fill in. The legislation then provides, in a section that we are not changing —

A person must not make a false or misleading representation in an application or document under this Act, knowing it to be false or misleading.

The penalty for a breach of that provision is $10 000. In addition, if a change of name has been effected, not only is there a $10 000 penalty, but also the registrar has power to revoke the change of name. We have discussed that previously.

Mr P.A. KATSAMBANIS: Yes.

Clause put and passed.

Clause 11: Section 35 amended —

Mr P.A. KATSAMBANIS: Clause 11 simply states —

Delete section 35(3).

I seek an explanation from the Attorney General about why subsection (3) is proposed to be deleted.

Mr J.R. QUIGLEY: As the member will remember, this will be replaced by proposed section 35A(1), in clause 12, which requires the registrar to inform the authority of the change of name and give the authority sufficient information to identify the person—that is the other registrars. That replaces the requirement in section 35(3) of the act, which states —

If the birth of a person whose name has been changed is registered under a corresponding law —

That is in another jurisdiction, member —

the Registrar must notify the relevant registering authority of the change of name.

Clause put and passed.

Clause 12: Sections 35A and 35B inserted —

Mr P.A. KATSAMBANIS: We have already discussed the operation of proposed new section 35A in the context of the other clauses, so we do not need to spend more much time on it.

Mr J.R. Quigley: Are you going to go to proposed section 35A(2)?

Mr P.A. KATSAMBANIS: No, but I have a couple of questions. The first is: if we will no longer be accepting registration from people who are born outside of Western Australia, why are we doing it in certain limited circumstances? In other words, why do we need this provision? I assume we do not have any real communication or power with overseas registering authorities, or do we?

Mr J.R. QUIGLEY: No, not with overseas registering authorities. However, children who are born overseas and whose birth is registered overseas may be adopted by an Australian family. I am informed by my helpful advisers that in those circumstances, under the Hague Convention—a subject that I know about—their birth can be registered after adoption in the country in which the adopting parents are domiciled. That is facilitated by proposed section 35B. We would still be sharing the change of name with the registry in which the child's name was originally registered. However, once the child has been adopted, under the Hague Convention, their birth can be registered in this state.

Mr P.A. KATSAMBANIS: I understand that explanation. Proposed section 35A(2) states —

> The Registrar must not comply with subsection (1) —

That is, with the provision of information —

> if, in the Registrar's opinion, informing the authority of the change of the person's name would pose a risk to the safety of the person.

That places a pretty strong obligation on the registrar. Will there be any guidelines or advice about how the registrar would come to that opinion? Also, through the paperwork that is filled out, or by some other method, will the registrar be able to proactively ask the person whether they believe the provision of the information to another registering authority would pose a risk to their safety?

Mr J.R. QUIGLEY: I am informed that this proposed section accommodates those classes of persons to which we have referred previously, that being protected witnesses under either the witness protection program or a court order such as a domestic violence protection order. I am informed by the registry that in those cases, it is usually the police who advise the person to effect the change of name for their own safety, and the police approach the registry, and often bring the person to the registry, and provide a letter of comfort. That enlivens the discretion not to inform the other authority of the change of name for security reasons. Also, in the change of name application form, the person needs to fill in a box with the reason they are seeking the change of name, such as they are scared for their safety, and they then get a letter of comfort from the police, which would enliven the discretion in proposed section 35A(2).

Mr P.A. KATSAMBANIS: I thank the Attorney General. I am satisfied with the answer and do not have any major concerns about this proposed section. I just wanted to get it on the record and clarify how the process will work in practice.

Proposed section 35B(1) will allow the registrar to inform prescribed public authorities. It states —

> In this section —
>
> ***public authority*** means —
>
> (a) a government department, agency or organisation of this State, another State or the commonwealth; or
>
> (b) a body, corporate or unincorporate, that is established or continued for a public purpose by this State, another State or the Commonwealth, regardless of the way it is established; or
>
> (c) a body, corporate or unincorporate, in another country that has similar functions to the functions of the Registrar under this Part.

I think that is relatively self-explanatory. It is drafted broadly because some smaller states may incorporate the functions of the registry with other functions rather than naming the state authorities. Proposed subsection (2) states —

> If the Registrar registers a change of a person's name, the Registrar may inform a prescribed public authority of the change and give the authority sufficient information to identify the person.

Proposed subsection (1) is a catch-all provision about what a public authority might be and under proposed subsection (2), the registrar is given the power to prescribe a public authority, or the Attorney General is given the power to prescribe a public authority. What is the intention around which authorities will be prescribed? Can an exhaustive list or an inclusive list be provided?

Mr J.R. QUIGLEY: No, but that will come before Parliament in the regulations and members will have the opportunity to scrutinise the list and see whether any additions ought be made. I can give the member two examples. One will obviously be the department of immigration, which is now the Department of Home Affairs. For the purpose of passport control, the registrar may deal with that. Another may be the taxation department. That list will be part of the regulations that will be drawn up when this bill passes through Parliament.

Mr P.A. KATSAMBANIS: In relation to some of those commonwealth bodies, is there an intention to prescribe the intelligence authorities, including the Australian Security Intelligence Organisation?

Mr J.R. QUIGLEY: It is not contemplated at this stage, because ASIO's ability to acquire information under its legislation is unsurpassed. It is not contemplated at this stage to put ASIO on the list, but we can consider that.

Clause put and passed.

Clause 13: Part 5 Division 3 inserted —

Mr P.A. KATSAMBANIS: Clause 13 inserts new division 3, "Change of name restrictions for restricted persons", at the end of part 5 of the principal act. We have already discussed some of the restricted persons and there is a definition of the term. I am comfortable with that, including the note for the definition, which refers to part 4A of the Community Protection (Offender Reporting) Act 2004. There is then a definition of "supervisory authority" and six provisions are set out relating to dangerous sex offenders, detainees, persons subject to an early release order, prisoners, supervised offenders and supervised young offenders. It is drawn widely and refers to the chief executive officer of the department principally assisting in the administration of various acts or the chief executive officer as defined in various acts. For completeness, could the Attorney General outline who the chief executive will be for five of those six types of restricted persons? We know who is the supervisory authority referred to in paragraph (c); it is the Prisoners Review Board. For the dangerous sex offenders, the detainees, the prisoners and the supervised offenders—we do not need to know who it is for the supervised young offenders because the informed authority will be the Supervised Release Review Board—who are the current chief executives who will be deemed to be the supervisory authority?

Mr J.R. QUIGLEY: I will go through the list. The chief executive officer is ultimately the director general, but the directors general have the authority to delegate to commissioners. The chief executive of the department assisting in the administration of dangerous sexual offenders is the director general of the Department of Justice.

Mr P.A. Katsambanis: Or is it the Commissioner of Police?

Mr J.R. QUIGLEY: No. For them it is the Corrective Services division, which sits within the Department of Justice. The police arrest them for the offences, but once they are put on supervision orders, it is the director general of the Department of Justice. The same applies to the persons referred to in paragraphs (b), (c) and (d), but he would probably delegate it to the Commissioner of Corrective Services. It is ultimately the director general of the Department of Justice. The same applies to those persons referred to in paragraphs (e) and (f). They all fit within the Department of Justice. For those referred to in paragraphs (c), it is the Prisoners Review Board and for those referred to in paragraph (f), it is the Supervised Release Review Board established under the Young Offenders Act.

Mr P.A. KATSAMBANIS: That clarifies things. I will use proposed section 36F, "Notice of decision by Registrar", to ask a more general question. If the registrar makes a decision and communicates it to the supervisory authority, is there a jurisdiction for appealing or seeking administrative review of the registrar's decisions, whether by the supervisory authority or by the person who makes the application?

Mr J.R. QUIGLEY: Proposed section 36F is enlivened only after the supervisory authority grants permission for the change of name. The registrar cannot effect the change of name for restricted persons until the supervisory authority has consented. If the registrar refuses the change of name application, either after the supervisory authority has given permission or, in the alternative when we are not dealing with restricted persons, the registrar refuses to register the change of name, the applicant always has a right of appeal to the State Administrative Tribunal.

The review clause is section 67 of the existing act —

> A person who is dissatisfied with a decision of the Registrar made in the performance or purported performance of a function under this Act may apply to the State Administrative Tribunal for a review of the decision.

Clause put and passed.

Clause 14 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

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

LEGAL PROFESSION AMENDMENT (PROFESSIONAL INDEMNITY INSURANCE MANAGEMENT COMMITTEE) BILL 2018

Second Reading

Resumed from 17 October.

MR P.A. KATSAMBANIS (Hillarys) [8.11 pm]: The Legal Profession Amendment (Professional Indemnity Insurance Management Committee) Bill 2018 is a very important bill for a very important section of the Western Australian community that I would split into two parts. The first section of the Western Australian community to which this applies is legal practitioners. Certainly the Attorney General and I and a few other people in this place would agree that legal practitioners are an important part of Western Australian society and provide a valuable service. The other group of people, which perhaps the rest of the members of this place would consider far more important than legal practitioners, is the consumers of legal services. The bill deals with provisions relating to the professional indemnity insurance arrangements that are in place in Western Australia, not really for the protection of practitioners, because they do not need protection, but primarily for the protection of consumers. Of course, practitioners take out the insurance because they would be exposed, too. In the case of Western Australia, as is rightly the case, the Legal Practice Board will not grant or renew a practising certificate under the Legal Profession Act unless the applicant for the grant or renewal of the practising certificate will have cover under the Legal Profession Regulations 2009 for professional indemnity insurance or are otherwise exempt from the requirements of the regulations. There are some groups of legal practitioners, perhaps corporate lawyers and the like, who may be exempt because they are covered by other policies.

As I said, this is important consumer protection, because it is an understanding that if a legal practitioner has an award of damages arising from claims of any type of civil liability connected with their legal practice, there will be a fund to provide indemnity insurance. It is an important provision that assists both the profession and the community. The opposition supports the changes being made. These are changes that have been requested and are supported by the council of the Law Society of Western Australia, and they are also supported by the Legal Practice Board.

Obviously, the Legal Practice Board and the Law Society have an important part to play in the self-regulation of the legal profession under the auspices of the Legal Profession Act 2008. The Law Society has been charged by the Legal Practice Board to make arrangements with insurers for the provision of the compulsory professional indemnity insurance—for want of a better term; as I said, there are a few exemptions—which is required by the profession. The Law Society is actually the trustee of the Law Mutual (WA) fund, and it is this fund that is used to pay in the insurance premiums and claim contributions that are required under the master policy that was put in place for the provision of professional indemnity insurance.

Section 331 of the Legal Profession Act makes provisions for the establishment of a professional indemnity insurance management committee under the auspices of the Law Society. Under that framework, the Legal Practice Board has given the Law Society primary carriage of the provision of professional indemnity insurance. The Law Society has created the management committee to manage everything that is required to be done to provide the insurance—to make sure the prudential requirements are in place, all the actuarial calculations are made and all the other things that make up the provision of insurance in this space are met.

Section 331 of the Legal Profession Act 2008 is being amended by this bill. It is currently a requirement of section 331 that the Professional Indemnity Insurance Management Committee consists of seven members appointed by the Law Society. The management committee may include members who are not Law Society members. The chairperson must have knowledge of and experience in the insurance industry and at least two people must have knowledge of and experience in the insurance industry or have accounting or financial experience. Although the committee can include members who are not members of the Law Society, there is a requirement that at least four of the members of this seven-member management committee be not only members of the Law Society, but also elected members of the Law Society council. In practice, that has provided a number of difficulties that will be addressed by the passage of this bill. The first difficulty is that the members of the Law Society council are each elected to terms of two years. With the appointments of the four members who have to be elected members of the Law Society council, their terms on the Professional Indemnity Insurance Management Committee must therefore fit that regular election cycle every two years. That leads to significant and regular turnover. In the last few years, perhaps because of the nature of legal work and the changing nature of legal work in an ever-evolving environment, there has been a very high turnover of the membership of the Law Society council. As a result, that has flowed on to the Professional Indemnity Insurance Management Committee. Members would understand that in those circumstances of high turnover, it may not necessarily lead to the tension of knowledge on the management committee. If someone is appointed for their professional expertise, that person may carry on, but for the four members, primarily lawyers, who may or may not have had experience in the past, the longer they stay on the management committee, the more experienced they get. If we rely solely on elected members of the Law Society Council, perhaps we are not harnessing that experience and allowing the benefits of longevity and getting to know the insurance part of the provision of professional indemnity insurance. There is an intention to preserve that knowledge and experience and perhaps to allow for better succession planning for the legally qualified members

of the committee. Some other issues have evolved. I think better practice nowadays is that a chairperson is selected primarily because of their ability to be a chairperson, so the requirement that the chairperson themselves have that in-depth knowledge of insurance may not necessarily result in the best possible outcomes, especially given that we would expect that the management committee would have in place a series of advisers who are expert in the various areas, be it in the prudential requirements, the legal requirements, the actuarial requirements and all those other matters. It may not allow for flexibility in the operation of the management committee.

The bill does a few minor but important things that will help with the ongoing operations of this management committee and make sure it retains this experience and is flexible enough to meet the needs of both the profession and consumers in the future. The first change is to provide that the management committee consist of at least seven members rather than just seven members, so it provides the Law Society and the management committee that flexibility to add members to the committee. They might need to add members to the committee for specific purposes. An issue might arise or there might be a new area of potential risk that means they need to bring in an expert and have them sit on the committee, or there could be many other reasons. Allowing that flexibility is a good thing. As I said, it is something that was requested by the Law Society Council and approved by the Legal Practice Board. Part of the whole idea of allowing these professions to self-regulate is to listen to their requirements and pass the necessary enacting legislation, so that is a good thing.

The second change removes the requirement for the chairperson of that Professional Indemnity Insurance Management Committee to be a person who has knowledge and experience in the insurance industry for the reasons I mentioned before. I might as well deal with the third change in conjunction with the second change. The third change takes away the requirement that there are at least four members of the Law Society Council and it allows for the Law Society to appoint members who are members of the society and have a body of knowledge they have gathered and for them to perhaps carry on beyond their terms as councillors of the Law Society, so that experience they have gathered in their role on the committee is harnessed rather than jettisoned. I think that is going to be a good thing. The Law Society will be able to access a larger pool of potential appointees, and that will be a good thing.

Although the chairperson of the management committee will not be required to have knowledge and experience in the insurance industry, the provisions of section 331 of the principal act will make sure that at least one other committee member has knowledge and experience in the insurance industry and at least two committees must either have knowledge and experience in the insurance industry or have accounting or financial expertise. I think that should cover the requirements for that expertise on the management committee, because, as I said, underneath the management committee there will be a series of professional advisers who have the experience to provide that advice. They would not only be expert in the field, but would also be covered by the relevant professional indemnity insurances, so that should provide reassurance for the public. This may seem like a minor change, but the need is quite clear to ensure that professional indemnity insurance and the management committee that oversees professional indemnity insurance in this state for legal practitioners keeps up with the times, is flexible, is responsive, is coordinated and regulated by experienced people.

There is no doubt that these changes will make a significant difference to the operation of the management committee and in turn will reassure the public that the professional indemnity insurance being put in place will provide the necessary level of consumer protection if it ever needs to be used. For these reasons, we are happy to support these changes requested by the Law Society and approved by the Legal Practice Board, and there is no point in any of us standing in the way of them. The opposition signals its support of the changes.

MR S.A. MILLMAN (Mount Lawley) [8.27 pm]: I rise to make a short contribution in support of this Legal Profession Amendment (Professional Indemnity Insurance Management Committee) Bill 2018. In doing so, I let members know that I am a member of the Law Society, and I was when I was practising, but I do not think it gives rise to any conflict. I support the legislation in its intent. I think it will achieve its stated purposes.

Before I start my contribution, I note the member for Hillarys has just concluded his contribution by talking about the Law Society Council and the fact that at the moment the Professional Indemnity Insurance Management Committee is required to be made up of members of the Law Society Council. Members might not be aware that the Law Society Council for 2019 has just finished its elections and I would like to congratulate my good friend Greg McIntyre, SC, on being elected as the 2019 president of the Law Society, along with my other friend Nick van Hattem, who has been elected as the senior vice president. There are some terrific ordinary council and junior council members. There are Karina Hafford, whom I worked with at Slater and Gordon; Eric Heenan, who is at Francis Burt Chambers; Shayla Strapps, who runs the Mental Health Law Centre; and junior member Zoe Bush, who works at the State Solicitor's Office. These are excellent people who have a passion for the law and justice, and who will discharge their duties as members of the Law Society Council with great attention to detail and professionalism.

This amendment bill provides latitude and flexibility for the Law Society to discharge its obligations as the representative body of the legal profession in Western Australia. The current situation, as the member for Hillarys has outlined, is relatively straightforward. All practitioners practising in Western Australia are required to hold professional indemnity insurance, and that is arranged for them by the Law Society through Law Mutual, which is a subsidiary of the Law Society. The Law Society operates as the representative voice of all lawyers but people

are not required to be members of the Law Society. They cover the entire profession irrespective of whether they are a member. They operate, in effect, as a de facto union on behalf of lawyers. As part of the discharge of that function, they obtain professional indemnity insurance, which provides the consumer protection for clients seeking legal advice. In the absence of this professional indemnity insurance, should a client or a plaintiff receive negligent legal advice from their legal practitioner, there would be no remedy available to that person. The presence of this insurance policy arranged by the Law Society takes that into account and ensures that everybody is entitled to a remedy. The corollary of that is that the Law Society also organises continuing professional development, briefings, seminars and all the associated activities to ensure that practitioners conduct themselves in a way that limits the liability of the Law Society and Law Mutual and reduces the number of insurance claims.

The issue in hand at the moment is that because of the unique position that the Law Society is placed in in this insurance market for legal practitioners, because they are the only monopoly provider of professional indemnity insurance, the obligation has to be discharged very thoughtfully and very sensibly. When the Law Society and the Legal Practice Board come to the Attorney General, the government of Western Australia and the Parliament of Western Australia and say, "These are changes that need to be implemented to give proper effect to enable us to discharge our obligation", we should heed that advice and we should act on that advice.

Let me describe for members the career of Greg McIntyre, SC, the president of the Law Society, to give members an insight into the sort of people who put themselves forward for roles on the Law Society committee. Greg started practising law in the 1970s. One of the first significant cases he was involved in was Koowarta v Bjelke-Petersen. For members who do not know, John Koowarta was a Wik man from far north Queensland. In the 1970s, he had arranged to purchase a pastoral lease from an American businessman who owned the lease, which covered a significant proportion of the Wik territory in far north Queensland. Mr Koowarta was thwarted in his attempts to make this purchase because Joh Bjelke-Petersen, the Premier of Queensland at the time, came in over the top and said, "No, we're going to prevent you from purchasing that lease." Bjelke-Petersen had a policy that he did not want Aboriginal people to own large tracts of land. Mr Koowarta, with Mr McIntyre providing legal advice, brought a claim in the High Court alleging that the Queensland government's actions were in breach of the Racial Discrimination Act. The Queensland government responded and said that the commonwealth constitutional powers did not extend to enable the commonwealth Parliament to make the Racial Discrimination Act so it was not permitted under the race power. The High Court determined that argument was wrong and, with the combination of the race power and the external affairs power, the commonwealth Parliament had the power to make the Racial Discrimination Act. It did not decide at that stage that the conduct of Joh Bjelke-Petersen was unlawful. However, they sent that case back to the Queensland Supreme Court for a determination of whether Mr Koowarta and his Aboriginal land fund could make this purchase. In 1988, the Queensland Supreme Court, consistent with the 1982 decision of the High Court, allowed Mr Koowarta to make this purchase. In a shocking example of spite and malice, Premier Bjelke-Petersen declared the whole area over which the purchase was to be made a national park, thereby depriving Mr Koowarta of the opportunity to make the purchase and return the traditional lands to his people, even in a free-market system where the money was available to make the purchase. That was a case that Mr McIntyre worked on.

The next case Mr McIntyre worked on that is of some note, which people will be aware of, was the Mabo number 1 and Mabo number 2 decisions. I mention that today to not only reflect on the outstanding abilities of the new president of the Law Society but also in light of the recent passing of the widow of Eddie Mabo, Bonita Mabo, who, together with her husband, was a tireless campaigner for native title rights. I wish to record in *Hansard* her contribution and the assistance, support and advice that was provided to her and Mr Mabo and the Torres Strait Islanders who participated in that case via Mr McIntyre. That does not cast Mr McIntyre, SC, as a particular expert when it comes to professional indemnity insurance. As a senior counsel, obviously, he has a wealth of experience in providing young practitioners with advice on how to avoid the perils and pitfalls of practice. He dispenses that advice regularly, and I have been a beneficiary of that advice, and I am forever grateful to Greg McIntyre for that.

But this legislation will bring in external experience beyond the realm of those practitioners elected as members of our Law Society Council. We want two things in my view. On the one hand, we want representatives on the Law Society who are representative of the broader legal community. When I talk about Greg McIntyre, Nick van Hattem, Shayla Strapps, Eric Heenan and Zoe Bush, I am confident that that broad cross-section of the legal community is represented on the Law Society Council. On the other hand, we want to make sure that with a very important responsibility—that is, the responsibility for obtaining and dispensing professional indemnity insurance—we have the relevant requisite expertise, as the member for Hillarys said, accountants and insurance experts. As a result of this legislative amendment, those people can be brought onto the Law Society's Professional Indemnity Insurance Committee and can therefore discharge the obligation the Law Society has as the trustee for Law Mutual. I think that is only to the good. It is a worthwhile change and will make a tangible difference. I think also that it will improve the quality of service that is provided by the Law Society and by Law Mutual in terms of the professional indemnity insurance policies provided by insurers for legal practitioners. As the member for Hillarys said, that only enhances the operation of the consumer protection provisions because should a legal practitioner fall into a negligent situation or a situation that requires the professional indemnity insurance policy to step up, that policy will have been formulated in the best possible way due to the benefit of that specific technical expertise.

I conclude my brief contribution by again thanking the Attorney General for bringing forward this legislation. It reflects the wishes of the Law Society and the legal profession more generally. It is a worthwhile amendment. It will facilitate the effective operation of the Law Society's Professional Indemnity Insurance Committee. I think it will also harness the best aspects of the advice that is available in Western Australia.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

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

PREMIER'S STATEMENT

Consideration

Resumed from 14 August on the following question —

That the Premier's Statement be noted.

MR D.T. PUNCH (Bunbury) [8.39 pm]: I rise to speak to the Premier's Statement of February 2018. It has been a long time since February 2018 and all I can say is what a wonderful year it has been! It has been absolutely fantastic. This is very much a bit of a hindsight commentary as responses to the Premier's Statement usually occur at the beginning of the year. It is a delightful point in the year to actually be able to stand and speak about not only the agenda that the Premier set out but also how the government has tracked through 2018.

In February 2018, the Premier set out the government's agenda for the year. It was clear, simple and unambiguous. It was an agenda to build confidence in the future of the state. It was an agenda to grow jobs, to provide certainty for investment and to create opportunity. It was an agenda for a Western Australia where people can find a good job and feel secure and valued in that job, and have faith that their children will experience the same. That is what the Premier said. It is a restatement of what we on this side stand for and the values that drive us—that is, confidence in the future, confidence in the people of Western Australia, and confidence in the principles of fairness and inclusion.

There was something else in the Premier's Statement. It was a small thing but it made such a significant difference. It was something that recognises our collective history as a nation that goes back thousands of years—it was the acknowledgement of country. This year in this place we started to acknowledge country at the commencement of each day, and that makes a difference. Sometimes the small things we do make a big difference. At this year's reconciliation march in Bunbury, I told members of the Noongar community who live in my electorate of this acknowledgement and the respect for culture and the people who sit behind it. We often forget that acknowledgement of country is about showing respect for traditional knowledge held by elders and passed on to each generation. For people travelling through country, it was the start of a conversation about what to watch out for, what is safe, what is not, and where water and food might be found. Acknowledgement is about demonstrating our care for each other but, more importantly, it is also about learning from history and tradition. That is something that opposition members often forget, particularly for our financial position. I intend to reflect more fully on the opposition's unwillingness to embrace history. That is what the Premier did, though, when he acknowledged country, and it was not a hard thing to do.

We are fortunate that Bunbury is host to the Noongar Language Centre and employs two out of the five Aboriginal linguists who are working nationally to preserve language. They have worked to build a vocabulary in our region that covers 200 years of recent language and are linking language and culture. I cannot emphasise enough from my point of view how important that is. I know that the member for Kimberley, who is in the chamber tonight, would absolutely endorse those views from a Kimberley perspective. The language centre has built a network of global linguists specialising in Indigenous language revival and with it a new sense of pride in heritage and a connection to culture. We often forget, in terms of our interpretation of culture, the culture that exists from traditional Aboriginal people and from traditional Aboriginal communities. The language centre is taking a message out that culture is more than important; it defines who we are. The language centre is making a difference. I make these points because in talking about the progress and growth of our state and of my own electorate of Bunbury as a regional city, we cannot do this unless we recognise and include the people who were here before us and embrace people on their terms in a respectful manner. We need to build our future based on fairness, inclusiveness and mutual respect. People are at the core of the work of this place, and in the rush of blood that is politics, we should not forget inclusion, fairness and opportunity. These are important values that are front and centre in the Premier's Statement.

Replying to the Premier's Statement at the end of the year has the benefit of hindsight. It is more like a report card than a sharing of vision. What a year it has been. The economy is improving. As the Treasurer said recently,

unemployment is down from 6.3 per cent when the government was elected to 5.7 per cent. Full-time employment is rapidly increasing. The domestic economy has expanded by 1.1 per cent and we are in a growth period. Alongside the significant improvement in the state's economy, there are the state's finances. The forecast operating deficit has significantly reduced and expenses growth is on a planned trajectory to recover. The government has successfully built a relationship with the commonwealth on the GST and top-up infrastructure payments. I note that the electorate of Bunbury, as well as the electorates of Murray–Wellington and Collie–Preston, are set to benefit from some of that, with the construction of the Bunbury Outer Ring Road. Expenses have been controlled and the revenue base is increasing. It is a pretty simple formula.

At a broader level, economic indicators show a gradual return of confidence in the state. Average annual state demand is back in positive territory and business investment is improving. I cannot help but recall the big picture in the Chamber of Commerce and Industry of Western Australia magazine of the Treasurer and the budget saying "the budget we love". Job vacancies are on the increase and there is some level of optimism that things are at last changing in the retail sector.

In the south west, Bankwest economist Alan Langford has been upbeat about the future of the south west's economy. He noted —

> "The South West economy is steadily gathering momentum as, among other factors, the all-too-often downplayed importance of the production phase of the resources boom becomes more apparent by the week," …

He said that was aided and abetted by a competitive Australian dollar. Wherever we look, there is evidence of an energetic and enthusiastic government that is getting on with the job of following through on its commitments. Whether it is legislation reforming important areas of law such as redress for victims of institutional child sexual abuse, strata titles reform, local government reform or taxi reform, this government has found a pathway. More recently, there have been the really difficult challenges associated with the discussion and the introduction of legislation around assisted dying and the debate we have had about fracking and the commitment that this government has made in terms of finding a pathway through a difficult community issue. This government has found a pathway that is sensible, fair and balances the needs as far as it is possible to do so of varying interests in the community.

In the past month the government has delivered final state approvals for the Albemarle project. That is something the member for Murray–Wellington and I are very pleased about. Subject to federal approval and final sign-off by the Albemarle board, this project will signal a new wave of manufacturing for Bunbury and the south west. I have to say that this was one of the fastest approvals processes that I saw in my 30-odd years in the state public sector prior to coming into this place. It was a commitment to meeting the needs of the market and the potential opportunity but it was without compromising the approvals process in itself.

Albemarle is a company with a long history extending back to 1887. Starting out as a paper manufacturer, it diversified into fuel additives and then speciality chemicals. It is a company with a long heritage and a great tradition. It is highly adaptable to new market opportunities and new technologies, and it has a passionate and strong value base that embraces notions of care, courage, curiosity, humility, collaboration, integrity and transparency. Those are important values and we welcome companies with those sorts of value frameworks into our region. I am sure this will make a significant and positive difference to not only the south west but also Western Australia.

On construction, the Albemarle Kemerton plant will be the largest lithium hydroxide plant globally. This government has the vision to build on that through creating a task force to explore and research the opportunities for further manufacturing associated with battery technologies and electricity storage. Bunbury is the state's second largest city and will also be the epicentre of lithium and its contribution to energy storage technology. While this is going on, the government, in partnership with community, business and unions, is examining opportunities for broader manufacturing in the Collie–Bunbury area that could include major metal fabrication for both import replacement in the resource sector and specialist fabrication for export. What an exciting government to be a member of; absolutely stunning.

Future opportunities for the Bunbury port are under the microscope through the Westport Taskforce, again repositioning my electorate at the centre of its maritime heritage and creating new opportunities for the port. All of this means jobs, apprenticeships and traineeships, and it means opportunity.

My electorate is relatively small in geographic terms, covering some 60 square kilometres. It has one of the larger regional populations with a strong multicultural flavour. It sits at the head of a south west economy that has a gross regional product estimated at over $15 billion, based on agriculture, manufacturing, tourism, resource processing, human services and the creative industries. It is a shining light for our region. It is host to the region's port, which has grown every year in terms of total freight handled, and is central to a large industrial land resource capable of supporting the opportunities I have described.

We started out with a plan for Bunbury that set out how we would support the emergence of a modern twenty-first century city with a strong sense of the future and the contribution it could make to Western Australia. There is a healthy conversation in Bunbury about how we achieve this—how we create a place where people can enjoy a career, build a home, educate the kids, have a healthy lifestyle and have all of this in a place they love. I am sure those sorts of principles are shared by many members in this place for their own electorates. While we are doing all of that in Bunbury, we are working through not only what is important for the city of today, but also what will be important for the city in 10, 20 or 30 years' time. It is all the more remarkable that we are doing this despite the legacy of the previous government, and are achieving this with the state finances under control and our commitment to the reduction of state debt firmly in place.

I noted the member for Churchlands' comments on 31 October that we should ignore the past and that the only view of transparency and accountability is in the present. With a legacy of $40 thousand million dollars in debt, I can understand why the opposition would want to forget the past: "Don't look there; let's just look at the current status and move forward from today." We as a government cannot afford to neglect the past, because that is the legacy we have to deal with and it guides our principles of sound budget strategy and sound budget management. If we do not learn from the past, we cannot build a future, so I hope that members opposite at some point down the track, when they might be in charge of the budget papers again, bear that in mind when managing expense growth and expenditure. We are certainly building a legacy for the future. While this government is forging ahead with fundamental reform and generation of opportunity, we will repair the legacy left by the previous government.

I am excited by this government's work in my electorate, including the work about to commence on improving sporting facilities at Hay Park and improving facilities at the Dalyellup Surf Life Saving Club. These are relatively small projects, but are fundamentally important to the many volunteers who work with those facilities week in, week out. The government is also identifying and supporting the needs of young families in Dalyellup, a community of 7 500 people, which is larger than many country towns. There is also work proceeding on stage 2 of the Bunbury waterfront; new investment in the Bunbury and Newton Moore Senior High Schools; and the redevelopment of the Bunbury Dolphin Discovery Centre, which is a stunning building that is going to be a new landmark for the City of Bunbury and a new centre for domestic and international tourism. There is also support for the retail sector in Bunbury's CBD. Last week I had the real joy of launching a new website based on collaborative marketing principles for the retailers in the CBD who have come together as one to promote the benefits and interests of shopping in the city centre.

There is work underway to replace the *Australind* train; new facilities to support people suffering from mental illness; and the government's work under the Methamphetamine Action Plan. It was great to see the report of the Methamphetamine Action Plan Taskforce, which was released this week. There is also the support we are putting into the suburban areas. Fundamentally, the work on the outer ring road has now commenced through the planning stage, providing certainty of long-term access to the port as it becomes more and more of a freight logistics centre, and providing a direction for southbound traffic so that we can focus on the needs of Bunbury, importantly, as a destination. Of course, there is the famous Koombana Footbridge, adjacent to Koombana Bay, which I think is a special attraction for Bunbury.

I know that this activity is not just restricted to my electorate; across WA the Minister for Regional Development has been very active, together with local members, in looking at new opportunities for agriculture, tourism and manufacturing. This government is bringing a fresh approach to the regional development agenda, with a new focus on regional strategy and sustainability. It is about commitment to regional infrastructure—we have one of the largest regional roadbuilding programs in history—and regional opportunity, building on the strengths of each region.

I contrast this with the tension that existed between members of the National Party and the Liberal Party in the previous government. Each year the Nationals were acutely aware of spending the royalties for regions cap, or risking loss of royalties for regions funds. The Liberals, equally, knew that not meeting the spending cap meant less commitment to the royalties for regions fund in any given year and more opportunity to deal with wider issues of state. As a consequence, and as the Langoulant report showed, good business planning and management was the casualty. We are not going to build the future of our regions on a buy-now, pay-later basis. We will build a future based on wise investment That is why I am proud to be part of the McGowan Labor government.

MS J.M. FREEMAN (Mirrabooka) [8.56 pm]: I, too, rise to make a contribution to the Premier's Statement; it seems a while since we have had the opportunity to do so. When I thought back to that time, I remembered that we commemorated and celebrated on 13 February 2018 the 10-year anniversary of the National Apology to the Stolen Generations. It has been a big year and a momentous year in many other ways, in building on some of the important things that happened 10 years ago. For me, the apology laid the foundations for building a shared future and to work towards mutual understanding of and respect for the original owners of this land.

I still have vivid recollections of the day I sat with my son, Thomas, and my partner, John, on the lawn where Elizabeth Quay is now to listen to the apology. I was really proud recently of my son Thomas. He had to do a final music recital for his music degree and onstage, before his performance, he made time to do an acknowledgement. I think some of those foundations were put down deeply 10 years ago.

Since then we have had the historic Noongar native title settlement, incorporating six claims covering an area from Jurien Bay to Ravensthorpe and six Indigenous land use agreements. That is pretty amazing; it overcame the challenges of formalising land use agreements between the Noongar people and the Western Australian government—the largest native title settlement in Australian history, affecting more than 30 000 people.

Last week in the Mirrabooka electorate, the City of Stirling launched its second reconciliation plan at the Wadjak Northside community centre. That is a great centre for working on and developing Aboriginal inclusion in the community I represent. People such as Len Yarran, other champions and the elders of Wadjak Northside Aboriginal community centre are to be applauded for the work that they do. Many of them were there today when I had the privilege of going to go the Balga Girls Academy graduation, which works with young Indigenous students at Balga Senior High School. Today they were recognised for their capacity and commitment.

The ACTING SPEAKER (Mr R.S. Love): Member for Girrawheen, when you enter the chamber you are required to seek the acknowledgment of the Chair.

Ms J.M. FREEMAN: Today those students were recognised for their capacity and resilience in their education. One young women was at lunch with me today, along with seven other graduates from Balga. Every year I am privileged to work with the schools in my area, and after graduation I invite some year 12 graduates to have lunch here to celebrate their achievements, and the milestone of graduating from high school. The group today was a microcosm of the community I am lucky to represent. There were three young Karen men, all of whom came to Western Australia when they were nine years of age. They were not born in the Karen State of Burma, but on the Thai–Burma border, and lived there before coming to live in Australia. They have excelled in high school and are looking forward to continuing their studies. One is going to do a trade, another will continue studying, and the third is going to further his studies into his faith. At lunch there was also a young Somalian women who is about to embark on her studies in nursing, a young Cypriot who is about to go to university, and another young man. I am having a momentary lapse of memory and I cannot remember where he came from. But all those young people were stepping out, having experienced the great opportunities that our education system offers them in Western Australia. However, they all pointed out that now that the graduation ceremony is taking place in the Balga Senior High School—previously they had been held elsewhere—the gym needs a bit of renewal. I clearly need to have a chat with the Minister for Education about that.

What those young people show me is the importance of the transition from school into employment or further education. Employment is still a major issue in the seat of Mirrabooka. Household incomes are $350 less than the state average, and there is an unemployment rate of 21 per cent in the suburbs of Mirrabooka and Balga. Other suburbs in the electorate offset that so that the electorate of Mirrabooka's unemployment rate sits at around 10 per cent, but it is 21 per cent in those two suburbs. Employment and employment opportunities are at the forefront of the community's concerns. I note that Anglicare Australia's "Jobs Availability Snapshot 2018" reported that five people compete for every entry-level job in Australia and that entry-level jobs are more and more limited as time goes by. The capacity for young people to enter the job market in entry-level jobs, which we were privileged to experience, is diminishing. We need to work very hard to ensure that those jobs are being created in our community. I congratulate the Labor government for increasing the number of jobs and the prosperity that we are now experiencing in our community since it was elected. All those jobs are vital in offering opportunities for the increasingly diverse communities that call Mirrabooka home.

Mirrabooka has changed over the last six years. The number of community members from India has increased by 3.5 per cent and the number of people from Vietnam has risen. I have talked about the Karen community, but also the number of Burmese Chin community members has increased by three per cent. All the people in those communities have a zeal, passion and dedication for developing their careers in Australia, for themselves and their children. I often remind people about that when they think about Mirrabooka, Balga, Koondoola and Girrawheen to a certain extent—not so much Alexander Heights and St Andrews Estate, which are also in the Mirrabooka electorate. Westminster is in the Mirrabooka electorate and Girrawheen is in the member for Girrawheen's electorate. In some of those suburbs, particularly in Mirrabooka, 52 per cent of the population were born overseas and 64 per cent have a parent who speaks a language other English at home. I am talking about communities that have come to call Australia home and who are keen to progress their livelihoods in Australia, and employment is absolutely critical to that.

The thing about Perth is that it works on networks, and that is why I am so proud of the Kaleidoscope Initiative, an employment project that was formally launched in December 2017. It is a great initiative, based on the highly successful Toronto Region Immigrant Employment Council model but is named the Kaleidoscope Initiative. It works with the City of Stirling, and now the City of Canning and other organisations. Last night I attended the first graduation of the mentorship program to go through the Kaleidoscope program. Those people had have an opportunity to gain great guidance, skills and knowledge through the partnerships that Kaleidoscope has established. One presentation was made by a young woman from Singapore. She had worked in the finance industry in Singapore, but after coming to Australia a year ago had become really despondent because she could not find employment in her area of expertise. She really felt hopeless. She came across Kaleidoscope after seeing

its advertisements in the area and decided to sign up to the program. She was matched with an employee from the Commonwealth Bank, an inaugural partner in the Kaleidoscope program. It was just the boost that she needed. It gave her the confidence to persevere when her applications for jobs were not successful. She found, after speaking to her mentor from the Commonwealth Bank, that her skill base and capacity were relevant to the Australian workplace. The Commonwealth Bank mentor is also from a culturally diverse background. I think she is of Vietnamese heritage. She had grown up in Melbourne and had spent a vast amount of her time in Australian schooling. She said that what was great about the program was that she was able to identify with some of the hurdles and was able to assist the young jobseeker from Singapore. These vital connections are at the heart of this program. Quite a number of people graduated last night. It is anticipated that 75 per cent of participants will achieve employment in their field of expertise within 12 months. That is based on outcomes from the Toronto Region Immigrant Employment Council, which developed the model.

[Quorum formed.]

Ms J.M. FREEMAN: I have said in this place previously that what is absolutely pivotal to this program and needs to be applauded is that the Toronto Region Immigrant Employment Council provided its intellectual property for free to enable Kaleidoscope to run this program. It came here and trained people so that the program would be delivered properly. The program has been operating very successfully. One of the innovative things about this program is the absolute shift to acknowledging that employment is not the responsibility of just the federal government. Federal, state and local governments all need to participate, because employment is a critical need in our community.

An important focus of this initiative is that it harnesses the economic benefits of our diverse community. Although the program recently received some federal government funding, the state funding will end in December 2018. The state government is continuing to seek ways in which it can support this initiative. The City of Stirling has recently formed a partnership with the City of Canning to implement the mentoring aspect of this initiative. It has also formed a partnership with Dianella Secondary College and Balga Senior High School to help the students with networking and to transition to employment. Primarily, it is delivering to the parents of the students to enable them to understand the opportunities that are available.

The Kaleidoscope program has already supported 267 newcomers at 13 Job Ready workshops; helped 26 immigrant-led associations with a reach of over 50 000 individuals; and helped over 200 professionals, employers and business leaders to learn about the benefits of a diverse workforce and strategies for inclusion through their attendance at seven employer networking events and training programs. Eight partnerships have been developed with employers, and an additional 10 partnerships are in development. A partnership with MercyCare and Roots TV has enabled the projection of four short films about migrant employment success stories, which was launched in September.

[Member's time extended.]

Ms J.M. FREEMAN: The Klaidescope initiative has a dedicated website, with monthly e-newsletters to tell people about all the great things that are being done. It seeks to change the current tuckbox approach to jobseekers and get on the ground and work with people at the grassroots. It is a great program. However, it does not address the need for meaningful employment services in the communities I represent, which need assistance in that area. I question the capacity of jobactive to deliver to people who are desperate for work. Now that we know that we are going to have a May election, we need to put firmly on the agenda for our constituencies —

Several members interjected.

Ms J.M. FREEMAN: We do not know whether it will definitely be in May, but that appears to be the case. As the Prime Minister said, "You can do the maths."

Many of the people in the community I represent question the capacity of jobactive to deliver for people who are unemployed. Currently, jobactive is very transactional and all about mutual obligation. It is purely a process of demonstrating metrics for the department. Case managers have little capacity to work with people meaningfully, and case workers may have up to 300 people to manage. This outsourcing of human services by the federal government has seen $7.3 billion spent over the last five years, with less than 40 per cent satisfaction from job seekers about the help they have received. The system churns workers through, breaches them constantly, and puts them into insecure employment. It places people in a position of having to make compromises in order to meet the requirements so that they will not be breached. Even if people do not have a good grasp of written English, they still have to fill in the job diary. That may cause people to act inappropriately, often by asking other family members to fill out their job diary so that they are not breached, because the ramification of being breached is that they lose their income.

A gentleman come into our office the week before last. He was so outraged that when he left our office, he forcefully broke our front door, which was not particularly fantastic. That was as a result of his experience with Centrelink. I do not know whether this happens to other members in this place, but constituents regularly come to our office with Centrelink problems. However, we have no capacity as state members of Parliament to contact

anyone in the department to try to resolve their problems. This is a recent situation. Up until three years ago—I think that is right, member for Girrawheen—we had a liaison person in Centrelink to whom we could go, and we were often able to fix problems and make sure that people got payments or had avenues for redress so that they could get payments. Under this government, which breaches people quickly and without any understanding of their need to earn an income, we have no capacity to respond to those community members. We have to say to a community member, "Yes, I am a member of Parliament, but I am not a member of Parliament who can deal with that, so you will need to see your federal member of Parliament."

Several members interjected.

Ms J.M. FREEMAN: Yes. If the person lives in Koondoola or Alexander Heights, they can see Anne Aly, and that is fantastic. If they live in Mirrabooka, Balga or Westminster, they have to see Michael Keenan.

Several members interjected.

Ms J.M. FREEMAN: Can I just say, for the benefit of his office, that I contact Michael Keenan often, and his staff are excellent and try to assist, but they are hamstrung. That is because the system that has been created by the federal government does not want to help people. It wants to keep people out of the system. Therefore, Michael Keenan has become the gatekeeper for the system that Christian Porter and others set up.

The Department of Jobs and Small Business has released a discussion paper on the next generation of employment services. It is interesting to note that the discussion paper outlines that one in three people getting employment know the person who hires them. Again, I am trying to say how important that is. That is why the Kaleidoscope initiative is vital in that networking capacity. There were many submissions and I have gone through some of them. It is worthwhile for members to look at the submissions that have been made on the future of employment services to understand what is happening in their community. At page 15 of the submission by the Multicultural Youth Advocacy Network Australia, it encapsulates what I have experienced with job actives—that is, a lack of long-term commitment. This is a quote from a young person in WA —

> "I felt that I had more support in my local library accessing the resume workshops and was more of a success in less than a weeks time period, rather than a few months with the centrelink referred employment services and successfully found two jobs after leaving the employment service."

It seems to me that we are at a critical point with the services that are being delivered to the people most in need. We can create the jobs in Western Australia, but unless the Centrelink services and the jobactive network services are working towards placing people, we will continue to have calls from employers saying that they cannot find people. I do not believe that. There is a 21 per cent unemployment rate in Mirrabooka and Balga. There are people to be found.

Congratulations to the Labor Party in Victoria. What a great win. Jobs Victoria provides a tailored service and supports and connects jobseekers and employers. It does that with services such as a network of partnerships with employers. That is the sort of thing that Kaleidoscope is seeking to do. What we are seeing at the moment is the workplace and employment environment going from one of secure full-time employment with guaranteed holiday pay, sick pay and promotion to enable people to have financial security and home ownership to one without security. We need to ensure that people are given the best opportunities with the employment services that are delivered.

I am obviously pleased to see the MYVISTA nursing home in Mirrabooka progressing and getting built and the employment opportunities that will go with that. I will continue to push for development on land in Mirrabooka that will be beneficial for jobs in the Mirrabooka electorate. Hopefully, there will be a private hospital. There is good government land there that needs industry of some sort, such as the health industry or others, to ensure that there are local jobs in the area.

While I am talking about Centrelink, I want to talk about the paltry, pathetic amount of the Newstart allowance. As we lead into the federal election, as a state government, we have a responsibility to stand up and say to the federal government and the federal opposition that the Newstart allowance is no longer appropriate for people to live on. The federal opposition has committed to reform, but people are suffering. We know that people do not live in isolation; they live with others in the community. Australia has always valued the principle that. a community thrives when it gets supported to succeed. It is really important to put in place measures to stop people falling through the gap between their safety net income and what they need to pay for their financial commitments

Bernie Fraser said in a recent speech that Australian society has become far less fair, less compassionate and more divided despite 27 years of solid economic growth. The Committee for Economic Development of Australia report "How Unequal? Insights on inequality" outlined the issue of inequality in our welfare payments and said that it is a foundational, social issue. Seven hundred thousand Australians find themselves in persistent and recurrent poverty. I attended the CEDA lunch held on 27 April, which was going to be in a big hall but it had to be moved to a smaller venue. The CEO said to me that it was really disappointing that people did not see this issue as important enough as others to attend the lunch. I came away thinking about that and thought that that was because when we think about inequality and the Newstart allowance, we think it is someone else's problem, someone else's

responsibility and someone else's fault and, as we have no fault or blame, it does not concern us. That is where we are at, but we can no longer afford to do that. As Bernie Fraser said, we need to share our economic dividends. The blame game cannot be played with these people. We have to think about how we changed how we looked at domestic violence. We stopped blaming victims and said that we have to do things in our society to make people feel safe and to require things in terms of that. In this case, we cannot blame the victims who find themselves needing Newstart or other assistance to make sure that they live a quality life. We need to address our safety net welfare system for ordinary battlers and the middle class who are doing it tough. We have to create a society that is equal. We cannot apportion blame to people and say that they wasted or squandered it. We have to make sure that our society gets back to where it was and focuses on equality yet again.

MS M.M. QUIRK (Girrawheen) [9.26 pm]: Some weeks ago our near neighbours in Sulawesi experienced apocalyptic disaster conditions of an earthquake followed by a tsunami, and more recently a volcanic eruption. At last count, over 1 900 people were killed and many thousands more were left homeless. More than 70 000 homes were destroyed or damaged by the magnitude 7.5 quake that launched waves as high as six metres that slammed into the island at 800 kilometres an hour. More than 2 500 people were injured and almost 75 000 were displaced. For various reasons, including remoteness and inaccessibility, aid efforts only trickled in and we watched, helpless, the spectacle of thousands of desperate people waiting for aid to arrive all too slowly. On behalf of us all, we send our thoughts and prayers to the people of Indonesia and hope that the restoration efforts will build a once-more vibrant and resilient Sulawesi.

I have, however, long considered that in Western Australia, situated on the Indian Ocean rim, we should have stationed and on stand-by an international urban search and rescue contingent known as DART, or disaster assistance response team. These Australian government disaster assistance response teams are deployed to crises overseas to help save lives and return communities to normal. They are funded by the commonwealth. Their urban search and rescue expertise is invaluable following disasters such as earthquakes and cyclones and other disasters. Their capabilities include locating and removing people from rubble, water rescue during flooding, urgent repairs to critical structures, managing hazardous materials or spills, and water purification and desalination. DART teams have been present after a number of disasters over the years, including tropical cyclone Gita in Tonga in 2018, tropical cyclone Pam in Vanuatu in 2015, the Solomon Islands flooding in 2014, the Japan earthquake and tsunami in 2011, the Christchurch earthquake in New Zealand in 2011, the Samoa tsunami in 2009 and so on.

The DART teams are drawn from Queensland Fire and Emergency Services and Fire and Rescue New South Wales. These preformed teams are stationed at pre-stocked aircraft bases in Queensland and New South Wales, ready to go at short notice. I should add that Western Australian Department of Fire and Emergency Services personnel have attended some of these operations.

I am advocating for a full contingent in WA for three reasons. Firstly, Western Australia is on the Indian Ocean rim and we need to forge greater ties with our neighbours, not to mention our closer proximity to those countries—it just makes sense. Secondly, it means that more of our local DFES personnel will receive regular training at the highest level of the full range of skills and challenges that a disaster incident response team operative must possess. That is not to say that local urban search and rescue personnel are not highly trained, but attendance at these large-scale emergencies will hone and maintain their skills and broaden their professional experience. Thirdly, which is a corollary of the second, WA itself is isolated from the rest of Australia, and in the event that a disaster occurred in remote Western Australia, for help to arrive from the other states itself incurs some delay, so this would mean greater self-sufficiency. In this context, I note that the search for MH370 was based at Pearce air base, and we should have that capability on a permanent basis. It would increase our ties with many of our closest neighbours and trading partners, it would generate significant goodwill and it could be considered to be part of the humanitarian aid that we usually give anyway during such disasters. It would also mean that attendance at disasters would be several hours ahead of teams departing from the eastern seaboard.

The second matter I want to touch upon is the issue of GST—finally, capitulation by the commonwealth government! I congratulate the Premier for his tireless advocacy. This contrasts with the limpid Western Australian MPs and senators from the Liberal and National Parties who have been conspicuously mute on the issue or, even worse, implied full support in Western Australia but acting inconsistently with that stance when they got to Canberra and their party rooms. Their inertia deserves special mention.

This reticence to stand up for Western Australia should be uppermost in every voter's mind when they lodge their ballot papers in the forthcoming federal election. Without meaning to labour the point, members might like to be mindful that a number of federal Liberal members who have represented us in Canberra for a considerable number of years not only failed for over a decade to raise the raw GST deal we received, until their electoral futures looked grim, but also, worse still, positively defended the status quo. These include Michael Keenan, a member of Parliament for 14 years and minister for five; Julie Bishop, an MP for 20 years and a minister for 10; Ian Goodenough, a member for five years; Senator Mathias Cormann, a member for 11 years and minister for five; Steve Irons, a member for 11 years; Ken Wyatt, a member for eight years and a minister for three years;

Michaelia Cash, a senator for 11 years and a minister for five years; and Christian Porter, a member for five years and a minister for three. Before that, of course, he was a state Treasurer and acutely aware of these issues. As the Treasurer said the other day in this place, it was only really after the Productivity Commission's recent report that the issue got some impetus. What is most important to remember is that this struggle to get our fair share has persisted for well over a decade, which makes their silence even more reprehensible.

In late 2001, the then Gallop government, along with the governments of New South Wales and Victoria, commissioned leading economist Professor Ross Garnaut and Dr Vince Fitzgerald to review the commonwealth–state funding arrangements. At this stage, it was considered bad enough that Western Australia was receiving, from recollection, around the mid-60c mark in the dollar. I refer to a government parliamentary question by the late Paul Andrews to then Treasurer Eric Ripper on 4 December 2001, in which he asked —

> Will the Treasurer inform members what action the Government is taking to reform the Commonwealth–State financial relations?

To which Mr Ripper replied —

> … I met with the Treasurers of New South Wales and Victoria to launch a comprehensive independent review of the Commonwealth–State financial relations. That inquiry is needed urgently because New South Wales, Western Australia and Victoria are subsidising the other States to the tune of $2 billion a year and the subsidy is set to grow to about $3 billion a year by 2005–06. That figure is reached by comparing the amount of goods and services tax revenue that the three States receive compared with the share they would receive on a per capita basis. The situation is even more serious for Western Australia. When the amount of revenue raised by the Commonwealth from this State is compared with the amount of commonwealth expenditure in this State—that is, direct commonwealth expenditure and payments to the States—Western Australia loses $2.7 billion each year. That is the outflow of funds from this State used to subsidise the rest of the Federation and is the largest fiscal subsidy to the rest of the Federation of any State in the country.
>
> The Commonwealth Grants Commission administers the distribution of the commonwealth grants using a formula that is rather arcane and mysterious … The Commonwealth Grants Commission is the only body that reviews the formula. We must have a better system. There is no argument against Western Australia supporting weaker States like Tasmania or South Australia, but I draw the line when it is asked to subsidise Queensland, which has a very strong fiscal position and has the capacity to cut taxes that draw investment away from other States.

He continued —

> We need a better system in this country. Professor Ross Garnaut and Dr Vince Fitzgerald will conduct the independent review. They are eminent people who will present a strong argument for change—I am confident that their conclusions will recommend change. There is no doubt that Western Australian taxpayers suffer a significant cost in providing the roads, ports and water supplies for resources projects. We do not get the full benefit of the royalties from those resources projects. Some 80 per cent to 90 per cent of those royalties are redistributed to the other States. That affects our economic development and it affects the State budget.

I remind members that those comments were made in 2001. The Garnaut–Fitzgerald review examined not only general purpose payments, which include GST distribution, but also specific purpose grants, which receive less attention but also can be the cause of contention and financial manipulation of the states. When the review was finalised, it proposed a concept of equity among individuals or households—that we should replace the horizontal fiscal equalisation concept with equity of capacity to provide services. Also, they found that many special-purpose payments outside health, education and Indigenous community development should be discontinued and funds rolled into two national programs administered by the states. Special-purpose payments covering cross-border programs, such as national roads, would be unaffected. The review cited a study that indicated that the Commonwealth Grants Commission's methods did not improve vertical equity but made it worse. Not surprisingly, these proposals were never implemented, because the federal government's inclination was to do nothing to change the arrangements at the time unless all states agreed, knowing full well that this was highly unlikely. I spoke to former Treasurer Ripper the other night and he told me that after this report there were some concessions from the commonwealth in terms of infrastructure payments. I suppose, in summary, the report confirmed that Western Australia, Victoria and New South Wales were all donor states.

As we all know, the situation has significantly deteriorated since then, but unlike the Liberals at both the federal and state level, Western Australian Labor has maintained its rage. I think that is very important to remember. I have sat in this chamber for some time. Every time we raised the issue of GST under the Gallop and Carpenter governments there was much rolling of the eyes by the Liberal opposition and much scorn—there was never any real attempt to have bipartisan advocacy to the commonwealth government about the GST situation.

As I said, at least Labor maintained its rage. There was an article on WAtoday on 31 October 2010 headed "WA Labor rips into Gillard on GST share". The article says —

> … Eric Ripper has sided with Liberal Premier Colin Barnett to call on the federal government to urgently address the state's share of the GST.
>
> Mr Ripper was responding to comments by Mr Barnett that the state was "under siege" from the Gillard Labor government partly because of its formula for distributing GST revenue among the states.

At that stage —

> Currently WA is returned 68 cents in the dollar from the Commonwealth …

I make the point that for the currency of the Howard government Mr Barnett remained silent. It was only when Julia Gillard got into government that suddenly there was strident criticism by the Liberals. Unlike Mr Barnett, Mr Ripper was prepared to criticise the federal government, even though he was of the same political persuasion.

Having more equitable GST arrangements in Western Australia is well overdue and it is a huge achievement that we have reached the point at which there is now a concession by the commonwealth. As we all know, in 2018 Western Australia is receiving about 38 cents in the dollar. As I said, it is very important to realise that that is not the whole picture of federal–state financial relations, so all is not forgiven. As the Garnaut report noted special-purpose payments by the commonwealth to the states are also highly problematical. They are problematical because the commonwealth retains the financial whip hand. The commonwealth can cut or vary those funding arrangements, leaving the states high and dry. The obvious example is housing funding for remote communities. The commonwealth has walked away from that. Also, service delivery does not necessarily occur at an appropriate level, which leads to duplication of administration and the imposition of conditions to enshrine unpalatable policy and intervention into areas principally within the state constitutional responsibility. I say to members that yes, getting more equity in the GST is a great achievement, but watch those special-purpose payments.

These ongoing issues surrounding the demarcation between the fiscal dominance of the federal government and the responsibility of the states for service delivery is no more evident than in the area of aged care.

Member for Warnbro, you did not bow! You did, did you? All right. I forgot what seat I was in, Mr Acting Speaker!

Although I am a great believer in federalism, I have frequently observed that the aged-care sector is one sphere in which the allocation of responsibility of the federal government is dysfunctional. It is dysfunctional because there is no incentive for the commonwealth to do a good job. If it does not, the state-run hospital system bears the cost and care burden.

This seems to be a natural segue to the recently announced Royal Commission into Aged Care Quality and Safety. The terms of reference include the quality of aged-care services, the extent to which those services meet the needs of people accessing them and the extent of substandard care being provided. It will look at how best to deliver aged-care services, firstly to people with disabilities residing in aged-care facilities, and that includes younger people, and also the increasing number of Australians living with dementia. There is also going to be focus on people's desire to remain living at home and how that can be accommodated, and also services in remote and rural regional Australia. It will also look at how the system of aged-care services can engage families and carers in aged care of loved ones.

[Member's time extended.]

Ms M.M. QUIRK: It will also look at the increased use of technology and investment in the aged-care workforce and capital infrastructure. The royal commission has quite a wideranging brief. Firstly, I note that WA's own Justice Joe McGrath has been appointed as one of the commissioners. Having worked with Justice McGrath in the past, I know he will bring his usual rigour, intellect and compassion to the inquiry. I congratulate him for agreeing to take on the task. Secondly, I am not altogether convinced that we need a royal commission to identify the already well-known issues within the sector, and these are how we make sure that aged-care staff are valued, paid properly and properly trained; that promises being made to vulnerable people in care are being delivered on; and that the complexity and duplication of bureaucratic morass to access either in home-care or aged-care places is eliminated. We also have to do more to mitigate the impact of dementia, but more of that shortly.

Having scrutinised the terms of reference, it is open to conclude that some of the most pressing issues in the aged-care sector in Western Australia may not be the focus of the commission's inquiry. In Western Australia we have an acute shortage of aged-care beds. Although the McGowan government has freed up land through changes to zoning, there is an inevitable lag in building new aged-care facilities. The last time I inquired, the demand for beds far exceeded supply to the shortfall of over 3 000 beds.

For those wanting to stay at home as long as possible, changes to the funding model for so-called aged-care assessment teams has led to the undesirable outcome that many local governments had deserted the field because the seniors services they used to provide are no longer funded. Under the new model of assessing an individual's needs, group activities such as those that local governments tended to conduct are now limited. Even big councils

like Stirling and Wanneroo that abut my electorate are ceasing a lot of the very good services they used to run. Moreover, ACAT care is a two-phased process. Firstly, there is the assessment, and once needs are ascertained, there is again a wait for the package to be devised and a provider appointed. There is considerable delay in Western Australia at the moment. Accordingly, the waiting time for the initial interview and then the actual delivery of the care package is unsatisfactorily long. It is generally held that there are insufficient packages in WA being made by the commonwealth. A large amount of the value of packages seems to be eaten up with administrative cost and service provider advertising. Many complain to me there is no continuity of staff in service provision, with a different person attending on each occasion in many cases. Often the elderly have only agreed to have home help under sufferance and are wary of strangers in their homes.

One of the issues that will arise in the royal commission is the impact of the multimillion-dollar commonwealth government budget cuts for dementia patients with complex needs and the longstanding rebate of payroll tax aimed at encouraging the maintenance of staffing levels in nursing homes. Although Prime Minister Morrison made much capital of a recent injection of funding into the aged-care sector, it failed to restore the targeted programs previously axed.

On the issue of dementia, in September we marked Dementia Awareness Month. It was a time for the community to gain a greater appreciation of the issues surrounding that and other forms of dementia. The understanding of most is informed by the experience of a family member with a condition. For others, it may be limited to the publicity surrounding a missing person—an extensive search called and appeals by family members widely circulated in the media. Sadly, these often end tragically. I am always heartened by the overwhelming community response and the sensitive handling of the search by police, State Emergency Service and the media.

Few realise that dementia is now the second leading cause of death of Australians, contributing to 5.4 per cent of all deaths in males and 10.6 per cent of all deaths in females each year. There are an estimated 425 000 Australians living with dementia. Without a medical breakthrough the number of people with dementia is expected to increase to over 1 million by 2050. Although these predictions are alarming, I stress that they are only predictions and not inevitable. There is potential with the appropriate intervention to substantially modify the numbers of people with dementia by preventive interventions—that is, by lowering incidents; improvements in treatment care, which means by prolonging survival; and disease-modifying treatment, which means preventing or slowing progression. Like cancer and heart disease, adopting a healthy lifestyle early can minimise the risk in later life.

Affecting memory and other cognitive abilities and behaviour, the disease interferes significantly with a person's ability to maintain activities of daily living. Although age is the strongest known risk factor for dementia, it is not a normal part of ageing. There is no cure or treatment to alter its progressive course; the amount invested in drug trials is a mere fraction of what is spent on research into diseases such as cancer. Dementia is overwhelming for not only the people who have it but also their caregivers and family. That impact can be mitigated with early diagnosis. A House of Representatives committee of inquiry heard evidence in 2012 that as many as two-thirds of people with dementia live and die without the condition being diagnosed. Amongst the minority who do receive diagnosis, the average time between first symptoms and diagnosis is over three years. The inquiry found that as a consequence of non and late diagnosis, the majority of people with dementia and their families slip through the gaps and miss out on crucial opportunities for early intervention in the form of treatment, support, advance care planning and understanding their condition.

Also not widely understood is the nature of cognitive impairment with this disease. Myth would have it that the reduction in mental capacity follows a linear path over time. It is much more complex than that. For example, doctors and carers observe sundown syndrome with Alzheimer's patients in which increased confusion and restlessness manifests itself late in the day. Similarly, the courts adjudicating a contested will or question of legal capacity will often be told that the person the subject of the case experienced a lucid moment when crucial documents were executed. Although research confirms cognitive fluctuations, it is only in alertness and attention rather than higher level executive functions that are essential components of testamentary capacity.

Our laws are outdated; for example, in determining whether someone has the mental capacity to face the courts on criminal charges, WA's archaic laws refer to senility as a reason for mental impairment. As that relates to old age, those with younger onset dementia, equally unable to comprehend court proceedings or are unaware their actions, are not covered. Thankfully, Attorney General John Quigley has foreshadowed amendments to the Criminal Law (Mentally Impaired Accused) Act, which will remove that anomaly. Also being addressed by the government is elder abuse, the prevalence of which is more common than first thought. In the case of financial elder abuse, the perpetrator seemingly acts in the older person's best interest with the authority of an enduring power of attorney or guardianship. These enable the older person's assets to be stolen with impunity or living arrangements to be changed. Those authorisations have often been obtained when the older person was suffering dementia and did not appreciate the implications and consequences of their signing of those documents. By the time other family members or third parties are made aware of the misappropriation, the money is long gone. The victims themselves are ashamed and reluctant to report a close relative and police cannot prosecute as the victim's memory is failing and they are not an ideal witness. The question of capacity of those with dementia is of concern in deliberations

and debate around the euthanasia laws. The recently tabled report by the Joint Select Committee on End of Life Choices canvasses the appropriate person to assess decision-making capacity before an individual can proceed. Although further consideration on this and other matters has been referred to an expert panel, the majority report favours assessment by two GPs rather than specialists. Given the known difficulties with accurate and timely diagnosis of dementia and the problems associated with assessing decision-making capacity, I counsel caution.

The final word on dementia should go to carers. In Carers Week, I spoke to family carers at Brightwater in Madeley in my capacity as a volunteer advocate for Alzheimer's Western Australia. Carers include elderly spouses or children having to leave work to act as full-time carers. It is extremely challenging, often with little respite and socially isolating. If you know someone in that position be mindful that the smallest gesture, kindness or social interaction makes a big difference.

Debate adjourned on motion by **Mr D.A. Templeman (Leader of the House)**.

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

Returned

Bill returned from the Council with amendments.

House adjourned at 9.54 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PORT AUTHORITIES — WESTPORT TASKFORCE — FREIGHT AND LOGISTICS COUNCIL

4107. Mrs L.M. Harvey to the Minister for Transport:

I refer to the Westport Taskforce presentation to the Freight and Logistics Council in July 2018, and I ask:

(a) did the Minister provide approved employees from Fremantle Port, Southern Ports Authority and Pilbara Ports to travel to London for a conference and to also travel to the port of Rotterdam in the Netherlands and the port of Antwerp in Belgium;

(b) if yes to (a) on what bases were the trips approved;

(c) did the employees travel business class; and

(d) what was the total cost of the travel for all three employees?

Ms R. Saffioti replied:

(a)–(d) Government travel reports are made available on the Department of Premier and Cabinet website.

MINISTER FOR SENIORS AND AGEING — PORTFOLIOS — DEBT

4123. Dr M.D. Nahan to the Minister for Seniors and Ageing; Volunteering; Sport and Recreation:

For each department, agency or trading enterprise for which the Minister is responsible:

(a) what is the volume of debts written off for:

(i) 2015/16;

(ii) 2016/17; and

(iii) 2017/18;

(b) how many debtors had debts written off for each of the above financial years; and

(c) please provide the names of all debtors with an ABN that had debts written off, and the value of those debts for each entity?

Mr M.P. Murray replied:

Department of Communities

Please refer to Legislative Assembly Questions on Notice no 4129.

Sport and Recreation (WA) (From 1st July 2017)

Please refer to Legislative Assembly Questions on Notice no 4121.

Former Department of Sport and Recreation (Prior to 1st July 2017)

		2015/16 (i)	**2016/17 (ii)**
(a)	Value	$34.967.71	$4,449.52
(b)	Volume	21	3

(c)

Debtor	**Total Debt Written off**
Swiss Club of WA	$0.50
La Salle College	$1,881.00
WA Speedway Commission	$45.45

LANDS — FORMER BASKETBALL STADIUM SITE — JOONDALUP

4153. Mrs L.M. Harvey to the Minister for Lands:

I refer to the media release dated 18 September 2018 titled ‘Former basketball stadium site to become Joondalup entry statement’, and I ask:

(a) how much did the successful proponent pay for each of the three lots, broken down by individual lot;

(b) did LandCorp achieve the expected value for the land as a result of the sale;

(c) if no to (b) how much lower was the sale price than the expected sale price;

(d) has LandCorp received, or will it receive any subsidy or payment or equity injection from Treasury as a result of this sale;

(e) if yes to (d), what is the value of that payment;

(f) where lots 2 and 3 subject to a competitive tender process; and

(g) if no to (f), why not?

Ms R. Saffioti replied:

(a) The successful proponent from the Offers Invited Opportunity for Lot 701 Collier Pass, Joondalup has entered into a sale contract consistent with the valuation. The contract has not yet settled.

(b) Yes.

(c) Not applicable.

(d) No.

(e) Not applicable.

(f) LandCorp has contracted the sale of Lot 701 through a competitive process as one parcel of land and not as subdivided lots.

(g) Not applicable.

MINISTER FOR WATER — PORTFOLIOS — FEES AND CHARGES — REVIEWS

4190. Dr M.D. Nahan to the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

For each agency, department, authority and Government Trading Enterprise under the Minister's portfolio:

(a) how many reviews of their agencies' fees and charges have been conducted since 17 March 2017;

(b) did any of these reviews identify any fee or charge that is above cost recovery;

(c) if yes to (b), could you please provide:

  (i) a list of the fees or charges identified;

  (ii) the amount the fee or charge was above cost recovery; and

  (iii) the reason for the fee or charge being above cost recovery;

(d) did any of these reviews result in an increase in any fee or charge that was above cost recovery; and;

(e) if yes to (d), could you please provide:

  (i) a list of the fees or charges that were increased;

  (ii) the amount that the fee or charge increased;

  (iii) how much above cost recovery was the new fee or charge; and; and

  (iv) the reason for the fee or charge being above cost recovery; and

(f) if yes to (b) have any fees or charges been reduced as a result of the identification of over recovery:

  (i) if yes, what were the fees and charges that were reduced, and what was the amount each fee or charge was reduced?

Mr D.J. Kelly replied:

<u>Aqwest</u>

(a) Reviews of fees and charges are conducted yearly as part of the State Budget process.

(b) Government policy is to consider price increases in the context of cost reflectivity for its total business. Currently, Aqwest's cost reflectivity for the business as a whole, is 107%.

(c) (i)–(iii) Not applicable.

(d) Not applicable.

(e) (i)–(iv) Not applicable.

(f) (i) Not applicable.

Busselton Water

(a) Two, June 2017 and June 2018

(b) Yes.

(c) (i) 2017–18 Change of Tenancy (includes meter reading): $44.00

(ii) $1.49

(iii) Labour cost slightly reduced relative to previous year.

(d) No.

(e) (i) Not applicable.

(ii) Not applicable.

(iii) Not applicable.

(iv) Not applicable.

(f) Yes.

(i) 2017–18 Change of Tenancy (includes meter reading): $44.00 reduced to $42.60.

ChemCentre

(a) One .

(b) Yes.

(c) (i) MOUs with WA Police and State Coroner's Office for forensic science analysis.

(ii) $413k.

(iii) Additional charges to maintain forensic capability at an agreed level.

(d) Yes.

(e) (i) MOU with State Coroner's Office.

(ii) $62k.

(iii) $13k

(iv) Additional charges to maintain forensic capability on an agreed level.

(f) No.

(i) Not applicable..

Department of Primary Industries and Regional Development

Department of Fisheries

(a) No review was completed between 17 March 2017 to 30 June 2017, when the Department of Fisheries ceases to exist.

(b)–(f) Not applicable.

Department of Primary Industries and Regional Development

(a)–(f) Please refer to Legislative Assembly Question on Notice 4179.

Department of Water and Environmental Regulation

Department of Water

(a) One.

(b) No.

(c) (i)–(iii) Not Applicable.

(d) No.

(e) Not Applicable.

(f) Not Applicable.

Department of Water and Environmental Regulation

(a) Four.

(b) Yes.

(c) (i)–(ii) [See tabled paper no 2076.]

(iii) The Department of Water and Environmental Regulation administers a number of tariffs, fees and charges under the Environmental Protection Act 1986.

Controlled waste

The controlled waste service was over-recovered in 2017–18 due to over recovery of electronic tracking fees of controlled waste.

Environmental Protection (Controlled Waste) Amendment Regulations 2012 prescribed new annual fee increases of approximately 4 per cent based on projected consumer price index for a five year period. Over recovery of electronic controlled waste tracking fees was partly offset by under recovery of paper based controlled waste tracking fees and controlled waste license fees.

The Department will undertake a comprehensive review of all tariffs, fees and charges as part of the 2019–20 review.

Prescribed premises

The fees administered under Part V Division 3 of the Environmental Protection Act 1986 are a nominally full cost recovery model through charging fees to regulate emissions and discharges to the environment through works approvals and licences for prescribed premises in Schedule 1 of the Environmental Protection Regulations 1987.

Under the fee structure established in 1987, costs associated with the assessment of works approvals are under-recovered with the balance of total costs for the regulation of prescribed premises recovered through prescribed premises licence fees. This effectively amortises the recovery of the Department's cost for both the works approval and licence over the life of the prescribed premises.

(d) Yes.

(e) (i)–(iii) [See tabled paper no 2076.]

(iv) Licence fees (premises component and emissions component) were increased on 1 July 2018 by 14 per cent to better reflect the recovery of costs associated with administration of the licensing regime. The fee increases (which include increases to fees for works approvals, registrations and amendments) were designed to increase the level of cost recovery for all prescribed premises fees from 89 per cent in 2016–17 to an estimated 96 per cent in 2018–19.

The longstanding fee structure for regulation of prescribed premises is designed to under-recover works approvals costs, which are the first stage of the licensing process. Full cost recovery of costs associated with the assessment of a works approval would create a barrier to entry, particularly for smaller business, and may create a perverse disincentive to adoption of best practice technologies, which are likely to have higher capital costs. The licence stage allows proponents to minimise annual fees by reducing emissions, providing an economic incentive to achieve a desirable environmental outcome.

The Department will undertake a comprehensive review of all tariffs, fees and charges as part of the 2019–20 review.

(f) No.

(i) Not Applicable.

Forest Products Commission

(a) One. There was an increase against the Consumer Price Index of 1.02% for timber inspection fees (power poles and sleepers) on 1 July 2017.

(b) No.

(c) Not applicable.

(d) No.

(e)–(f) Not applicable.

Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Assembly question on notice 4174.

Office of Digital Government

(a)–(f) Not applicable, as the Office of Digital Government does not impose fees and charges for its services.

Water Corporation

(a) Reviews of fees and charges are conducted yearly as part of the State Budget process.

(b) Government policy is to consider price increases in the context of cost reflectivity for its total business. Currently, the Water Corporation's cost reflectivity for the business as a whole, is 97%.

(c) (i)–(iii) Not applicable.

(d) Not applicable.

(e) (i)–(iv) Not applicable.

(f) (i) Not applicable.

MARITIME UNION OF AUSTRALIA — TOWN HALL EVENT — FREMANTLE

4240. Mrs L.M. Harvey to the Minister for Transport:

I refer to the Maritime Union of Australia (MUA) Fremantle Town Hall Event on 29 August 2018 and the attendance by Westport Assistance Director Carole Theobold, and I ask:

(a) will the Minister table the notes taken by Carole Theobold at the Town Hall Event; and

(b) if no to (a), why not?

Ms R. Saffioti replied:

This was a public event held by the Maritime Union of Australia. If the member was interested in what was said at this event, the member could have attended herself.

TRANSPORT — SOUTHERN PORTS' ANNUAL REPORT

4241. Mrs L.M. Harvey to the Minister for Transport:

I refer to the Southern Ports' 2018 Annual Report, and I ask:

(a) will the Minister please provide an explanation of what the Esperance Port borrowed the money for;

(b) does the Southern Ports recover funding from users through fees and charges to repay the borrowings; and

(c) if yes to (b), what users are contributing to the repayment of the borrowings through fees and charges?

Ms R. Saffioti replied:

(a)–(c) Assuming the Member's reference to "borrowed the money for" is referring to "interest bearing borrowings", the funds were appropriated to fund the following:

Mineral Concentrate Circuit (Nickel) – No

Iron Ore Upgrades – Yes, From MRL

Navigational Equipment – Yes, From all port users

Sulphur Shed – Reimbursement through a loan mechanism with FQM, a previous port user that is currently in care and maintenance.

All borrowings by the Southern Ports Authority relate to Esperance Port.

MUNDIJONG FREIGHT LINE — STAKEHOLDERS

4252. Mrs A.K. Hayden to the Minister for Transport; Planning; Lands:

I refer to the Mundijong Freight Line, and ask:

(a) can the Minister please advise whether discussions with relevant stakeholders (e.g. Alcoa) and local government authorities have been held, and if so, please provide the names and positions of those in attendance as well as any minutes, agendas and recommendations?

Ms R. Saffioti replied:

The proposed freight rail realignment is being pursued primarily by the Shire of Serpentine–Jarrahdale as part of the Mundijong District Structure Plan.

MUNDIJONG FREIGHT LINE — FEASIBILITY STUDIES

4253. Mrs A.K. Hayden to the Minister for Transport; Planning; Lands:

I refer to the Mundijong Freight Line and ask:

(a) can the Minister confirm whether the WA Planning Commission and/or Department of Transport and Department of Planning have had current or ongoing discussions and/or plans and/or feasibility studies done on the relocation of the freight line?

Ms R. Saffioti replied:

(a) The Western Australian Planning Commission and the Department of Planning, Lands and Heritage continue to research and have ongoing discussions on planning the relocation of the Mundijong Freight Line.

MUNDIJONG FREIGHT LINE — LAND ACQUISITION

4254. Mrs A.K. Hayden to the Minister for Transport; Planning; Lands:

I refer to the Mundijong Freight Line, and ask:

(a) can the Minister please advise if land parcels requiring acquisition have been identified;

(b) if yes, please provide a list of locations and relevant land owners; and

(c) if yes, have these relevant land owners been consulted and if so, please provide dates, attendance registers, minutes and outcomes of these discussions?

Ms R. Saffioti replied:

Refer to Legislative Assembly Question on Notice 4252.

LANDGATE — PRIVATISATION

4278. Mr D.T. Redman to the Minister for Transport; Planning; Lands:

I refer to the answer to Question on Notice No. 3492, and the Government's proposed privatisation of a commercial arm of Landgate, and ask:

(a) will the Minister consider releasing a redacted version of the scoping study that does not release data related to commercial-in-confidence matters; and

(b) will legislation be required to enact the privatisation of a commercial arm of Landgate?

Ms R. Saffioti replied:

(a) Further consideration can be given once the partial commercialisation of Landgate functions is completed.

(b) No legislation is required to enable the proposed commercialisation of Landgate's automated land titling functions.

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